The Abridgement of the Authentic Traditions from the Purified Imams—God's Blessings Be upon Them—among the Noble Masters

In the name of God, the All-Merciful, the Compassionate; in Him we seek assistance.

Praise be to God for the blessings He has bestowed, a praise that calls forth an increase of His bounty and His favors. May God bless Muḥammad, the Seal of His prophets, and the Imams from among his descendants and His friends.

The Qāḍī al-Ḥusayn ibn ʿAlī ibn al-Nuʿmān ibn Muḥammad said:

I transmitted this book, together with other books transmitted from our masters, the truthful Imams of the Household of the Messenger of God—may God bless him and them all—which were composed by my grandfather, the Qāḍī al-Nuʿmān ibn Muḥammad, may God be pleased with him. I received them by audition (*samāʿ*) and authorization (*ijāza*), through his chain of transmission, which I shall mention before the opening of this book. I then mentioned this to our master, the Imam al-Ḥākim bi-Amr Allāh, Commander of the Faithful—God's blessings be upon him—and sought his permission to transmit the contents of this book on his authority, God's blessings be upon him, and to dictate this book to those who wished to transmit it, after I had presented it to him and part of it had been read before him. He granted me permission to do so. I therefore complied with his exalted command and began with the opening which I transmit from my father, may God be pleased with him. It is as follows:

In the name of God, the All-Merciful, the Compassionate. Praise be to God with the praise that is truly His due, and thanks be to Him with the full measure of thanks that is His due. May God bless Muḥammad, His Prophet, and the Imams, the holders of His command and the People of His Remembrance.

The Qāḍī ʿAlī ibn al-Nuʿmān said:

I read this book before my father, the Qāḍī al-Nuʿmān ibn Muḥammad ibn al-Manṣūr ibn Aḥmad ibn Ḥayyūn—may God be pleased with him and grant him His good pleasure—in the year 348 [AH], and he authorized me to transmit it from him through his chain of transmission. When he died, may God be pleased with him, and our master, the Imam al-Muʿizz li-Dīn Allāh, Commander of the Faithful—may God sanctify his spirit, and may God bless him, the Imams among his forefathers, and the chosen ones among his descendants—appointed me to that for which he had appointed my father, and to which he had confined him, namely, receiving knowledge from him and transmitting from him, I presented to him—God's blessings be upon him—this book together with other books transmitted from him, peace be upon him.

I informed him that I had read them before my father and that my father had authorized me to transmit them from him. He then authorized me to transmit the opening of this book and the openings of the other books which I had read before my father, may God be pleased with him, and granted me authorization to transmit their contents on his authority, God's blessings be upon him. I complied with his exalted command until his death, may God sanctify his spirit. When God's caliphate passed to our master, the Friend of God, the Imam al-ʿAzīz bi-llāh, Commander of the Faithful, Master of the Age and the Time, and guardian of the people of Islam and faith, I informed him of the matter, submitted it to him, and sought his permission concerning it, God's blessings be upon him. He authorized it for me and permitted me to transmit it on his authority, in accordance with what had previously been granted to me by al-Muʿizz li-Dīn Allāh, may God sanctify his spirit and bless him.

I therefore complied with his exalted command and began with the opening of this book which I transmit from my father, may God be pleased with him. It is as follows:

In the name of God, the All-Merciful, the Compassionate. Praise be to God in gratitude for His blessings, beneficence, and favor, seeking thereby an increase of His bounty and graciousness, and desiring His good pleasure and mercy. May God bless Muḥammad, the Seal of His chosen prophets and messengers; and ʿAlī ibn Abī Ṭālib, his successor among his community and his legatee among his family; and the Imams from among their pure descendants, the rightly guided and sanctified successors, through whom He established the pillars of religion, made clear the paths of guidance for those who seek guidance, illuminated the radiant lights of Islam for the Muslims, and caused the Imamate to pass to them until the Day of Judgment. They are the exemplars and the supports; they are the safeguards of humankind and the Imams of God's servants. Every people, in every age, has from among them an Imam who guides.

May God's blessings be upon them all, and may God's mercy be upon their friends and followers among the believers, both the earliest of them and the later.

The Qāḍī al-Nuʿmān ibn Muḥammad said:

I had compiled from the teachings of our masters, the pure Imams from the Household of the Messenger of God—may God bless him and them all—a number of books concerning the science of legal rulings (*ʿilm al-futyā*). I composed them, arranged them into chapters and sections, divided and organized them, and reported in them the transmitted reports according to the differences among those who transmitted from the Imams. I established therein those reports that were firmly authenticated from them and supplied proofs, explanations, testimonies, and demonstrations for them. As a result, the number of their volumes became great, and the burden of acquiring them became heavy upon those who sought them. I also abridged from them works both in verse and prose, but these abridgements did not bring many students to the goals they sought. The larger works overwhelmed them because of their great number, while they considered the benefit of the shorter works insufficient because of their brevity.

More than one of the judges, governors, friends, and seekers of knowledge concerning the lawful and the unlawful asked me to compile for them a book of intermediate length on these matters: one whose meaning would be readily accessible; one that would suffice whoever wrote it down, read it, or memorized it; one from which a young beginner might benefit, as well as an elderly scholar; one that would be manageable both for the busy and for the person with leisure, and accessible to both poor and rich. I therefore composed this book for them, taking a middle course between excessive length and excessive abbreviation, and I named it ***Mukhtaṣar al-Āthār*** — **The Abridgement of the Traditions**. When I considered the size of this book, I saw that it was too short to accommodate the full chains of transmission (*asānīd*). Yet I also saw that chains of transmission were something that could not be dispensed with.

I therefore resolved to assign to it the most select of them: the nearest chains, the highest, the soundest, the most firmly established, and the most eminent. Thus, little by little, I submitted what I wished to include in it to the Holder of Authority, the Imam of the Age and Master of the Time, my master, the Commander of the Faithful, the Imam al-Muʿizz li-Dīn Allāh—God's blessings be upon him and upon his family, the pure Imams. From it I omitted whatever he—may God perpetuate the exaltation of his command—ordered me to omit, and I included in this book what he approved and commanded to be included. I read it before him by formal reading. Accordingly, everything established in this book comes from him, and I transmit it to whoever receives it from me, on his authority, from his pure forefathers. Whoever takes light from it has been illuminated by the light of the Commander of the Faithful, and whoever drinks from it has drunk sweet water directly from the head of the spring.

On the Merits of Seeking Knowledge and Proper Conduct in Its Pursuit

God, Mighty and Exalted, says:

> "God will raise in degrees those among you who believe and those who have been given knowledge."

And He says:

> “Are those who know equal to those who do not know? Only those possessed of understanding take heed.”

And He says:

> “Rather, it consists of clear signs in the breasts of those who have been given knowledge.”

The Messenger of God—may God bless him and his family—said:

> “When God desires good for someone, He gives him understanding in religion.”

And he said:

> “Four things are incumbent upon every person of intelligence and reason among my community: listening to knowledge, preserving it, acting upon it, and spreading it.”

And he said:

> “Learn from the scholar of my Household, and from one who has learned from the scholar of my Household, and you will be saved from the Fire.”

And he said:

> “There is no true ease in life except for a scholar who speaks, or a listener who understands.”

And he said:

> “In every generation this knowledge will be borne by its defenders, who will remove from it the distortions of the ignorant, the interpretations of the extremists, and the false claims of those who falsify.”

And he said:

> “When a man goes out seeking knowledge, every step of his is recorded for him as good deeds. When he and the scholar meet and discuss something concerning the command of God, the angels overshadow them, and a voice calls to them from above: ‘You have both been forgiven.’”

And he said:

> “The first stage of knowledge is silence; the second is listening; the third is spreading it; and the fourth is acting upon it.”

ʿAlī—God’s blessings be upon him—said:

> “Seeking knowledge is an obligation upon every Muslim man and Muslim woman.”

And the Messenger of God—may God bless him and his family—said:

> “Whoever buys and sells without acquiring understanding of the law will plunge into usury, and then plunge into it again.”

And he said:

> “There are four things for which, even if riding beasts were driven until they became exhausted in seeking them, that effort would still be little: that the servant hope in none but his Lord; fear nothing but his own sin; that the ignorant person not be ashamed to learn; and that the scholar, when asked about something he does not know, not be ashamed to say, ‘I do not know.’”

Jaʿfar ibn Muḥammad—God’s blessings be upon him and his family—said:

> “Seek knowledge, and adorn yourselves together with it with forbearance and dignity. Humble yourselves toward those whom you teach knowledge, and do not be arrogant scholars, lest your falsehood destroy your truth.”

And he said:

> "If I were to encounter a young man from among our Shīʿa who had not acquired understanding of religion, I would discipline him well."

And he said:

> "A believer continues to bequeath to the people of his household knowledge and righteous conduct until he brings them all into Paradise, so that he finds none of them missing there—neither young nor old, neither servant nor neighbor.

And a disobedient servant continues to bequeath to the people of his household ignorance and bad conduct until he brings them all into the Fire, so that he finds none of them missing there—neither young nor old, neither servant nor neighbor."

Collection of the Chapters on Ritual Purity

On the Merits of Purification

God, Mighty and Exalted, says:

> "Indeed, God loves those who continually repent, and He loves those who purify themselves."

And He says:

> "In it are men who love to purify themselves, and God loves those who purify themselves."

And He says:

> "He sends down upon you water from heaven by which to purify you, to remove from you the defilement of Satan, to strengthen your hearts, and to make your feet firm."

The Messenger of God—may God bless him and his family—said:

> "God does not accept prayer without purification."

And he said:

> "God, Mighty and Exalted, will gather my community on the Day of Resurrection among the nations, radiant in face and shining in their limbs from the traces of ablution."

And he said:

> "When I was taken by night to heaven, it was said: 'Concerning what does the Highest Assembly dispute?' I said: 'I do not know.' Then I was taught, and it was said to me: 'Concerning performing ablution thoroughly in severe cold, walking on foot to the congregational prayers, and awaiting one prayer after another.'"

It is transmitted from ʿAlī—peace be upon him—that he said:

> "Purification is half of faith."

And he said:

> "Whoever purifies himself and performs purification well, then walks to the mosque, is considered to be in prayer so long as he does not invalidate his state of purity."

He—peace be upon him—would perform ablution for every prayer, even if he had not invalidated his ablution, seeking thereby the excellence and reward of purification because of the merit that has been transmitted concerning it.

On the Purity and Impurity of Water

God Most High says:

> "And We sent down from heaven purifying water."

And He says:

> "And He sends down upon you water from heaven by which to purify you."

And He says:

> "Have you not seen that God sends down water from heaven and causes it to flow as springs in the earth?"

Thus He—exalted is His praise—has informed us that the water of the earth comes from heaven and has declared its purity.

The Messenger of God—may God bless him and his family—said:

> "Water purifies and is not itself purified."

And concerning the sea he said:

> "Its water is purifying, and its dead are lawful."

By this he meant what is taken from the sea alive, from among those creatures whose flesh is lawful to eat, and which then dies after being taken out—not that which dies in the sea itself. This accords with the saying of God, Mighty and Exalted:

> "Lawful to you is the game of the sea and its food, as a provision for you and for travelers."

By "its food" He meant what is taken from it alive and then eaten outside it, for such a thing is not eaten beneath its waters or on its bottom. Likewise, by "its dead" is meant that which dies outside the sea after having been taken from it alive. As for that which dies in the sea before being caught, it is not lawful to eat according to the doctrine of the People of the Household—God's blessings be upon them. This is the floating dead creature, and we shall mention this in the chapter on foods, God willing. Thus, naturally created water, in whose production no human being has had a part, is pure by the judgment of God, Mighty and Exalted, in His Book and through the clarification of His Messenger—may God bless him and his family. If something is cast into it and changes it so that it no longer retains the quality of water, then the legal status of water no longer applies to it, and it is attributed instead to whatever it has become and whatever has predominated over it.

This is like water into which dates, raisins, or honey are placed. If what is placed in it does not change it and is not perceptible within it, then its legal status remains that of water until the added substance becomes perceptible, appears distinctly, and changes its color, taste, or smell. At that point it becomes *nabīdh*, and the name "water" no longer applies to it, nor is ritual purification valid with it. I know of no disagreement among the Muslims concerning this, except for the position taken uniquely by Abū Ḥanīfa and those among his followers who agreed with him. He said that ablution may be performed specifically with date-*nabīdh*, to the exclusion of other kinds of *nabīdh*. His companion Abū Yūsuf disagreed with him in this and said that ablution with *nabīdh* is not valid.

Muḥammad ibn al-Ḥasan said:

> "If you cannot find water, perform ablution with date-*nabīdh*, and then perform dry ablution (*tayammum*)."

But this is a statement without meaning.

God, Mighty and Exalted, says:

> "If you do not find water, then perform dry ablution."

If date-*nabīdh* is not water, then there is no meaning in using it. If it is water, then there is no meaning in performing dry ablution afterward. What caused Abū Ḥanīfa to adopt this position was that he had heard that the Messenger of God—may God bless him and his family—performed ablution with date-*nabīdh* on the Night of the Jinn. But this report is not established. Even if it were established, that *nabīdh* would not have been the substance people today know by that name. Rather, the Messenger of God—may God bless him and his family—used to place dates in the waterskin from which he drank so as to sweeten the water because of its harshness. He would drink from it and perform ablution with it so long as it had not changed. We have already mentioned that there is no objection to this and that such an addition does not remove the legal status of water unless it transforms it and changes it from its original quality.

The same applies to milk mixed with water. If the milk is not perceptible within it, it remains water, until the milk changes it and becomes predominant, in which case its legal status becomes that of milk and the name "water" no longer applies to it. The same principle applies to beverages and other substances mixed with water. Likewise, when impurities enter and mingle with water, if they become perceptible in it and alter any part of its color, taste, or smell, the water becomes impure and takes the legal status of that impurity. If they do not appear in it and are not perceptible, then it remains water as before, and it is lawful both to drink it and to perform purification with it. This is the unanimous doctrine of the People of the Household—God's blessings be upon them—as firmly transmitted from them. They are joined in this by those who claim expertise in rational legal inquiry among the followers of al-Shāfiʿī, by the people of ḥadīth, and by many who are counted among the jurists of the general community.

If the color, smell, or taste of water changes for a reason other than an impurity mixed into it—such as stagnant water that has remained for a long time in its place and has thereby acquired such a quality—it remains purifying, because no impurity has caused its alteration.

ʿAlī—peace be upon him—said:

> "Nothing renders water impure."

That is, so long as it continues to possess the legal status of water, according to what we have explained above. He—peace be upon him—was asked about flowing water that passes by carrion, excrement, and blood: may a person perform ablution from it and drink from it?

He said:

> "Yes."

That is, provided none of those things becomes perceptible in the water. Jaʿfar ibn Muḥammad was asked about a pond in which animals urinate or defecate and in which a person in a state of major ritual impurity bathes.

He said:

> "There is no harm in it. The Messenger of God—may God bless him and his family—once halted with his Companions during a journey beside a pond. Their animals would urinate and defecate there, while they bathed in it, performed ablution from it, and drank from it."

He—peace be upon him—was asked about ablution basins near a mosque into which a menstruating woman might put her hand, or a boy might put his hand.

He said:

> "Perform ablution from them, for nothing renders water impure."

He was asked about a pond beside a village in which there was excrement, and in which children and animals urinated and animals defecated.

He said:

> "If something about it troubles your heart, do this."

And he gestured with his hand, meaning:

> "Stir the water, then drink from it and perform ablution with it, for religion is not constricted."

God, Mighty and Exalted, says:

> "He has not placed upon you any hardship in religion."

He was asked about a pond containing carrion.

He said:

> "If the water is predominant and the smell of the carcass cannot be detected in it, then perform ablution from it."

And he said:

> "If the water measures two cubits by two cubits, with a depth of two cubits, nothing renders it impure except that which predominates over it and changes its color, smell, or taste."

That is, of impurities. Reports of this kind transmitted from them—peace be upon them—are numerous. The same rule applies to a well in which an animal dies. If the animal changes the water, water should be drawn out of the well until the alteration disappears and the fresh water predominates. If it does not change the water at all, there is no harm in using the well. The dead animal should simply be removed and discarded so that it does not cause the water to change. No sound position concerning water can be maintained except this one. Indeed, if those who disagree with this doctrine were held consistently to their own analogical reasoning, then, according to their principles, no act of purification would ever be valid. For when a person cleansing himself after relieving himself uses water, the water comes into contact with his private parts and thereby encounters impurity present there. According to their reasoning, that water would immediately become impure.

Likewise, any additional water poured onto the area would itself become impure through contact with the moisture already present there. Thus, according to their reasoning, the person could never become purified. The same problem applies to a garment washed in a basin when impurity is present upon it. Each time water is poured onto the garment, it comes into contact with moisture affected by that impurity; therefore, according to their doctrine and analogy, the garment could never become pure. Likewise, if an animal possessing blood dies in a well, they say that a specified number of bucketfuls must be drawn from it. Yet they also claim that the water of the well is impure before that specified number has been drawn and that if any of it were to fall into another well, it would render that second well impure.

Then, when they have drawn all but the final prescribed bucket, the well is, according to them, still impure. But once the last bucket is removed, the well suddenly becomes pure, while the water contained in that final bucket remains impure. Yet much of that water drips back into the well while the bucket is being raised, and the bucket itself has been immersed in the water of the well which, according to their claim, becomes pure only after that last drawing, even though the bucket itself remains wet with the supposedly impure water. Thus, according to their own analogy, the bucket would again corrupt the water of the well, and the well could never become pure. Arguments of this sort are numerous, but the condition we have imposed upon ourselves of brevity prevents us from pursuing them at length.

On What Necessitates Ablution and What Necessitates the Major Ritual Bath

God, Mighty and Exalted, says:

> "O you who believe, when you rise for prayer, wash your faces and your hands up to the elbows, wipe your heads and your feet up to the ankles. If you are in a state of major ritual impurity, then purify yourselves. If you are ill, or on a journey, or one of you comes from relieving himself, or you have touched women and cannot find water, then seek clean earth and wipe your faces and your hands with it."

Jaʿfar ibn Muḥammad—peace be upon him—said concerning His words, "when you rise for prayer":

> "That means: after sleep."

And concerning His words, "or one of you comes from the place of relieving himself," he said:

> "This is a euphemism for the occurrence of ritual impurity. *Al-ghāʾiṭ* means a low-lying place in the ground, and it was the place to which people would go to relieve themselves."

And concerning His words, "or you have touched women," he said:

> "It means sexual intercourse. He expressed it euphemistically as touching, and touching means physical contact."

Thus, once a person has purified himself, his state of purity is invalidated only by sleep that overcomes him to such an extent that it prevents him from knowing whether any ritual impurity has issued from him. As for one who merely dozes lightly while remaining aware of anything that might issue from him, and does not sink into heavy sleep, his ablution is not invalidated. Ablution is invalidated by urine, feces, and wind issuing from the body. Likewise, anything that comes out from either the anus or the genitals—blood, pus, suppuration, worms, moisture, or anything else—invalidates ablution. But what comes out from anywhere other than these two outlets—whether blood, vomit, pus, or anything else—does not invalidate ablution. Nor is ablution invalidated by touching or bodily contact short of sexual intercourse; nor by kissing, direct physical contact, touching the penis or the genitals, eating, or drinking.

A person should, however, wash away whatever impurity touches the body, and it is recommended that he clean himself of grease and other substances that have an odor, though this is not an obligatory requirement without which prayer would be invalid. Rather, it is recommended for cleanliness and purification. Whoever is certain that he is in a state of purity and then doubts whether he has incurred ritual impurity remains upon his purity. [The transmitted text here is visibly corrupt in the scan/OCR, but the legal sense of the passage is that certainty of purity is not displaced by mere doubt.] All of this is the doctrine of the People of the Household—peace be upon them. According to them, ablution is invalidated only by what comes out from the two outlets, the front and the rear. As for *madhy*—the thin fluid that issues from the penis because of sexual desire—nothing is required because of it except ablution; no major ritual bath is required. Likewise, *wadhy*—a thin fluid that follows urination—requires only ablution.

If a man has sexual intercourse or enters a state of major ritual impurity and then performs the ritual bath before urinating, and afterward fluid emerges from his urethra, that fluid is considered a remnant of the seminal discharge and he must perform the ritual bath again. But if he urinates before bathing, the urine expels what remains of the seminal discharge. If anything then emerges after urination and bathing, only ablution is required, not another ritual bath. For this reason, a person who has had intercourse or a nocturnal emission should not perform the ritual bath until he has urinated. Whoever has a nocturnal emission and finds emitted seminal fluid must perform the ritual bath. If he dreams that he had intercourse but finds no moisture, nothing is required of him. Even if he dreams that he ejaculated, the ritual bath becomes obligatory only upon the actual discharge of semen.

If, while awake, he has intercourse short of penetration of the vagina and does not ejaculate, nothing is required of him and no ritual bath is necessary unless he ejaculates. But if he penetrates the vagina, the ritual bath becomes obligatory whether he ejaculates or not, once the two circumcised parts meet. This occurs when the glans—the head of the penis—disappears within the vagina. Once that takes place, the ritual bath has become obligatory whether ejaculation occurs or not. All of this is the doctrine of the People of the Household—God's blessings be upon them.

On the Manner of Ablution and the Ritual Bath, and the Proper Conduct Pertaining to Them

We transmit from the People of the Household—God's blessings be upon them all—that they commanded the covering of the private parts and the taking of due precautions when urinating and defecating, concealing oneself by whatever means possible when something suitable for concealment can be found, and going as far away from others as reasonably possible. They forbade urinating or defecating in stagnant water, on the banks of rivers and wells, on roads, beneath fruit-bearing trees, among graves, and in any place where doing so would cause harm to people. They also instructed that a person relieving himself should neither face the *qibla* nor turn his back toward it, and should take care that none of the filth touches his body or clothing. They instructed whoever enters the privy intending to relieve himself to mention the name of God and seek refuge in Him from Satan the accursed.

When he finishes, he should praise God and give thanks to Him for having made the passage of his food and drink easy and for having removed their harmful waste from him. They permitted urinating and defecating into a basin or vessel. They instructed a man to draw along the penis after urinating so as to expel any urine remaining in the urethra. If he has water, he should wash the area. If he has no water, he should wipe the urethra upon clean earth, a stone, pieces of cloth, or something similar. If he has defecated, he should wipe repeatedly until the area is clean, examining what he has wiped with at the end to see whether anything remains attached to it. They forbade cleansing oneself with food, bones of any kind, animal droppings, fruit stones—that is, the pits of fruits—or charcoal. They instructed anyone intending to perform ablution or the ritual bath to form the intention to do so.

If he does not make that intention, but bathes merely in order to cool himself, or performs ablution for the same reason, or does so merely to demonstrate it to someone else without intending it for himself, it does not suffice him. He must repeat whatever act of purification is incumbent upon him with the appropriate intention firmly held within himself. They also recommended mentioning the name of God at the beginning.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "Whoever mentions the name of God over his ablution has his entire body purified."

That is, purified from sins, God willing. As for the idea that doing so would purify him from major ritual impurity before he performs the ritual bath, that is not intended. Rather, mentioning God's name is recommended as an act of merit. Whoever does not pronounce the name of God does not invalidate his ablution. They instructed that the hands be washed before they are inserted into the vessel. If a person places them into the vessel while they are clean, there is nothing against him, although washing them first is preferable. Then he cleans himself after defecation and urination, and after anything else that issues from either outlet. There is no obligatory cleansing after wind passes from the anus, although cleansing oneself is recommended, and some of them used to do so seeking additional merit. The person cleansing himself should begin with the genitals and then move his hand toward the anus.

He should remove whatever moisture or traces of filth are there until they disappear, pouring water with his right hand and washing with his left. After cleansing himself, he should rub the left hand upon the ground with water until the odor disappears. He should not cleanse himself with his right hand except because of some necessity. He then rinses his mouth and draws water into his nose three times. This is part of the Sunna and

should not be abandoned. If he omits it unintentionally, however, there is nothing against him. He then washes his face from the top downward. A man gathers his beard in his hands and passes his hands over it. If he works his fingers through it, that is good. He washes his face three times. If he washes it twice, or once thoroughly, that suffices him, although three times is preferable. There is no additional merit beyond three washings. The same applies to washing the hands. He then washes his arms up to the elbows three times.

One complete washing suffices, though three are preferable, as we mentioned concerning the washing of the face. There is no merit in exceeding three. If he is wearing a ring, he should move it so that water reaches beneath it. He should leave no part of his face or forearms untouched by water. The length of the face extends from where the hairline ends at the forehead to the lowest point of the chin. Its width extends between the two sides of the forehead and the inner limits of the ears. He then wipes his head, either moving forward or backward. He begins from the top of the head and wipes toward the front of the forelock. Then, using the moisture remaining on his hands, he returns from the point where he began and wipes toward the end of the hair at the nape of the neck. A single wiping suffices. If he wipes three times, that is good. He wipes both the outer and inner surfaces of his ears. If he takes fresh water to wipe them, that too is good. He then wipes over the upper surfaces of his feet.

This is in accordance with the saying of God, Mighty and Exalted:

> "Wash your faces and your hands up to the elbows, and wipe your heads and your feet up to the ankles."

Thus God made washing obligatory for the face and hands, and wiping obligatory for the head and feet. If a person washes the feet in addition to wiping them, that is good. Likewise, if he passes his fingers between his toes, that too is good and carries reward. No limb should be advanced before another in ablution. One begins with what God, Mighty and Exalted, began with: first the face, then the arms, then the head, and then the feet. If a person begins with a later limb and afterward washes an earlier one, he must repeat the later limb so that the ablution follows the proper sequence from first to last. If he performs part of the ablution and then interrupts it because of some unavoidable matter, he may later complete what remains and that will suffice him. If he repeats the ablution from the beginning, that is good. But he should not deliberately interrupt his ablution and leave part of it unfinished with the intention of completing it later.

Completion after interruption is permitted only when the interruption was due to an excuse. Deliberate interruption is not permitted. There is no fixed amount of water that must be used for ablution. People differ in this regard. Some are gentle and careful and can make do with a little water, while others are clumsy and cannot manage with the amount that suffices someone else. There is merit in performing ablution thoroughly. Once all the limbs of ablution have been covered by the moisture of the water and water has been passed over them, that suffices. A person whose hand or foot has been amputated should pass water over the place where the limb was cut. It is recommended to perform ablution before the time of prayer enters, so that when the time arrives one is already in a state of purity and can pray at its beginning. They disapproved of extravagance in the use of water during ablution, regarding it as a form of Satanic whispering. They permitted drying oneself with a garment after completing ablution or the ritual bath.

They recommended supplication and the remembrance of God, Mighty and Exalted, while washing each limb involved in ablution and after completing it. They forbade wiping over leather socks (*khuffayn*) and spoke strongly against it. They did not regard the prayer of one who had wiped over his leather socks after becoming ritually impure as valid, nor the prayer of one who followed him in prayer, because this contradicts the Book of God, exalted be His remembrance. God, Mighty and Exalted, commanded only that the feet themselves be wiped. If, however, a person has an ailment in his foot such that wiping it with water would harm him, and the foot is inside a leather sock, or bandages are wrapped around it—or around any other limb involved in ablution—or there are splints over a fracture or broken bone, then wiping over those coverings suffices in all such cases. Wiping over sandals is also sufficient if the water reaches the upper surface of the feet.

But wiping over anything else, such as a head-covering, turban, or the like, is not sufficient without an excuse. Whoever intends to perform the ritual bath because of major ritual impurity or menstruation should first perform ablution in the manner we have described. He then pours water over his head and over the whole of his body until his hair is thoroughly wet and any filth upon his body is removed. He should pass his hands over his entire body so that no part of it remains untouched by water, and should pass his hands over whatever parts he can reach. Once he has done this, he has become purified. If any place on his body remains untouched by water, he must cause water to reach it. There is no fixed quantity of water prescribed for the ritual bath, just as we have stated concerning ablution.

The ritual bath is also valid under falling rain, at a time when rain is actually falling, or by immersing oneself completely in water, provided that the person passes his hands over his body as we have described and the water reaches all of it. The ritual bath becomes obligatory because of major ritual impurity, because of menstruation, when an unbeliever embraces Islam, and when a person recovers from a period of unconsciousness lasting for days or for such a length of time that he does not know what occurred to him and cannot know whether seminal discharge took place. If the unconsciousness was less severe than this, so that things could still be perceived and known, no ritual bath is required. Washing the dead is also obligatory upon death. If a person who is required to perform the ritual bath washes himself because of major ritual impurity, passes his hands over the limbs of ablution, and intends both the ritual bath and ablution, that suffices for both.

If a woman dreams of sexual intercourse and experiences emission, the ritual bath becomes obligatory upon her just as it does upon a man who experiences such a dream and emits fluid. A person upon whom the ritual bath is obligatory should bathe and should not delay doing so when he is able, unless he intends to return shortly to sexual intercourse. In that case there is no harm in delaying the bath until after he has intercourse again and then bathing. If he bathes before resuming intercourse, that is preferable; if he then has intercourse again, he must bathe again. If the time of prayer has entered, he should not delay the ritual bath, whether he intends to resume intercourse or not. It is disliked for a person in a state of major ritual impurity to eat or drink until he has washed his body. It is also disliked for him to cut his nails, shave his hair, or undergo cupping while in a state of major ritual impurity.

He should not sit in the mosque while in that state, although there is no harm in passing through it when some need requires this, provided that he does not sit down. This is indicated by the saying of God, Mighty and Exalted:

> “Nor while in a state of major ritual impurity, except while passing through.”

If a woman has intercourse or enters a state of major ritual impurity and then menstruates before performing the ritual bath, a single ritual bath suffices for both once she becomes pure from menstruation. When a woman performs the ritual bath, she should loosen the braids of her hair and let her hair fall so that she wets it sufficiently to know that water has reached all of it and penetrated to the skin of her scalp. There is no harm, however, in her bathing while the hair remains braided if the braiding is not tight and is loose enough for the water to penetrate it. If she is wearing a bracelet, she should move it so that water reaches beneath it. The person bathing should cause water to reach the inner parts of the private area insofar as required for cleansing. After completing the ritual bath, the person should supplicate with whatever supplications have been appointed for him and ask God to purify him from sins.

On the Purity of Clothing and the Ground

We transmit from the People of the Household—God’s blessings be upon them all—that every animal whose flesh is lawful to eat has pure skin, feathers, hair, wool, fur, bones, and sinews if it has been lawfully slaughtered. If such an animal dies without lawful slaughter, all of these parts are impure. They permitted wearing such material and making use of it, just as one may wear and make use of a garment that has been affected by impurity; but one may not pray in it. As for an animal whose flesh is not lawful to eat, all of these

parts are impure. They may nevertheless be put to use, but prayer may not be performed in them. We shall mention in the chapter on foods, God willing, which animals are lawful to eat and which are forbidden.

If something of this kind is purchased in the marketplace of the Muslims and it is not known to have come from carrion, it is presumed pure until that is known otherwise, just as meat sold in the marketplace of the Muslims may be purchased and eaten without the buyer personally establishing that the animal was lawfully slaughtered. Muslims are regarded as trustworthy in matters of this kind. If a pure garment is affected by urine, semen, *wadhy*, wine, an intoxicating drink, blood, pus, suppuration, excrement, or moist dung from an animal whose flesh is not lawful to eat—or if one of these things touches the body while wet—one may not pray in that state until the affected place has been washed. There is no harm in wearing the garment or otherwise making use of it before washing the impurity away, but one may not pray in it until it has been washed.

As for very slight traces of such things—such as the blood of fleas, ticks, and bedbugs; droplets of water splashed during ablution or bathing from ground that has previously been affected by impurity; or a fly that lands upon impurity and afterward lands upon clothing—and other similar slight and inconspicuous matters, there is no harm in them unless the trace becomes plainly excessive. If it becomes excessive, it must be washed. If a person has a wound or sores that continually discharge fluid and he cannot prevent their flow, he should wash from his body and clothing whatever he is able to wash and protect himself from it as much as possible. Whatever overwhelms him at the time of prayer does not harm him and does not invalidate his prayer. He may pray in that state, for God is more ready to excuse His servant when He has afflicted him. It is not appropriate to pray in the clothing of polytheists until it has been washed.

One may pray in the clothing of Muslims unless it is actually known to contain impurity. If that is not known, there is no harm in praying in it, and it remains legally pure until impurity becomes evident. If a person prays in a garment believing it to be pure, and afterward learns that there had been impurity upon it, his prayer stands and nothing further is required of him. If he discovers the impurity while he is still praying, he should remove the garment. If there is another pure garment beneath it that adequately covers him, he continues his prayer. If it is his only garment, he removes it, puts on a pure garment, and prays in that. There is no harm in the perspiration of a person in a state of major ritual impurity or of a menstruating woman, nor in water left over from either of them, provided they are Muslims, for the Muslim is pure.

Likewise, if a wet garment adheres to the body, the body does not render it impure unless there is an actual trace of impurity on the body that transfers to the garment. In that case the affected place on the garment must be washed. Similarly, if there is impurity on a garment and the person wearing it sweats, or his wet body touches the place where the impurity is, so that its moisture transfers to the body, he must wash whatever part of the body has been affected. If carrion or some other impurity touches a garment or the body while completely dry, so that nothing transfers from it, there is no harm. The urine and droppings of every animal whose flesh is lawful to eat are pure, except in the case of an animal that has eaten impurity or habitually feeds upon it, such as chickens and similar animals. If such an animal is *jallāla*—that is, one that feeds on filth—whatever of its droppings touches something should be washed away. If it is confined and fed pure fodder, there is then no harm in its droppings.

Mud formed by rainwater is pure so long as it has not been altered by impurity. If its appearance changes for some reason other than impurity mixed into it, it likewise remains pure. But if impurity mixes with it and changes it, then it is impure. If a person walking steps upon wet impurity and it soils his footwear, and then he rubs it against the ground until the moisture disappears, it is pure. Likewise, if he steps upon such impurity with his bare foot and then walks upon clean ground until the moisture disappears, he does not need to wash his foot. If the moisture remains, however, he must wash his feet. If impurity falls upon the ground and the sun then dries it until both its moisture and its odor disappear from the ground, the ground has become pure and prayer may be performed upon it. Prayer should not be performed upon impure ground or in a graveyard.

It may be performed in sheepfolds and in places where camels kneel, provided they have been swept clean, and in churches and synagogues so long as no impurity is known to be present there.

On the Tooth-Stick

The Messenger of God—may God bless him and his family—said:

> "The tooth-stick (*siwāk*) is a means of making the mouth pleasant and of pleasing the Lord."

And he said:

> "Gabriel never came to me without urging me to use the tooth-stick, until I feared that I would wear away the front of my mouth."

ʿAlī—God's blessings be upon him—said:

> "Three things were granted to the prophets: the tooth-stick, perfume, and marriage."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "The tooth-stick is half of ablution, ablution is half of faith, and the tooth-stick removes phlegm."

The Messenger of God—may God bless him and his family—said:

> "Were it not that I would impose hardship upon my community, I would have made the use of the tooth-stick obligatory upon them. Whoever is able to use it should not neglect it."

And he said:

> "Use the tooth-stick crosswise, and do not use it lengthwise."

And he said:

> "Rubbing the teeth with the thumb and forefinger during ablution"—meaning using those two fingers as a tooth-stick—"suffices in place of the tooth-stick."

He forbade using reeds, sweet basil, or pomegranate wood as a tooth-stick, and said:

> "That burns the root of leprosy."

On Dry Ablution

God, Mighty and Exalted, says:

> "O you who believe, when you rise for prayer, wash your faces and your hands up to the elbows…"

until His words:

> "…and if you cannot find water, then seek clean earth and wipe your faces and your hands with it."

We transmit from the People of the Household—peace be upon them—that God prescribed dry ablution (*tayammum*) for the traveler who cannot find water and for the sick person who cannot use it because he fears that bathing would destroy him, aggravate his illness, or because he is otherwise unable to use water. He should perform *tayammum* with *ṣaʿīd*, meaning clean earth. He places the inner surfaces of his palms upon it, shakes them lightly, then wipes his face with them and wipes the outer surface of each hand with the palm of the other hand.

The limit of the hand for this purpose is the place at which the hand of a thief is cut, because God, Mighty and Exalted, says:

> "Wipe your faces and your hands with it."

And He says:

> "As for the male thief and the female thief, cut off their hands."

Thus the limit for *tayammum* is the same as the limit of amputation established in the Book of God, Mighty and Exalted. We shall discuss the limit of amputation in its proper place, God willing. The wiping begins from the tips of the fingers. They—peace be upon them—said that a person should not perform *tayammum* until the

end of the time prescribed for prayer, because he may still hope to find water or become able to use it. When the end of the prayer time approaches, he performs *tayammum* and prays with that *tayammum*. It remains valid so long as he does not incur a state of ritual impurity or find water that he is able to use. If he finds water and is capable of using it but does not purify himself with it, his *tayammum* is invalidated. If another prayer becomes due and he has still not found water, he performs *tayammum*. If he performs *tayammum* and then finds water before beginning the prayer, he should purify himself with the water and should not pray on the basis of his *tayammum*.

If he has already begun the prayer with *tayammum* and then finds water, he does not interrupt the prayer, and the prayer suffices him, provided that the *tayammum* had been performed at the end of the prescribed time. If, however, he prayed after performing *tayammum* at the beginning of the prayer time and then obtained water while enough of the prayer time remained for him to purify himself and pray again, he should purify himself and repeat the prayer. *Tayammum* is performed only with dry earth. It is not valid with wet mud unless one spreads the mud upon something, allows it to dry, and then performs *tayammum* with it. If one cannot find earth, one may shake out one's garment, felt covering, or similar article, provided that it contains dust, and perform *tayammum* with that dust. A single striking of the earth with both hands suffices for wiping the face and hands.

Tayammum is not valid while one is resident rather than traveling, except in the case of a funeral prayer when water cannot be obtained within the available time. If one fears that the funeral prayer will be missed, one may perform *tayammum* and pray over the deceased. If a traveler has only a small quantity of water and fears that using it for purification would cause him to perish from thirst, he may perform *tayammum* and preserve the water. He must not destroy himself. Likewise, if water can be found only in a place such that going to it would expose him to danger of death, he is not required to go there and expose himself to destruction. Rather, he performs *tayammum* and prays. If he finds water being sold at a high price and possesses the means to pay for it, he should purchase it, unless doing so would cause him serious hardship or the price has risen to an outrageously excessive amount. If a traveler has water with him and wishes to have intercourse with his wife, he may do so and afterward perform *tayammum* and pray.

On Menstruation

God, Mighty and Exalted, says:

> "They ask you concerning menstruation. Say: It is a harm, so keep apart from women during menstruation and do not approach them until they become pure. When they have purified themselves, then go to them as God has commanded you. Indeed, God loves those who continually repent, and He loves those who purify themselves."

This indicates that a menstruating woman is not in a state of ritual purity.

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

> "Water does not purify her until menstruation has ceased."

We transmit from the Messenger of God—may God bless him and his family—that the sign that menstruation has ended is for the woman to insert a piece of cotton or a clean cloth and for it to come out white. When this occurs, she has seen the sign of purity and should wash herself with water in the same manner as she performs the ritual bath after major ritual impurity. She then performs whichever prayer still remains within its prescribed time. She is not required to make up the prayers that she missed during the days of her menstruation. During the days of menstruation she refrains from both prayer and fasting. She makes up the fasts, but she does not make up the prayers. Her husband may have bodily contact with her while she is menstruating if he wishes, although refraining from this is preferable. If he has intercourse with her in the vagina, he has sinned and transgressed what God, Mighty and Exalted, commanded. He must seek God's forgiveness and repent to Him. If he also gives charity because of what he has done, that is good.

He may not have intercourse with her in the vagina, even after the bleeding has ceased, until she has performed the ritual bath with water. If her bleeding continues longer than the period ordinarily known to her, she is considered a woman suffering from irregular bleeding (*mustaḥāḍa*). The blood of irregular bleeding is distinguished from menstrual blood because menstrual blood is dark, thick, and foul-smelling, whereas the blood of irregular bleeding is thin, clear, and not foul-smelling. When the menstrual blood ceases in a woman suffering from irregular bleeding, she purifies herself with water, uses an absorbent covering and secures it in place, and then performs the prayer. She is thereafter treated as one who is ritually pure, and her husband may have intercourse with her.

It has been transmitted from the People of the Household of the Messenger of God—may God bless him and his family—that if a woman suffering from irregular bleeding performs the ritual bath for each prayer, seeking thereby God's reward and the removal of the condition from her, God will remove it from her when her devotion in doing so is sincere. If a menstruating woman becomes pure and then sees a small amount of thin blood which subsequently ceases, she is not required to perform another ritual bath. Such blood is treated like the blood of irregular bleeding. But if the blood is thick, like menstrual blood, she must perform the ritual bath because of it. The same applies if such blood is seen while she is pregnant. A woman experiencing post-partum bleeding is subject to the same rules as a menstruating woman. The same obligations that apply to her and to her husband in the case of menstruation also apply in the case of post-partum bleeding.

When the post-partum bleeding ceases, she performs the ritual bath just as she does after major ritual impurity. Neither a person in a state of major ritual impurity nor a menstruating woman should recite the Qurʾān or sit in a mosque. If a menstruating woman sees the sign of purity during the time of a prayer but delays performing the ritual bath until the time for that prayer has expired, she must make up that prayer.

Collection of the Chapters on Prayer

On the Merits of Prayer

God, Mighty and Exalted, says:

> "Indeed, prayer has been prescribed for the believers at appointed times."

And He says:

> "Maintain the prayers, and the middle prayer, and stand before God devoutly obedient."

And He says:

> "Indeed, prayer restrains from indecency and wrongdoing, and the remembrance of God is greater."

And He says:

> "Seek assistance through patience and prayer, and indeed it is burdensome except for the humble."

The Messenger of God—may God bless him and his family—said:

> "Save yourselves and act, for the best of your deeds is prayer."

And he said:

> "Prayer is an offering by which every God-fearing person draws near."

And he said:

> "Prayer strengthens faith."

And he said:

> "Everything has a face, and the face of your religion is prayer."

And he said:

> “Prayer is the pillar of religion.”

And he said:

> “Whoever performs his ablution thoroughly, performs his prayer well, pays the alms due upon his wealth, restrains his anger, imprisons his tongue, bestows his kindness, seeks forgiveness from his Lord, and fulfills the duty of sincere devotion toward my Household has perfected the realities of faith, and the gates of Paradise stand open for him.”

And he said:

> “Satan continues to stand in awe of the believer so long as he preserves the five prayers. But when he neglects them, Satan becomes bold against him and casts him into grave sins.”

It is transmitted from ʿAlī—peace be upon him—that he said:

> “Prayer is the support of religion and the foundation of Islam. It is the first of the deeds of the son of Adam that God, Mighty and Exalted, examines. If it is sound, He examines the rest of his deeds; and if it is not sound, He does not consider any of his other deeds. There is no share in Islam for one who abandons prayer.”

And he said:

> “The five prayers expiate what lies between them, provided the major sins are avoided.”

These are the good deeds concerning which God, Mighty and Exalted, says:

> “Indeed, good deeds remove evil deeds. That is a reminder for those who remember.”

And he said:

> “The likeness of one who does not complete his prayer properly is that of a pregnant woman who carries until the time of delivery draws near and then miscarries: she is neither still pregnant nor does she possess a child.”

And he said:

> “Two cycles of prayer performed with full composure are better than standing in prayer for an entire night without such composure.”

That is, without completeness and proper performance.

And he said:

> “Prayer is a balance: whoever gives in full receives in full.”

Jaʿfar ibn Muḥammad—peace be upon him—said:

> “I know of nothing, after knowledge”—meaning knowledge of God—“that is more excellent than prayer.”

And he—peace be upon him—said:

> “Islam is built upon seven pillars: *walāya*, purification, prayer, almsgiving, fasting, pilgrimage, and jihād.”

And he said:

> “The servant is nearest to God when he is in prayer.”

He used to say:

> “O seeker of knowledge, pray before there comes a time when you are no longer able to find either a night or a day in which to pray.”

And he said:

> "The likeness of prayer for the person performing it is that of a man who enters before a ruler. The ruler listens to him until he has finished presenting his need. Likewise, when the Muslim enters into prayer, God continues to look toward him until he completes his prayer."

He was asked concerning the saying of God, Mighty and Exalted:

> "And those who carefully preserve their prayers."

He replied:

> "This refers to the obligatory prayer. Whoever performs it at its proper time, knowing its right and preferring nothing else over it, God, Mighty and Exalted, writes for him through it a guarantee of deliverance from the Fire, that He will not punish him.
>
> But whoever performs it outside its proper time, without recognizing its right and preferring other things over it, his matter rests with God: if He wills, He forgives him, and if He wills, He punishes him."

And he said:

> "The person praying has three signs: mercy descends upon him from the heights of heaven to the crown of his head; the angels surround him from the place of his feet to the heights of heaven; and an angel calls to him: 'O one who prays, if you knew with whom you were conversing, you would never turn away.'"

It is transmitted from ʿAlī ibn al-Ḥusayn—peace be upon him—that whenever he stood for prayer his color would change and he would tremble. When he was asked about this, he would say:

> "I am about to stand before a mighty King."

Jaʿfar ibn Muḥammad—God's blessings be upon him—said:

> "Whoever preserves the appointed times of the five prayers and observes their proper limits will meet God on the Day of Resurrection possessing a covenant from Him by which He will admit him into Paradise.
>
> Whoever neglects their appointed times and fails to observe their proper limits will meet God with no covenant from Him: if He wills, He forgives him, and if He wills, He punishes him."

He was asked:

> "What of someone who is in prayer and is pressed by some urgent need?"

He replied:

> "Does he not know that the fulfillment of the need lies in the hand of the One to whom he is praying?"

And he said:

> "The deed most beloved to God, Mighty and Exalted, is prayer, and it was the final counsel of the prophets.
>
> Nothing is finer than for a man to bathe or perform ablution thoroughly and then go out to a place where no one can see him, while God looks upon him as he bows and prostrates."

And he said:

> "When the servant prostrates, Iblīs cries out: 'Woe to me! This one obeyed while I disobeyed; this one prostrated while I refused.'"

And he said:

> "The servant is nearest to God when he is prostrating."

And he said:

> "When the Muslim servant enters the consecrated state of prayer, God turns toward him with the face of His mercy and appoints an angel over him who receives the Qurʾān from his mouth as he recites it.

This continues so long as the servant remains attentive to his prayer. But when he turns his attention away from it, God turns away from him and leaves him to the angel."

On the Times of Prayer

God, Mighty and Exalted, says:

> "So glorify God when you enter the evening and when you enter the morning. To Him belongs praise in the heavens and the earth, in the late afternoon and when you reach midday."

And He says:

> "And after the evening prayer."

And He says:

> "Establish prayer from the declining of the sun until the darkness of night, and the recitation at dawn; indeed, the recitation at dawn is witnessed."

Jaʿfar ibn Muḥammad said:

> "The declining of the sun means its passing the meridian, and that is the beginning of the time for the noon prayer. The darkness of night means midnight. These encompass the four prayers, while the dawn recitation refers to the dawn prayer."

And concerning the saying of God, Mighty and Exalted,

> "So glorify God when you enter the evening,"

he said:

> "That refers to the sunset and evening prayers;
>
> 'and when you enter the morning' refers to the dawn prayer;
>
> 'in the late afternoon' refers to the afternoon prayer;

and 'when you reach midday' refers to the noon prayer." These, then, are the times of prayer given in summary form in the Book of God, Mighty and Exalted. The Messenger of God—may God bless him and his family—explained and clarified them when God, Mighty and Exalted, commanded him to explain what had been revealed to him.

He said:

> "Gabriel—peace be upon him—came to me for the dawn prayer when the spreading dawn became distinct."

That is, when the light of dawn spread across the eastern horizon and extended to the right and left. There are two dawns. The spreading dawn is the one just described. It marks the beginning of the time for the dawn prayer, and with its appearance food and the other things forbidden to the fasting person become prohibited. Before it comes the first dawn, known as "the wolf's tail." It is a thin light that rises vertically from the place where the sun will rise, extending upward without spreading horizontally. That dawn does not make anything forbidden, nor does it make the prayer obligatory. The obligation begins only when the light spreads horizontally across the horizon in the manner we have described.

The Messenger of God—may God bless him and his family—said:

> "Gabriel said to me, 'Rise and perform the dawn prayer,' and I did so.

On the following day he came to me after the morning had become light enough for people to recognize one another, and he said, 'Rise and perform the dawn prayer.'

He came for the noon prayer when the sun had passed the meridian, and on the following day when the shadow of each thing had become equal to its own length after the meridian. He came for the afternoon prayer when the shadow of each thing had become equal to its own length, and on the following day at its later time. He came for the sunset prayer when the disk of the sun had disappeared—that is, when the sun had set—and on the following day at the same time. He came for the final evening prayer when the twilight had disappeared."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The twilight is the redness that remains upon the western horizon after the sun has set."

And on the second night, Gabriel came when a third of the night had passed.

The Messenger of God—may God bless him and his family—said:

> "Then Gabriel—peace be upon him—said to me: 'The time lies between your prayer yesterday and your prayer today.'"

This is a well-known report from the Messenger of God—may God bless him and his family. We have related its substance here in abbreviated wording. This occurred in Mecca, for the report states that Gabriel—peace be upon him—came to him there. Afterward, in Medina, the Messenger of God—may God bless him and his family—established further practices concerning the prayer times. These were transmitted from him by the Imams of his Household—God's blessings be upon them—as well as by many among the generality. We shall mention from these traditions only what suffices, in accordance with the degree of brevity we stipulated for this book, God Most High willing. What we transmit from the Imams of the Household of the Messenger of God—God's blessings be upon them—is that every prayer has two times, except for the sunset prayer, whose time is the disappearance of the sun and is not to be delayed.

The best times for the prayers are their beginnings, except for the final evening prayer, for which there is merit in delaying it because of the hardship involved for one who wishes to sleep. One who waits for prayer is himself considered to be in prayer, as has been transmitted from the Messenger of God—may God bless him and his family.

The Messenger of God—may God bless him and his family—said:

> "For one of you to miss the proper time of the prayer is more grievous than for him to lose his family and his wealth."

ʿAlī—God's blessings be upon him—said:

> "Discharge the rights of your Lord at the times when they fall due. Perform the prayer at the beginning of its time."

And he said:

> "The beginning of the time is better, so hasten toward good as much as you are able."

And he said:

> "The beginning of the time is God's good pleasure; the end of the time is God's pardon. Pardon is sought only for a fault or a deficiency."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "The beginning of the time is always better, so hasten toward what is more excellent as much as you are able."

And he said:

> "The beginning of the time is God's appointed time, and it is always the better time."

And he said:

> "The beginning of the time is preferable, although after that there is latitude until the end of the prescribed time."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "No one should make the latter of the two times his habitual prayer time except because of illness or another excuse.

The later time was established only for one who has been occupied, forgotten, or fallen asleep. It was established for the sick person and for one compelled by necessity."

And he said:

> "When the sun passes the meridian, the gates of heaven are opened. I do not like anyone to precede me in good works, for I desire my record to be the first record in which a righteous deed is written."

And he said:

> "How can any one of you feel secure against the accidents of fate while leaving the prayer after its time has already entered?"

We transmit from the People of the Household—God's blessings be upon them—that they instructed people to take care in determining the sun's passage across the meridian. This is the movement of the sun from the midpoint of the celestial sphere toward the west. People have devised many methods for determining this, but the soundest, most reliable, and most accessible is the following. Draw a circle with a compass upon a board or upon a fixed, level surface situated where the sun reaches it. The surface must be perfectly level, with no side raised above another. This may be tested by pouring water upon it: if the water runs toward one side, that side should be raised until the surface is level. Then draw the circle upon it. At the center of the circle, where the fixed leg of the compass had rested, set upright a straight pin of such a length that, as the sun rises, the tip of its shadow will reach the circumference of the circle. Observe it during the morning.

When the tip of the pin's shadow reaches the circumference of the circle on the western side, mark that point upon the circumference. Then observe it again in the afternoon when the shadow reaches the circumference on the other side, and mark that point as well. Using the compass, divide the arc between the two marked points on the southern side and mark its midpoint. Do the same on the northern side. Then, using the edge of a straight ruler, draw a line from the southern midpoint to the northern midpoint, passing through the center where the pin stands. That line corresponds to the midpoint of the celestial sphere… When the shadow falls exactly along this line, the sun is at the midpoint of the celestial sphere. When the shadow then begins to incline away from it, however slightly, the sun has passed the meridian. That is the beginning of the time for the noon prayer. At that point one performs the prescribed supererogatory prayer and then the obligatory prayer.

ʿAlī—God's blessings be upon him—said:

> "The prescribed supererogatory prayer is the prayer of those who continually turn back to God."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "At that hour the gates of heaven are opened, supplication is answered, the winds begin to blow, and God looks upon His creation."

We transmit from the People of the Household—peace be upon them—that they said:

> "When the sun has passed the meridian, the time of the two prayers—the noon and afternoon prayers—has entered."

Rabīʿa agreed with them in this view and said that the time for both the noon and afternoon prayers, whether traveling or resident, begins when the sun passes the meridian.

Ibn al-Mubārak expressed a view close to this. He said:

> "If one man stood and performed the noon prayer when the shadow of every object had become equal to its length after the meridian, and another performed the afternoon prayer at that same time, each of them would have performed his prayer within its proper time."

Someone said to him:

> "How can one time belong to two prayers when there is neither travel nor an excuse?"

Ibn al-Mubārak replied:

> "Woe to you! This was brought by Gabriel. Had he brought a single time for three prayers, we would have assigned it to all three."

According to the People of the Household—God's blessings be upon them—the time for the afternoon prayer begins once the worshipper has completed the obligatory and supererogatory portions of the noon prayer. According to what has been mentioned, this amounts to approximately two hours of the day, so that the afternoon prayer falls at the beginning of the ninth hour. This is the practice that should be followed, and the prayer should not be delayed. If it is delayed because of an excuse or illness, its final time is when the sun becomes yellow. The time of the sunset prayer is the disappearance of the sun below the western horizon. It has no other time. The times of the final evening prayer and the dawn prayer have already been mentioned. If a mountain or some other obstruction blocks the place of sunrise, the sign that the sun has risen is the reddening of the western horizon. The sign that the sun has set is the darkening of the eastern horizon. There is also the night prayer.

No prayer is performed after the *witr* prayer until dawn appears. Then the two cycles of the dawn supererogatory prayer are performed, followed by the dawn prayer itself. They forbade voluntary prayer after sunrise until the sun passes the meridian, except when someone enters a mosque, in which case he performs two cycles before sitting down. Likewise, no voluntary prayer is performed after the afternoon prayer until the sun has set. There is no harm, however, in making up an obligatory prayer during either of these periods. They also forbade prayer at the very moment of sunrise and at the very moment of sunset. If there is fear that an obligatory prayer will be missed, the obligatory prayer takes precedence over the voluntary prayer. In intense heat, the noon prayer may be delayed slightly after the sun has passed the meridian so that the heat may lessen somewhat for those praying in congregation in a mosque. The Friday prayer is performed when the sun passes the meridian and should not be delayed.

The noon and afternoon prayers may be combined, and likewise the sunset and evening prayers, at the end of the time of the first of the two when traveling, if there is a need to do so. They may also be combined while resident in mosques when there is an excuse such as rain, wind, or darkness. The two prayers are then performed with one call to prayer and two *iqāmas*. When the Imam completes the first prayer, he remains seated in his place. The caller to prayer then gives the *iqāma*, after which the Imam rises and performs the second prayer. Whoever forgets a prayer and remembers it only near the end of the time of another prayer that is currently due should consider whether beginning with the missed prayer would cause the present prayer to be missed. If so, he begins with the prayer whose time is presently expiring. If he knows that he can make up the missed prayer and still perform the present prayer within its time, he begins with the missed prayer.

If he has missed many prayers, he should begin with as many of the missed prayers as he knows he can perform while still catching the prayer whose time is presently due, postponing the remainder until after he has performed the prayer of the present time. If a person has forgotten a prayer and does not remember it until he has already entered another prayer, then if the forgotten prayer was the noon prayer and he remembers it while performing the afternoon prayer, he changes his intention and counts what he is performing as the noon prayer, then afterward performs the afternoon prayer. If the situation involves any other prayer, he completes the prayer he is currently performing and afterward makes up the one he missed. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about the distinction between these cases.

He said:

> "Because there is no prayer after the afternoon prayer."

Whoever misses a voluntary prayer may make it up if he wishes. There is merit in doing so, but it is not obligatory. Whoever performs a prayer before its proper time has entered does not thereby fulfill his obligation and must repeat it once its time has begun.

On the Call to Prayer

Muḥammad ibn ʿAlī—peace be upon him—was asked about the origin of the call to prayer.

He said:

> "The Messenger of God—may God bless him and his family—was taught it on the Night Journey."

He then related the report of the Night Journey at length, including the angel's giving the call to prayer for the Messenger of God—may God bless him and his family—and his leading the prophets in prayer. It was said to him:

> "People say that the call to prayer began because of a dream seen by a man from the Anṣār."

He became intensely angry and said:

> "Indeed we belong to God, and to Him we return! They have taken one of the chief features of their religion and based it upon a dream seen by an ordinary man, which the Messenger of God—may God bless him and his family—then supposedly followed, while God, Mighty and Exalted, says to him: 'Say: I follow only what is revealed to me.'"

The Messenger of God—may God bless him and his family—said:

> "There are three things which, if my community knew the reward contained in them, they would draw lots for them with arrows: the call to prayer, going early to the Friday prayer, and the first row."

He encouraged the people to give the call to prayer. It was said to him:

> "O Messenger of God, we fear that if your community hears this after you, they will fight one another over it with swords."

He replied:

> "It will not go beyond the weak among them."

And he said:

> "God will gather the callers to prayer on the Day of Resurrection with the longest necks among the people as they proclaim the testimony that there is no god but God."

By this, may God bless him and his family, he meant that on that day their necks will be extended in expectation of the mercy of their Lord and because of their security from His punishment.

This is the opposite of the description God, Mighty and Exalted, gives of the people of the Fire when He says:

> "If only you could see the sinners hanging their heads before their Lord."

This usage is known in Arabic speech. They say of someone upon whom a hated misfortune has descended:

> "Something has befallen him that does not allow him to raise his head."

ʿAlī—God's blessings be upon him—said:

> "I regret nothing except that I wish I had asked the Messenger of God—may God bless him and his family—about giving the call to prayer for al-Ḥasan and al-Ḥusayn."

We transmit from the People of the Household—peace be upon them—that they commanded that the call to prayer be delivered slowly and distinctly, while the *iqāma* should be delivered more rapidly. They instructed

that the phrases of both the call to prayer and the *iqāma* be repeated twice, except for the final testimony in the *iqāma*, which is said once. They also commanded that the phrase:

"Come to the best of works" (*ḥayya ʿalā khayr al-ʿamal*)

be included both in the call to prayer and in the *iqāma*.

They said:

"This was the form of the call to prayer in the time of the Messenger of God—may God bless him and his family—during the days of Abū Bakr, and at the beginning of the days of ʿUmar."

Then ʿUmar decided to remove it from the call to prayer, saying:

"If the ignorant hear that prayer is the best of works, they will abandon jihād."

Many among the generality have also transmitted this. God, Mighty and Exalted, has mentioned the excellence of prayer in many places in His Book, and He has also mentioned the excellence of jihād. What God has commanded and what the Messenger of God—may God bless him and his family—established should not be removed merely because of something that might occur to an ignorant person. Rather, the ignorant should be taught the truth they do not know and should be made to understand it. What God has established as an obligation upon them should not be abolished because of their ignorance of it. If that principle were accepted, most religious obligations would have to be abolished, because the ignorant are unaware of most of them and are confused about the greater part of them. They said that when the caller to prayer stands to give the call, he should do so standing and facing the *qibla*. When he reaches the words:

"Come to prayer,"

he turns his face to the right. When he reaches:

"Come to success,"

he turns his face to the left, while his feet remain in their place. There is no harm in a traveler giving the call to prayer while mounted. He should not, however, give the *iqāma* except after dismounting and standing upon the ground. It is preferable that the caller to prayer be in a state of ritual purity. If he gives the call while not in a state of purity, there is no harm. But the *iqāma* for the prayer should be given only while in a state of ritual purity. When the Messenger of God—may God bless him and his family—heard the caller to prayer, he would repeat what the caller said until the phrases:

"Come to prayer,"
"Come to success,"
"Come to the best of works."

At those phrases he would say:

"There is no power and no strength except through God."

Whoever does this seeking the good pleasure of God has thereby obtained from God a covenant that the Fire will not touch him.

When the caller says:

"The prayer has been established,"

those present in the mosque must fall silent and stand for prayer. Before that point, there is no harm in their speaking. Once the caller has begun the call to prayer, he should not interrupt it with conversation or anything else. If he does so unknowingly or because he is compelled to speak, he should continue the call from where he left off, and nothing further is required of him. The same applies to the *iqāma*. The call to prayer and the *iqāma* should be given in every mosque, and neither should be abandoned. If a person prays alone and gives both the call and the *iqāma*, there is merit for him in doing so.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever gives the call to prayer and the *iqāma* and then prays will have two rows of angels praying behind him.

Whoever does not give the call but gives the *iqāma* and prays will have one row of angels praying behind him." Giving both the call to prayer and the *iqāma* for every prayer is preferable. If a person gives the *iqāma* without the call to prayer, that suffices. If he prays without either the call to prayer or the *iqāma*, he is not required to repeat the prayer. The call to prayer given in the town suffices. Women are not required to give either the call to prayer or the *iqāma*. If they do give them, however, that is good and carries merit. If they suffice themselves with the call given in the town, that is permissible. If someone forgets the call to prayer, the *iqāma*, or one of the two until he has already entered the prayer, nothing is required of him. He continues the prayer and does not interrupt it, because prayer is an obligation while the call to prayer is a Sunna. An obligatory act should not be interrupted for the sake of a Sunna, since the obligatory act remains valid without it, as we have explained.

If before entering the prayer he is uncertain whether he has given the call to prayer or the *iqāma*, or one of them, and does not know whether he performed them, then it is good for him to give both. If he proceeds to pray without doing so, nothing is required of him. The call to prayer should not be given before the time of the prayer has entered. Whoever does so should repeat it once the prayer time begins. If he does not repeat it, however, there is nothing further required of him, and his case is like that of one who prayed without a call to prayer. They permitted only the call to the dawn prayer to be given before the appearance of dawn. Nevertheless, giving it when dawn appears is preferable. Permission to give it earlier was granted only for the purpose of waking those who are sleeping. Because of this, however, someone who does not know the signs of dawn may become confused and pray upon hearing the call before the time of prayer has actually entered. Such a prayer does not suffice.

Giving the call within the proper time is therefore preferable. They permitted *tathwīb* after the call to prayer and before the *iqāma*. The Messenger of God—may God bless him and his family—used to have the prayer announced to him in this way, and the Imams—peace be upon them—continue this practice today: after the call to prayer, the caller greets the Imam and informs him that the prayer is ready. They permitted a slave and a boy who has not yet reached puberty to give the call to prayer and the *iqāma*, and the prayer may be performed on the basis of their call. If the caller gives the call and the *iqāma* for the people of a mosque, that call and *iqāma* suffice for every one of them who prays on that basis. A person who is in the mosque when the call to prayer is given should not leave until he has prayed, unless he leaves because of some need while intending to return and knows that he will still catch the prayer.

The same applies if he is not in a state of ablution: he may leave in order to perform ablution, but he should make every effort to return in time to catch the prayer. If he does not catch it, he may pray alone or with another congregation in a different mosque, and nothing further is required of him. There is no harm in giving the call to prayer in the mosque before the Imam arrives, even if it is at the beginning of the prayer time. If the Imam comes, he leads them. If he does not come, they appoint someone else to lead them, unless the Imam is an officially appointed Imam or someone appointed by such an Imam. In that case they wait until the end of the prayer time. If he still has not come, they then pray by themselves. If the people of a neighborhood dispute over who has the greater right to give the call to prayer, then, if they are equal in merit, the one with the strongest voice has the greater claim.

There is no harm in a blind man giving the call to prayer, provided that he follows the timing of someone else who knows the prayer times. There is neither call to prayer nor *iqāma* for voluntary prayer. The caller to prayer should not climb a minaret from which he can look upon the private parts of the people or see into their homes.

The Messenger of God—may God bless him and his family—said:

> "When a child is born to someone, let him give the call to prayer in the child's right ear and the *iqāma* in the left ear, and let him recite the Opening of the Book, the Throne Verse, the end of Sūrat al-Ḥashr, Sūrat al-Ikhlāṣ, and the two chapters of seeking refuge."

And the Messenger of God—may God bless him and his family—said:

> "If the *ghīlān* assail you, give the call to prayer."

On Mosques

God, Mighty and Exalted, says:

> "Only those who believe in God and the Last Day, establish prayer, give alms, and fear none but God maintain the mosques of God. It may be that these are among the rightly guided."

And He says:

> "The mosques belong to God, so do not call upon anyone together with God."

And He says:

> "The polytheists are impure, so let them not approach the Sacred Mosque after this year of theirs."

The Messenger of God—may God bless him and his family—said:

> "Do not saddle mounts for the sake of traveling to a mosque except the Sacred Mosque and my mosque."

And he said:

> "Prayer in the Sacred Mosque is equal to one hundred thousand prayers.

Prayer in my mosque"—meaning the mosque of Medina—"is equal to ten thousand prayers. Prayer in the mosque of Jerusalem is equal to one thousand prayers. Prayer in the great congregational mosque"—meaning the mosque in which the Friday prayer is held in each city—"is equal to one hundred prayers. Prayer in the mosque of one's tribe is equal to twenty-five prayers. Prayer in the marketplace is equal to twelve prayers. A man's prayer in his house is equal to one prayer."

And he said:

> "Sitting in the mosque while awaiting prayer is worship."

And he said:

> "Whoever makes the Qurʾān his conversation and the mosque his home, God builds for him a house in Paradise and raises him by a degree…"

[The final phrase of this report is textually uncertain in the present copy.]

And he said:

> "The believer's place is his mosque, and his hermitage is his house."

He forbade exposing the nakedness in a mosque, meaning the area between the navel and the knee. He forbade the prescribed legal punishments from being carried out in the mosque. By this he meant retaliation for killing, stoning, the prescribed punishment for unlawful intercourse, the punishment for false accusation, and the punishment for drinking intoxicants. As for disciplinary correction and discretionary punishment, there is no harm in carrying these out in the mosque. He forbade raising voices in mosques, displaying weapons there, buying and selling there, announcing lost property there, and a person in a state of major ritual impurity sitting there.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "There is no prayer for the neighbor of the mosque except in the mosque."

He was asked:

> "Who is the neighbor of the mosque?"

He replied:

> "Whoever hears the call."

This, God knows best, is an emphatic form of discipline and encouragement. It does not mean that the prayer of a person living near a mosque who prays in his house is invalid and must be repeated. Rather, the superior course is for him to pray in the mosque. His statement, "There is no prayer," appears to mean that there is no prayer possessing the same excellence as the prayer of one who prays in the mosque. We have already mentioned the multiplication of the reward for prayer in mosques. It has been transmitted from the Messenger of God—may God bless him and his family—that a man asked him:

> "O Messenger of God, I go out with my camels together with my family, my children, and my servants. I give the call to prayer and the *iqāma* and lead them in prayer. Are we a congregation, and do we receive the merit of congregational prayer?"

He replied:

> "Yes."

The man said:

> "Sometimes the servants go off to pasture the camels, so I give the call to prayer and the *iqāma* and pray with my family and children. Are we a congregation?"

He replied:

> "Yes."

The man said:

> "Sometimes the children go off in search of places where rain has fallen, so I give the call to prayer and the *iqāma* and pray with my wife. Are we a congregation?"

He replied:

> "Yes."

The man said:

> "Sometimes my wife becomes occupied with her work, so I give the call to prayer and the *iqāma* and pray by myself. Am I a congregation?"

The Messenger of God—may God bless him and his family—replied:

> "The believer, even alone, is a congregation."

We have already mentioned that whoever gives the call to prayer and the *iqāma* and then prays has two rows of angels praying behind him. Therefore, what is recommended and proper for one intending to pray is that he perform his prayer in the great congregational mosque because of the multiplied reward transmitted concerning prayer there, as we have already mentioned. If that is not possible, he should pray in congregation in the marketplace or wherever he can join a congregation. If that is not possible, he should pray in his house together with his family and children, for in that there is both the merit of congregational prayer and the reward of establishing his household in prayer.

God, Mighty and Exalted, says:

> "Command your family to pray, and remain steadfast in it."

If even that is not possible, he should give the call to prayer and the *iqāma* and pray alone. We have already mentioned the merit of all these forms and the successive multiplication of their reward.

ʿAlī—peace be upon him—said:

> "Waiting for one prayer after another is better than guarding the frontier."

And he said:

> "It is part of the Sunna, when you sit in the mosque, to face the *qibla*."

That is, when this is possible. If one sits at an angle to it, there is no harm.

And he said:

> "When afflictions descend, the people of the mosque are spared."

The Messenger of God—may God bless him and his family—said:

> "Reclining in mosques is the monasticism of the Arabs."

And he said:

> "Keep your buying and selling, your Jews and Christians, your weapons, and your insane away from your mosques. Perfume them with incense every seven days, and place means of purification within them."

And he said:

> "Whoever protects the mosque from sputum will meet God on the Day of Resurrection smiling, with his book given into his right hand."

And he said:

> "The mosque recoils from sputum just as flesh recoils from fire, and it twists from it as one of you twists when struck with a cane."

And he said:

> "Spitting in the mosque is a sin, and its expiation is to bury it."

And he said:

> "Whoever spits in the mosque should perform two cycles of prayer."

And he said:

> "Do not turn the mosques into places for idle conversation."

A man from Yemen once entered the Mosque of the Messenger of God—may God bless him and his family—after eating garlic. Its odor spread through the mosque, and the Messenger of God—may God bless him and his family—smelled it and was offended by it.

He said:

> "Whoever eats this plant should not approach my mosque."

When ʿAlī—peace be upon him—entered the mosque, he would say:

> "In the name of God, the All-Merciful, the Compassionate. In the name of God and through God. Peace be upon you, O Prophet, and the mercy and blessings of God. Peace be upon us and upon the righteous servants of God."

He would then greet the people of the mosque.

And he said:

> "Among the rights of the mosque upon you is that when you enter it, you perform two cycles of prayer, provided it is during one of the times in which voluntary prayer is permitted."

Those times have already been mentioned.

And he said:

> "Everything between east and west is *qibla* for one who does not know the direction of the *qibla*."

The *qibla* itself is toward the Sacred House.

God, Mighty and Exalted, says:

> "Turn your face toward the Sacred Mosque, and wherever you may be, turn your faces toward it."

The Messenger of God—may God bless him and his family—said:

> "To pray without a barrier before oneself is a form of roughness."

And he said:

> "When one of you prays in open country, let him place before himself something approximately the height of the rear part of a saddle, if he can find such a thing."

It is transmitted from ʿAlī—peace be upon him—that he disliked a man praying toward another man who was asleep, placing him directly in front of himself, or praying directly opposite a woman unless there was some distance or intervening separation.

He said:

> "When you pray toward a barrier, draw near to it, and let the distance between you and it be approximately the space your body occupies when you prostrate."

For the Messenger of God—may God bless him and his family—said:

> "When one of you prays, let him draw near to his barrier and not leave an open space between himself and the *qibla* for Satan to take as a passage."

He also forbade images placed in the direction of the *qibla*.

Concerning a mosque located within a man's house, in which he prays privately and which he has not opened to the public, he said that if the owner wishes to enlarge his living space by incorporating it and making use of it, there is no harm in doing so.

On Leading the Prayer

The Messenger of God—may God bless him and his family—said:

> "Put forward the best among you, for the Imam of a people is the one who leads them toward God."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "A sick person should not lead healthy people in prayer. That was permitted only for the Messenger of God—may God bless him and his family. Nor should a person in restraints lead those who are unrestrained."

We transmit from the People of the Household—God's blessings be upon them—that they disliked the regular leadership in prayer of a leper, a person afflicted with severe skin disease, a child born of unlawful intercourse, a castrated man, a slave, or a blind man, unless circumstances required it and the blind man was properly guided. Such a person should not be appointed as a regular Imam. Likewise, they did not regard it as proper for a Bedouin, a person upon whom a prescribed punishment had been carried out, or an insane person to lead others in prayer. They permitted such people, however, to lead one another when each is among people in a condition similar to his own. They did not regard prayer behind a *nāṣib*—one hostile toward the Family of Muḥammad, may God bless him and his family, hating them and openly opposing them—as valid except in a state of *taqiyya*. We seek refuge in God from such affliction.

Whoever is afflicted with such circumstances may pray behind such a person if he fears for himself, whether from that person or from someone else, should he refuse to pray behind him. He should enter the prayer when that person enters it, but begin the prayer for himself and intend it as his own individual prayer, not following him as Imam. He bows when the other bows, prostrates when he prostrates, and finishes when he finishes, while inwardly intending that he is praying alone without an Imam. A person who has performed *tayammum* may lead people who have performed ablution if he is otherwise the person most entitled to lead them. If someone leads a group in prayer and afterward discovers that he himself had not been in a state of ritual purity, both he and those who prayed behind him must repeat the prayer.

ʿUmar once led the people in prayer and, when he had completed it, said:

"O people, ʿUmar has led you in prayer while in a state of major ritual impurity."

They asked:

"What do you think should be done?"

He replied:

"I must repeat the prayer, but you do not."

ʿAlī—peace be upon him—said:

"Rather, both you and they must repeat it. The people bow and prostrate together with their Imam."

The person most entitled to lead the people is the one among them who is most excellent and most knowledgeable. If they are equal in those respects, the eldest of them should lead. If a man leads two men or more, he stands ahead of them and they form a row behind him. If he leads only one person, he places that person on his right. If another person then arrives and joins the prayer, the Imam moves forward and the two stand behind him. There is no harm in following an Imam when there is a slight barrier between the Imam and the follower. They disliked an Imam prolonging the prayer when leading a congregation, because among those praying may be someone weak or someone with an urgent need. When a person prays alone, however, it is preferable for him to prolong the prayer. They said that a woman may lead women in prayer. She does not stand in front of them, but rather stands among them in the same row.

If the Imam forgets or makes a mistake while reciting, so that he moves from one sūra to another, omits some part of the Qurʾān, or moves beyond a passage to something else, there is no harm in that. Those behind him need not prompt him so long as he continues reciting Qurʾān. If, however, the recitation becomes blocked for him, he hesitates, stops, and falls silent, then those behind him should prompt him and supply the words at which he became stuck. Once he resumes smoothly, they should remain silent. If two men stand to pray and each one intends that he himself is leading the other, and they finish the prayer before discovering what each had intended, their prayers are valid. The reason is that when an Imam begins a prayer, his prayer is not invalidated if no one actually stands behind him, nor if those behind him leave. But if each of the two intended to follow the other as Imam, both prayers are invalid, because each believed himself to be following an Imam when in fact he had no Imam.

They disliked the Imam performing a voluntary prayer in the same place where he had just led the obligatory prayer. He should move elsewhere. They recommended that when he moves away, he turn to his right. When leaving, he should cross through the rows rather than walking along between them. They also recommended that he remain seated for a short while in his place after the salutation, supplicating, so that anyone who had missed part of the prayer may complete what he missed.

On Congregational Prayer and the Rows

The Messenger of God—may God bless him and his family—said:

> "Affliction will continue to be withheld from my community until they deal in usury, bribery becomes manifest among them, they sever the bonds of kinship, abandon prayer in congregation, and cease to maintain this House. When they do these things, they will no longer be granted respite."

And he said:

> "Whoever performs the five prayers in congregation, think every good thing of him and accept his testimony."

By this he meant, may God bless him and his family, provided that no evil is otherwise known of him.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked:

> "Is prayer in congregation an obligation?"

He replied:

> "Prayer itself is obligatory. Gathering in congregation is not obligatory for every prayer, but it is a Sunna.

Whoever abandons it because he has turned away from it and from the congregation of the believers, without excuse or illness and out of contempt for it, has no prayer." It is transmitted from ʿAlī—peace be upon him—that he once stood in prayer throughout the entire night. When dawn broke, he fell asleep. The Messenger of God—may God bless him and his family—looked for him in the mosque and did not see him.

After completing the prayer, he went to the house of Fāṭima—peace be upon her—and said:

> "My daughter, why did your cousin not attend the prayer with us?"

She told him what had happened.

The Messenger of God—may God bless him and his family—said:

> "What he missed of the dawn prayer in congregation would have been better for him than standing in prayer for the entire night."

He then woke him and said this to him, adding:

> "O ʿAlī, the earth cries out to God because of a scholar sleeping upon it at sunrise."

ʿAlī—peace be upon him—said:

> "To perform the final evening prayer and the dawn prayer in congregation is more beloved to me than remaining in worship throughout the time between them."

And he said:

> "Beneath the shade of the Throne, on the Day when there will be no shade except His shade, will be a man who leaves his house having perfected his purification and walks to one of the houses of God to discharge one of the obligations of his religion, and dies before reaching it."

The Messenger of God—may God bless him and his family—said:

> "The best row in the prayer is the first row.
>
> The best row in the funeral prayer is the last row. And the best row for women in prayer is the last row."

ʿAlī—peace be upon him—said:

> "The best part of the first row is the part to the right of the Imam."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The best place is that which is closest to the Imam."

We transmit from the People of the Household—peace be upon them—that they commanded the rows to be completed and the gaps to be closed. If a person standing in a row sees a gap in the row in front of him, there is no harm in his walking forward to fill it. Likewise, if someone feels crowded in a row, there is no harm in his moving backward into the row behind him and standing in a gap there. There is no harm in one person praying alone behind the row if he cannot find a place within it. They permitted a person who cannot find a place in the first row, or for whom it is too crowded, to move forward and stand level with the Imam when no other option is possible. The minimum distance between one row and the next is the space required for the worshipper's body to descend fully into prostration. If those in the rows cannot properly reach the ground in prostration, their prayer is not valid. They permitted the rows to be formed between columns. They instructed:

> "Keep your shoulders aligned and do not differ, lest your hearts differ and Satan pass between you as the young black sheep called *ḥadhaf* pass among the larger sheep."

The Messenger of God—may God bless him and his family—compared the movement of those small sheep among the larger ones to Satan entering between the rows whenever he finds gaps in them, in order to corrupt the prayer of those present and distract their hearts from it. We seek refuge in God from Satan the accursed.

On the Manner of Prayer

The Messenger of God—may God bless him and his family—said:

> "Actions are only by intentions, and every person shall have only what he intended."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "Whoever prays with an intention directed solely toward the prayer, allowing nothing else to enter into it, will have it accepted from him when his outward and inward states correspond."

And he said:

A person should not enter the prayer until he has formed the intention for it and firmly fixed it in his heart, knowing which prayer it is: obligatory, prescribed supererogatory, or voluntary. If it is obligatory, he should intend specifically which of the five prayers it is. He forms this intention and conviction as he enters the prayer. He begins the prayer with the opening *takbīr*, raising his hands with his palms open and his fingers held together and extended, until the tips of his fingers are level with his ears. He then lets his hands fall freely at his sides alongside his thighs. He should not place one hand over the other and hold them beneath his chest as some among the generality do, claiming that this is the meaning of the saying of God, Mighty and Exalted:

> "So pray to your Lord and sacrifice."

Abū Jaʿfar Muḥammad ibn ʿAlī—God's blessings be upon them—was asked about this and said:

> "The sacrifice refers to the sacrifice on the Day of Sacrifice after the festival prayer. As for *intiḥār* in prayer, it means standing upright: that the worshipper keep his chest and throat erect."

He said:

> "The Messenger of God—may God bless him and his family—forbade placing one hand over the other in prayer, saying that this is the practice of the Jews, and he commanded that the hands be left hanging freely."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "A woman, when standing in prayer, should bring her hands toward her chest so that she covers her breasts with them."

The worshipper then turns himself toward God and says:

> "I have turned my face toward God, Originator of the heavens and the earth, upright and as one who submits, and I am not among the polytheists.

Indeed, my prayer, my sacrifice, my life, and my death belong to God, Lord of the worlds. He has no partner. This I have been commanded, and I am among those who submit. I seek refuge in God, the All-Hearing, the All-Knowing, from the Fire and from Satan the accursed." He pronounces this verbally but quietly. He does not recite it aloud either in prayers whose recitation is quiet or in those whose recitation is aloud. He then begins with:

> "In the name of God, the All-Merciful, the Compassionate."

He recites it quietly where the recitation is quiet and aloud where the recitation is aloud. He should not act otherwise, because it is a verse from the Book of God, exalted be His remembrance. Some people have claimed that it is not part of the Book of God, even though it is written at the beginning of every sūra. Gabriel—peace be upon him—brought it down in that form to the Messenger of God—may God bless him and his family. Many among the generality agree with the People of the Household concerning this and have transmitted that it was revealed in this manner. It was by the revelation of:

> "In the name of God, the All-Merciful, the Compassionate"

that the completion of one sūra and the beginning of the next became known.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "*Taqiyya* is my religion and the religion of my forefathers, except in three matters: drinking intoxicants, wiping over leather socks, and abandoning the recitation of 'In the name of God, the All-Merciful, the Compassionate.'"

By this he meant, peace be upon him, that one must not drink intoxicants, wipe over leather socks, or omit the recitation of the *basmala* at the beginning of every sūra in prayer or elsewhere. He neither commands nor permits any of those things for anyone, whether under *taqiyya* or otherwise. After reciting:

> "In the name of God, the All-Merciful, the Compassionate,"

the worshipper recites the Opening of the Book and then another sūra, likewise beginning that sūra with the *basmala*. This is done in the two cycles of the dawn prayer and in the first two cycles of the noon, afternoon, sunset, and final evening prayers. No particular sūras are prescribed for this. No portion of the Qurʾān should be treated as abandoned. However, it is preferable for someone leading a group in prayer to keep the prayer light unless he knows that those behind him are capable of enduring a longer prayer, because among them may be someone weak or someone with an urgent need. The Messenger of God—may God bless him and his family—rebuked Muʿādh ibn Jabal for doing otherwise when he learned that Muʿādh had led a group and prolonged their prayer. He said to him:

> "Do not be a cause of trial. Pray according to the capacity of the weakest of your companions."

When the Messenger of God—may God bless him and his family—led the people in prayer, he would keep the prayer light while still completing it properly. But when he prayed alone, he would prolong the prayer until his feet became swollen from standing for so long. Some of his family would say to him:

> "O Messenger of God, why do you impose such hardship upon yourself when God has forgiven you what preceded and what followed of your sin?"

He would reply:

> "Should I not love to be a grateful servant?"

What has been transmitted from the People of the Household—God's blessings be upon them—concerning the relative length of standing in prayer is that the longest standing should be in the dawn prayer. Next comes the final evening prayer, with somewhat less standing; then the noon prayer; then the afternoon prayer; while the sunset prayer has the shortest standing. There is no fixed measure in this. Two sūras should not be joined together after the Opening of the Book within a single cycle of an obligatory prayer. Nor should only part of a sūra be recited in a cycle of an obligatory prayer. There is no harm in doing either of these things in voluntary

prayers. If a person begins a sūra and then wishes to change to another, he may do so provided he has not yet reached the midpoint of the sūra he began. The exceptions are Sūrat al-Jumuʿa on Friday, Sūrat al-Ikhlāṣ, and:

> "Say: O unbelievers."

If he begins any of these, he should not abandon it before completing it. The worshipper recites aloud in the dawn prayer and in the first two cycles of the sunset and final evening prayers, whether praying alone or leading others. He recites quietly in the remaining prayers. In the final two cycles of the noon, afternoon, and final evening prayers, and in the final cycle of the sunset prayer, he recites only the Opening of the Book. After completing the Opening of the Book, he should not say:

> "Āmīn,"

as the generality do. Nor should anyone praying behind the Imam say it. The Messenger of God—may God bless him and his family—and the Imams from among his descendants—peace be upon them—forbade this.

He said:

> "My community will continue upon a sound path in its religion so long as there is no clamorous cry of 'Āmīn' in their prayer."

The report continues.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The Jews used to do this, and the ignorant among the people followed their example."

The worshipper should direct his heart fully toward his prayer and empty his mind for it as much as possible.

The Messenger of God—may God bless him and his family—said:

> "When the servant turns attentively toward his prayer, God turns toward him with the face of His mercy. When he turns away from it, God turns away from him and leaves him to the angel."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Only that portion of a worshipper's prayer toward which he was truly attentive is raised up.

Sometimes this may be one half, one quarter, less, or more. But God completes it through the voluntary prayers." All of this is the doctrine of the People of the Household. They commanded the worshipper to possess humility in his prayer, to magnify and revere God within it, and to make himself inwardly aware of this. ʿAlī ibn al-Ḥusayn, when intending to enter prayer, would change color and begin to tremble. Those present would sometimes ask him what had happened. He would reply:

> "I am about to stand before a mighty King."

They forbade turning one's head about during prayer or letting one's gaze wander. They instructed the worshipper to direct his gaze toward the place of his prostration and to keep his limbs still as much as possible. There is no harm in shifting one's weight between the feet. Nor is there harm, if some need arises concerning the body or clothing, in attending to it with one's hand. If a person can leave it alone, however, that is preferable. It is transmitted from ʿAlī ibn al-Ḥusayn—peace be upon him—that he was once praying when his cloak fell from him, yet he did not replace it.

When asked about this, he said:

> "Do you know before whom I was standing and with whom I was conversing? By God, what I was engaged in distracted me from what you saw."

If the worshipper's garment falls away and some part of his nakedness becomes exposed, however, he must immediately replace whatever he can and cover what has become uncovered. A man's nakedness extends from the navel to the knee. A woman's entire body is nakedness except for her face and her hands. As for the report that ʿAlī ibn al-Ḥusayn left his cloak where it had fallen, the cloak in that case had been worn over another

garment that already covered him. When the cloak fell, he left it and relied upon the garment beneath it. They said that the worshipper should not spread his feet widely apart while standing in prayer, but should keep them at a distance that allows him to stand upright and balanced. There is no harm in repeating a verse or a word from the Qurʾān that contains admonition or warning. If the worshipper weeps from fear of God, this does not interrupt his prayer. Rather, there is merit and reward in it. He should not, however, deliberately manufacture such weeping.

It is praiseworthy when it overtakes him spontaneously and he cannot restrain it. If he deliberately produces it, he interrupts his prayer, because that contains ostentation, and it is disliked. They said that the worshipper should not interrupt his recitation or fall silent because of something he hears, meaning some sudden noise, disturbance, or similar event for which interruption is not appropriate. As for circumstances of a different kind, we transmit that Ibn al-Kawwāʾ entered the mosque of Kūfa while the Commander of the Faithful, ʿAlī—God's blessings be upon him—was leading the people in prayer and reciting. Ibn al-Kawwāʾ recited loudly behind him:

> "It has certainly been revealed to you and to those before you: if you associate others with God, your deeds will surely come to nothing, and you will surely be among the losers."

The Commander of the Faithful fell silent until Ibn al-Kawwāʾ had finished. He then resumed his recitation. Ibn al-Kawwāʾ repeated the verse, and the Commander of the Faithful—peace be upon him—again remained silent and then resumed. Ibn al-Kawwāʾ did this a third time. The Commander of the Faithful—peace be upon him—then recited:

> "So be patient. Indeed, the promise of God is true, and let not those who lack certainty make you unsteady."

They instructed that whoever recites the Qurʾān, whether in prayer or outside prayer, should reflect upon its meaning. They said that the minimum by which the prayer is completed consists of five things: beginning the prayer with the opening *takbīr*; standing, for one who is able; bowing; prostration; and sitting for the *tashahhud*. Whoever performs these five essential limits of the prayer, but forgets or is ignorant of what lies beyond them, has completed his prayer. One who is ignorant must, however, learn the remaining limits of the prayer. He should give priority to learning them, not delay or neglect them, and should exert himself fully in learning and memorizing them. Whoever knows the limits of the prayer is not permitted deliberately to omit any part of them, whether the recitation, the remaining *takbīrs*, the *tashahhud*, the glorifications, the salutation by which one leaves the prayer, or any other prescribed or established element of it.

If he deliberately omits any of these things, his prayer is not valid, and he must repeat every prayer in which he deliberately omitted them in this manner. Whoever follows an Imam in prayer should say the *takbīr* when the Imam says it and should remain silent when the Imam recites, whether the recitation is quiet or aloud.

When the Imam says:

> "God hears whoever praises Him,"

he should say:

> "Our Lord, to You belongs praise."

He should say the *takbīrs* throughout the prayer, doing so quietly rather than aloud. He performs the *tashahhud* when the Imam performs it and gives the salutation when the Imam gives it. If, however, the Imam is a person whose condition he does not approve and whom he does not truly follow, but he is praying behind him under *taqiyya*, then he begins the prayer for himself, intending to pray alone rather than to follow that Imam. He recites, bows, and prostrates at the same time as him, but does not intend by this to follow him. He concludes when the other concludes, conducting the entire prayer as he would if praying alone. Whether he is an Imam or not, the worshipper raises his hands when he intends to bow and again when raising his head from

bowing, in the same manner as he raised them for the opening *takbīr*. He does this while saying the *takbīr* for bowing and while saying:

"God hears whoever praises Him."

When he bows, he places his palms upon his knees, spreads his fingers over them, and keeps his back evenly extended until his shoulders and lower back are level. The Messenger of God—may God bless him and his family—used to do this so evenly that, had water been poured upon his back, it would have remained there. He neither raises nor lowers his head, but keeps it level with his back.

While bowing he says:

"Glory be to my Lord, the Magnificent, and praise be to Him,"

three times, slowly and deliberately, whether he is an Imam, praying alone, or following an Imam. In prostration he likewise says three times, slowly:

"Glory be to my Lord, the Most High and Exalted."

Throughout all this he should make his heart conscious of reverence for God, Mighty and Exalted. If he is praying alone and is not leading a congregation, he may add whatever further glorification and magnification of God he wishes, and there is merit in doing so. We transmit from a number of the Imams—peace be upon them—that before the three glorifications in bowing they would say:

> "O God, to You I bow, before You I humble myself, in You I believe, and to You I submit. You are my Lord. My hearing, my sight, my hair, my skin, my flesh, my blood, my nerves, my bones, and all that my feet bear humble themselves before You, neither disdainful nor arrogant nor weary of worshipping You, humbling themselves before You and submitting to obedience to You. Blessed is God, Lord of the worlds."

And before the three glorifications in prostration they would say:

> "O God, to You I prostrate, before You I humble myself, in You I believe, and to You I submit. You are my Lord. My face has prostrated itself before the One who created it, fashioned it, opened its hearing and sight, perfected its form, and proportioned it. Blessed is God, the best of creators.

O God, Your forgiveness is broader than my sins, and Your mercy is greater than my faults. Forgive me and have mercy upon me, O Most Merciful of the merciful. There is no god but You, truly and certainly. I have prostrated to You, O Lord, in servitude and bondage. I have not prostrated to anyone besides You, nor do I worship, O Lord, anyone but You." They would also increase the number of glorifications in bowing and prostration to seven each. There is merit in this for one praying alone. As for one leading a congregation, we have already mentioned that the Sunna is to keep the prayer light while completing it properly.

When the worshipper raises his head from bowing and says:

"God hears whoever praises Him,"

he should say quietly with his tongue:

"Our Lord, to You belongs praise,"

whether he is an Imam or otherwise. He then stands fully upright and erect before descending into prostration. This is what the Imam should do, and one praying alone may do likewise. If the person praying alone adds more, that is good. Additional supplications have been transmitted from them, just as additions have been transmitted concerning bowing and prostration. They would say:

> "Praise be to God, Lord of the worlds, Possessor of might, grandeur, majesty, and glory. O God, forgive me, restore me, have mercy upon me, raise me, and provide for me, for I am in need of whatever good You send down to me. O God, by Your power and strength I stand and sit."

They would then say the *takbīr* for prostration and descend. When the worshipper descends into prostration, he places his weight upon the inner surfaces of his palms and spreads them upon the ground, placing them down before his knees. He then settles upon his knees and prostrates, keeping his elbows somewhat away from his sides and extending his neck. He prostrates upon his forehead and nose. He does not lay his forearms flat upon the ground, but keeps them lifted away from it. He keeps the fingers of his hands together, with their tips approximately opposite his ears but somewhat away from them. The inner surfaces of his palms should directly touch whatever he is prostrating upon; he should not keep his hands inside his sleeves. When he raises his head from the first prostration, he sits until every joint has returned to its place. He places his hands upon his thighs. He sits upon his left foot, while keeping the right foot upright upon its big toe if he is able; otherwise he may rest it differently.

He then performs the second prostration. He sits in this manner for both the first and final *tashahhud*.

Between the two prostrations he says:

> "O God, forgive me and have mercy upon me."

If he is praying alone and wishes to lengthen the supplication, he says:

> "O God, forgive me, have mercy upon me, restore me, raise me, guide me, grant me well-being, pardon me, and provide for me, for I am in need of whatever good You send down to me."

When rising from the first cycle, he rises directly from the prostration without first settling his buttocks back upon the ground. He does not recite Qurʾān while bowing or prostrating. When concluding the prayer he gives two salutations, turning his face to the right and to the left.

At each salutation he says:

> "Peace be upon you, and the mercy and blessings of God."

If he is praying in congregation, he intends by this those around him. If he is alone, he intends the recording angels. When he finishes the prayer and wishes to stand, he turns away toward his right. If he is the Imam and leaves while the people are still completing their prayers, he should not walk along between the rows, but rather cross directly through them. He should not walk in front of a person who is praying.

On the Tashahhud in Prayer, Supplication Before and After It, and the Merits of Supplication

God, Mighty and Exalted, says:

> "Your Lord has said: Call upon Me and I will answer you. Indeed, those who are too proud to worship Me will enter Hell humbled."

And He, blessed and exalted, says:

> "When My servants ask you concerning Me, indeed I am near. I answer the call of the one who calls when he calls upon Me. So let them respond to Me and believe in Me, that they may be rightly guided."

We transmit from the People of the Household—peace be upon them—that they said:

> "Whoever remains seated in his place of prayer, folding his legs beneath him and remembering God, blessed and exalted, receives the reward of one who has performed pilgrimage to the House of God."

God appoints an angel over him who says:

> "Increase in honor. Good deeds are being written for you, evil deeds are being erased from you, and degrees are being built up for you,"

until he leaves.

The Messenger of God—may God bless him and his family—said:

> "By Him in whose hand is the soul of Muḥammad, a man's supplication after the dawn prayer until sunrise is more effective in attaining needs than that of one who travels through the land with his wealth."

And he said:

> "Shall I direct you to a weapon by which God will protect you from your enemy and increase your provision?"

They said:

> "Yes, O Messenger of God."

He said:

> "Call upon your Lord by night and by day, for supplication is the weapon of the believer."

And he said:

> "The form of glorification most beloved to God is the glorification made during conversation."

He was asked:

> "What is the glorification made during conversation, O Messenger of God?"

He replied:

> "It is when people are immersed in worldly talk, falsehood, and amusement, and a man becomes distressed by that, so he calls upon God, remembers Him, and glorifies Him."

And he said:

> "Whenever a door of supplication is opened for a servant, a door of response is opened for him.
>
> Whenever a door of seeking forgiveness is opened for him, a door of forgiveness is opened. Whenever a door of gratitude is opened for him, a door of increase is opened. And whenever a door of action is opened for him, a door of acceptance is opened."

The Book of God, blessed and exalted, bears witness to this:

> "Call upon Me and I will answer you."

And:

> "Whoever seeks God's forgiveness will find God Forgiving and Merciful."

And:

> "If you are grateful, I will surely increase you."

And:

> "Whoever does an atom's weight of good will see it."

The Messenger of God—may God bless him and his family—said:

> "Supplication repels the divine decree even after it has been firmly determined.
>
> Affliction pours down toward the servant and descends from heaven, but he calls upon God and asks Him for well-being. The supplication ascends toward heaven and meets the affliction, and the two remain opposed to one another until the Day of Resurrection."

And he said:

> "Whoever looks upon a person afflicted by some calamity and says, 'Praise be to God who has spared me from that with which He has afflicted you and has greatly favored me over you and over many of His creatures,' it is incumbent upon God not to afflict him with that calamity."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever supplicates should invoke blessings upon Muḥammad and the Family of Muḥammad within his supplication, for when the servant supplicates, his supplication is not raised to heaven until he invokes blessings upon the Prophet and his Household."

The Messenger of God—may God bless him and his family—said:

> "Place me at the beginning and the end of your supplication."

And he said:

> "Four things have been made intercessors: Paradise, the Fire, the maidens of Paradise, and an angel stationed at my head in my grave after I die.

When the servant says, 'O God, I ask You for Paradise,' Paradise says, 'O God, make him one of my inhabitants.' When he says, 'Protect me from the Fire,' the Fire says, 'O God, protect him from me.' When he says, 'O God, marry me to the maidens of Paradise,' the maidens say, 'O God, marry him to us.' And when he says, 'O God, bless Muḥammad and the Family of Muḥammad,' the angel stationed at my head says to me, 'O Muḥammad, so-and-so has invoked blessings upon you and your family.' I then say, 'O God, bless him just as he has invoked blessings upon me.'"

And he said:

> "The supplication of the believer is answered so long as he does not become impatient."

He was asked:

> "How does he become impatient, O Messenger of God?"

He replied:

> "He supplicates and does not immediately see the effect of his supplication, so he says: 'I called upon God, but He did not answer me.'"

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "God grants His believing servant whatever He wills from what the servant asks, and delays whatever He wills because that is better for him.

God, Mighty and Exalted, is more truthful than anyone in fulfilling His promise, and He has said: 'Call upon Me and I will answer you.'

On the Day of Resurrection, God—exalted be His praise—will personally take account of His believing servant and will reveal to him good deeds that he never performed.

It will be said to him: 'Do you recognize these good deeds?' He will say: 'No.' It will be said: 'On such-and-such a day you called upon God concerning such-and-such a matter. God answered you, but He deferred the reward of that supplication for you until this day because that was better for you.' When the believer sees on that day the enormity of the reward for his supplications, he will say: 'My Lord, if only You had not hastened the answer to any of my supplications in this world, but had stored all of them for me until this day.'"

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "God repels through supplication an event that He already knows will be met by supplication and answered.

Were it not for God granting the servant success in making that supplication, the affliction would strike him with such force as to uproot him from the face of the earth. No Muslim calls upon God except that He answers him, or repels from him by means of his supplication an affliction greater than what he asked to have removed, or stores the response for a time when it will be more beneficial to him—provided that he does not supplicate for injustice or for severing ties of kinship."

And he—peace be upon him—said:

> "Supplication repels the divine decree even after it has been firmly determined.

So increase your supplication, for it is the key to every good and the means of success in every need. What is with God is attained only through supplication. No door is knocked upon repeatedly without being likely soon to open for the one knocking." Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked by a man concerning the saying of the Messenger of God—may God bless him and his family—about the black seed, meaning *shūnīz*.

He said:

> "Yes. The Messenger of God—may God bless him and his family—said: 'In it is a cure for every illness except death.'
>
> But shall I direct you to something concerning which the Messenger of God made no exception?"

The man asked:

> "What is it?"

He replied:

> "Supplication. It repels the divine decree even after it has been firmly determined."

Abū Jaʿfar then closed his fingers together and joined his hands when saying:

> "Firmly determined."

Then he said:

> "Nothing is more beloved to God than that He be asked, and nothing repels the divine decree except supplication."

He was asked concerning the saying of God:

> "When you have finished, then labor, and turn your desire toward your Lord."

He replied:

> "This means supplication after the obligatory prayer. Beware of abandoning it, for its superiority over other supplication is like the superiority of the obligatory prayer over the voluntary prayer."

And he—peace be upon him—said:

> "Supplication is before the prayer, within the prayer, and after the prayer."

And he said:

> "Supplication after the obligatory prayer is better than voluntary prayer."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Supplication is worship."

He then recited the saying of God, Mighty and Exalted:

> "Your Lord has said: Call upon Me and I will answer you. Indeed, those who are too proud to worship Me will enter Hell humbled."

Then he said:

> "By God, it is worship."

When he—peace be upon him—had performed the two cycles before the dawn prayer, he would supplicate with the following:

> "I have taken hold of the firmest handhold that shall never break, and I have held fast to the strong rope of God.

I seek refuge in God from the evil of the devils among humankind and jinn. I seek refuge in God from the evil of the wicked among the Arabs and non-Arabs. God is sufficient for me. In God I place my trust. I have turned my back toward God [seeking refuge in Him], and I seek my need from God. There is no power and no strength except through God. O God, place light in my heart, light in my hearing, light in my sight, light in my tongue, light in my hair, light in my skin, light in my blood, light in my flesh, light in my bones, light in my nerves, light before me, light behind me, light on my right, light on my left, light above me, light beneath me, and light in my grave. O God, magnify for me light, delight, joy, blessing, and happiness." He would then recite five verses from the end of Āl ʿImrān, beginning:

> "Indeed, in the creation of the heavens and the earth and the alternation of night and day are signs for people of understanding, those who remember God standing, sitting, and upon their sides and reflect upon the creation of the heavens and the earth: 'Our Lord, You have not created this in vain. Glory be to You, so protect us from the punishment of the Fire…'"

through His words:

> "Indeed, You do not break Your promise."

He would then say three times:

> "Glory be to the Lord of morning, the Splitter of the dawn, the One who made the night a repose and the sun and moon a means of reckoning."

Then he would say:

> "O God, make the beginning of this day righteous, its middle prosperous, and its end successful.

O God, whoever begins the morning with his need and his request directed toward some created being, my need and my request are directed toward You alone, O my Master, without partner." He would then recite the Throne Verse and the two chapters of seeking refuge. Then he would say one hundred times:

> "Glory be to my Lord, the Magnificent, and praise be to Him. I seek God's forgiveness and repent to Him."

If he missed doing this, he would make it up later. He—peace be upon him—said that in the first *tashahhud* one should say:

> "In the name of God, the All-Merciful, the Compassionate. In the name of God and through God. All the most beautiful names belong to God.

I bear witness that there is no god but God alone, without partner, and I bear witness that Muḥammad is His servant and Messenger, and [I bear witness] concerning the righteous Imams from among his Household." Then he rises.

When he sits for the final *tashahhud*, after which he gives the salutation and leaves the prayer, he says:

> "In the name of God and through God. All the most beautiful names belong to God.

All greetings belong to God, and all prayers, good things, pure things, growing things, abundant blessings, those that come morning and evening—all belong to God: whatever is pure, increases, becomes sincere, and grows. I bear witness that there is no god but God alone, without partner. I bear witness that Muḥammad is His

servant and Messenger. I bear witness that Paradise is true, the Fire is true, the resurrection is true, and the Hour is coming without doubt, and that God will raise those who are in the graves. O God, bless Muḥammad and the Family of Muḥammad. Have mercy upon Muḥammad and the Family of Muḥammad, and bless Muḥammad and the Family of Muḥammad, just as You blessed, had mercy upon, and bestowed blessing upon Abraham and the family of Abraham. Indeed, You are Praiseworthy and Glorious. O God, forgive me and my parents and have mercy upon them just as they raised me when I was small." He said that one whose parents are Muslims should say this.

Then he says:

> "Forgive us and our brothers who preceded us in faith, and place no rancor in our hearts toward those who believe. Our Lord, indeed You are Compassionate and Merciful."

He then supplicates with whatever worldly and otherworldly supplications he wishes.

He then invokes blessings upon the Prophet and his family and says:

> "Peace be upon you, O Prophet, and the mercy and blessings of God. Peace be upon us and upon the righteous servants of God."

The entire *tashahhud* is recited quietly, though the tongue should actually pronounce the words. He then gives the salutation. If he is an Imam, he pronounces the salutation aloud. If he is following an Imam, he says it quietly, although there is no harm in making it slightly audible. If he is praying alone, he may say it quietly or aloud, as he wishes.

When he rises from the first *tashahhud*, he supports himself upon his hands and says:

> "O God, by Your power and strength I stand and sit."

He then says the *takbīr* while rising. When the worshipper has given the salutation concluding the obligatory prayer, he may turn the backs of his hands upon his thighs, or he may raise his hands. Raising them is preferable. He places the inner surfaces of his palms facing his face and draws near to God, saying:

> "O God, I draw near to You through You, through Muḥammad Your Prophet, through ʿAlī Your Friend, through Fāṭima the daughter of Your Prophet, through al-Ḥasan and al-Ḥusayn, ʿAlī ibn al-Ḥusayn, Muḥammad ibn ʿAlī, Jaʿfar ibn Muḥammad, and Ismāʿīl ibn Muḥammad…"

He then names the Imams one by one until the Imam of his own age, and says:

> "O God, through them I draw near to You, and through them I turn toward You in Your presence. Through them make me honored before You in this world and the Hereafter and among those brought near to You.

Establish certainty firmly within my heart and increase me in guidance and light." He then supplicates for whatever he wishes.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "When you rise for prayer or enter the mosque intending to pray, say:
>
> 'In the name of God and through God, from God and toward God, and as God wills. There is no power and no strength except through God.

O God, make me among Your visitors and among those who maintain Your mosques. Open for me the gates of Your mercy and close against me the gates of disobedience to You. Praise be to God who has made me among those who converse intimately with Him. O God, turn toward me with Your face. Exalted is Your praise and blessed are Your names.'" Then begin the prayer.

ʿAlī—peace be upon him—said:

> "Whoever wishes to receive with the fullest measure should say when he finishes the prayer:

‘Glory be to your Lord, the Lord of might, above what they describe. Peace be upon the messengers, and praise be to God, Lord of the worlds.’”

And he said:

“I heard the Messenger of God—may God bless him and his family—say: Whoever recites after every obligatory prayer, ‘Say: He is God, One,’ one hundred times will cross the Bridge on the Day of Resurrection, and on his right will be eight cubits…”

“…and on his left will be eight cubits, while Gabriel holds him by the waist. He will look to the right and left into the Fire, and if he sees there someone whom he knows who entered it because of a sin other than associationism, he will take him by the hand and bring him into Paradise through his intercession.”

This report, God knows best, is expressed in general terms but is intended specifically rather than universally. Intercession does not belong to every person merely by virtue of performing this recitation, such that what has been stated would necessarily apply to everyone who recites it. Rather, intercession belongs only to those for whom God has appointed it.

God Most High says:

“They possess no power of intercession except for one who has taken a covenant with the All-Merciful.”

ʿAlī—peace be upon him—said:

“Whoever remains seated in the place where he performed the dawn prayer and recites ‘Say: He is God, One’ ten times before sunrise will not be overtaken by sin that day, even if Satan strives to bring it about.”

The Messenger of God—may God bless him and his family—said:

“O ʿAlī, recite the Throne Verse after every prayer, for no one preserves it continually except a prophet, a truthful one, or a martyr.”

Jaʿfar ibn Muḥammad—peace be upon him—said:

“Whoever performs the glorification of Fāṭima—peace be upon her—before moving his legs from the place of an obligatory prayer, after giving the salutation, will be forgiven.”

He said that one begins with the *takbīr*. The glorification of Fāṭima—peace be upon her—is:

“God is greater,”
“Glory be to God,”
“Praise be to God,”

thirty-three times each, concluding with:

“There is no god but God,”

making one hundred in all. He said that the Messenger of God—may God bless him and his family—taught this glorification to Fāṭima when she came to ask him for a servant. He said to her:

“O Fāṭima, this is better for you than a male servant, a female servant, and everything contained in this world.

Say it after every obligatory prayer, and one hundred good deeds will be written for you. Each good deed is rewarded tenfold, making one thousand.” Whoever says each day one hundred times:

“Glory be to God, praise be to God, I seek God’s forgiveness, there is no god but God, God is greater, as God wills, there is no power and no strength except through God, God is sufficient for me, I hold fast to God, I place my trust in God,”

no one knows the reward he has with God except God Himself, exalted is His name. The least of his reward is ten thousand, because he has remembered God with what He deserves to be remembered by one thousand times, and each good deed is rewarded tenfold. He—peace be upon him—said that among the recommended words to say after completing the prayer is that the worshipper should say the *takbīr* three times and then say:

> "There is no god but God alone, without partner. His is the kingdom and His is the praise. In His hand is all good, and He has power over all things.

There is no god but God alone. He fulfilled His promise, gave victory to His servant, and defeated the confederates alone. His is the kingdom and His is the praise. Praise be to God, Lord of the worlds. There is no god but God, God is greater, glory be to God, and praise be to God." He says this ten times. ʿAlī—peace be upon him—used to say after every prayer:

> "Your light became complete, so You guided; therefore praise belongs to You.

Great is Your forbearance, so You pardon; therefore praise belongs to You. You extended Your hands and gave; therefore praise belongs to You. Our Lord, Your face is the noblest of faces, Your rank the best of ranks, and Your gift the most beneficial and pleasant of gifts. You are obeyed, our Lord, and You give thanks; You are disobeyed, our Lord, and You forgive. You answer the supplication of one in distress, heal illness, and deliver from anguish. Our Lord, You accept repentance and forgive sins for whomever You will. No one can repay Your blessings, and no speaker can enumerate Your favors." Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said that it is recommended after prayer to say:

> "O God, for You I have prayed, upon You I have called, and in You I have placed my hope.

I ask You to place in my prayer and my supplication a blessing by which You efface my evil deeds, brighten my face, ennoble my station, and remove from me my burden. O God, remove my burden from me and make what is with You better for me. Praise be to God who has discharged from me a prayer that was incumbent upon me and upon the believers as an obligation appointed for fixed times."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "The least that suffices you of supplication after the obligatory prayer is to say:
>
> 'O God, I ask You for the good of everything encompassed by Your knowledge, and I seek refuge in You from every evil encompassed by Your knowledge.

O God, I ask You for well-being in all my affairs, and I seek refuge in You from disgrace in this world and punishment in the Hereafter.'"

On Recommended Forms of Supplication

There is no fixed wording obligatory in supplication. Whoever wishes to supplicate may ask God, Mighty and Exalted, for whatever needs he has for himself and may supplicate for whomever he loves. He should not supplicate for injustice or for the severing of kinship. Whoever intends to supplicate should place righteous action before his supplication, repent to God, Mighty and Exalted, for his sins, free himself from obligations and wrongs existing between himself and His creatures, and make his action and intention sincere for God, Mighty and Exalted.

It has been transmitted from the Messenger of God—may God bless him and his family—that he said:

> "One who supplicates without action is like one who shoots an arrow without a bowstring."

Abū Dharr—may God have mercy upon him—said:

> "With righteousness, only as much supplication is needed as salt is needed with food."

Whoever intends to supplicate should begin by praising God his Lord and extolling Him as He deserves, and by invoking blessings upon Muḥammad His Prophet and upon his family. He then supplicates to God, and

he should invoke blessings upon the Prophet and his family in the middle of his supplication and at its end. The Messenger of God—may God bless him and his family—once heard a man supplicating before praising God, Mighty and Exalted.

He said:

> "This man has hastened before his Lord."

Whenever the Messenger of God—may God bless him and his family—wished to supplicate, he would begin by praising God, Mighty and Exalted, and then say:

> "O God, none can withhold what You give, and none can give what You withhold.

None can contract what You expand, and none can expand what You contract. None can bring forward what You have delayed, nor delay what You have brought forward. O God, You are the Forbearing and do not act ignorantly. You are the Generous and do not withhold. You are the Mighty and are never abased. You are the Inaccessible and cannot be assailed. You are Possessor of Majesty and Honor. There is no power and no strength except through You." Then he would supplicate.

The Messenger of God—may God bless him and his family—said:

> "Do not make me like the rider's drinking vessel.

The rider fills his vessel and sets it aside. When he has finished with his baggage and his needs, he looks at it. If he needs a drink, he drinks from it; if he needs water for ablution, he uses it; otherwise he leaves it aside. Place me at the beginning of the supplication, in the middle of the supplication, and at the end of the supplication." By this he meant, may God bless him and his family, that invoking blessings upon him and his family should not be confined to the end of the supplication, but should occur at its beginning, middle, and end. When God, Mighty and Exalted, revealed:

> "Indeed, God and His angels bless the Prophet. O you who believe, bless him and salute him with a worthy salutation,"

the people said:

> "O Messenger of God, we know how to greet you with peace, but how should we invoke blessings upon you?"

He replied:

> "Say: 'O God, bless Muḥammad and his family as You blessed Abraham and the family of Abraham. Indeed, You are Praiseworthy and Glorious.'"

ʿAlī—peace be upon him—was asked concerning the saying of God, Mighty and Exalted:

> "They did not humble themselves before their Lord, nor did they supplicate humbly."

He replied:

> "They did not humble themselves in supplication and did not make it sincere."

Supplications are too numerous to be counted or encompassed within a book. We shall nevertheless mention some of those whose acceptance may be hoped for, which we have transmitted from the People of the Household—peace be upon them—and which should particularly be encouraged and desired.

Among these is what has been transmitted from the Messenger of God—may God bless him and his family—that he said:

> "God has ninety-nine names. Whoever enumerates them will enter Paradise."

Many among the generality have also transmitted this report, but they have differed concerning these names and their enumeration. Sufyān al-Thawrī mentioned them in one compilation, but included names different from those transmitted from the Imams—peace be upon them. Others likewise enumerated them

differently. ʿAlī ibn al-Ḥusayn—peace be upon him—was asked about them. He spoke at length concerning their excellence, the answering of the supplication of one who calls upon God through them, and the greatness of their significance. He also took a covenant from the person to whom he taught them that he should teach them only to one whom he trusted, and that he should not call upon God through them for injustice or for severing kinship.

He said:

> "They are contained in the Book of God, exalted be His remembrance."

From the Opening of the Book are five names:

O God,
O Lord,
O All-Merciful,
O Compassionate,
O Sovereign. From Sūrat al-Baqara are twenty-six names:

O Encompassing,
O Powerful,
O Knowing,
O Wise,
O Accepter of Repentance,
O Seeing,
O All-Embracing,
O Originator,
O Hearing,
O Sufficient,
O Knower,
O Compassionate,
O Appreciative,
O God,
O One,
O Forgiving,
O Forbearing,
O Withholder,
O Expander,
O Living,
O Self-Subsisting,
O Most High,
O Magnificent,
O Guardian,
O Self-Sufficient,
O Praiseworthy. From Sūrat Āl ʿImrān are four names:

O Sustainer,
O Bestower,
O Swift in Reckoning,
O All-Aware. From Sūrat al-Nisāʾ are six names:

O Watchful,
O Reckoner,
O Witness,
O Forgiving,

O Sustainer,
O Trustee. From Sūrat al-Anʿām are five names:

O Originator,
O Subduer,
O Able,
O Subtle,
O Judge. From Sūrat al-Aʿrāf are two names:

O Giver of Life,
O Giver of Death. From Sūrat al-Anfāl are two:

O Excellent Protector,
O Excellent Helper. From Sūrat Hūd are seven:

O Preserver,
O Near,
O Answerer,
O Strong,
O Glorious,
O Loving,
O Doer [of what He wills]. From Sūrat al-Raʿd are two:

O Great,
O Most Exalted. From Sūrat Ibrāhīm is one:

O Bestower of Favors. From Sūrat al-Ḥijr is one:

O Creator. From Sūrat al-Anbiyāʾ are two:

O Truthful,
O Inheritor. From Sūrat al-Ḥajj is one:

O Resurrector. From Sūrat al-Muʾminūn is one:

O Generous. From Sūrat al-Nūr are three:

O Truth,
O Manifest,
O Light. From Sūrat al-Furqān is one:

O Guide. From Sūrat Sabaʾ is one:

O Opener. From Sūrat al-Muʾmin are four:

O Forgiver,
O Accepter,
O Severe,
O Possessor of Might. From Sūrat al-Dhāriyāt are three:

O Provider,
O Possessor of Strength,
O Firm. From Sūrat al-Ṭūr is one:

O Beneficent. From Sūrat *Iqtarabat* are one:

O Omnipotent. From Sūrat al-Raḥmān are three:

O Everlasting,
O Possessor of Majesty,
O Possessor of Honor. From Sūrat al-Ḥadīd are four:

O First,
O Last,
O Manifest,
O Hidden. From Sūrat al-Ḥashr are ten:

O Holy,
O Peace,
O Faith-Giver,
O Guardian,
O Mighty,
O Compeller,
O Supreme,
O Creator,
O Maker,
O Fashioner. From Sūrat al-Burūj are two:

O Originator,
O Restorer. From Sūrat al-Ikhlāṣ are two:

O One,
O Eternal Refuge. These are the ninety-nine names of God, Mighty and Exalted, in His Book. Together with the name "God" itself, they are one hundred. When God is called upon through these names, He answers; when He is asked by them, He gives. The blessing of their answered supplication has been experienced by groups of believers who called upon Him through them with sincerity and certainty. Their remembrance is well known, and their excellence has been transmitted. The Messenger of God—may God bless him and his family—said to ʿAlī—peace be upon him:

> "O ʿAlī, shall I teach you words which, if sins equal to the foam of the sea were upon you, God would remove them from you?"

He said:

> "O God, establish love for me in the breasts of the believers, make for me a covenant with You, and appoint for me affection with You."

Then God, Mighty and Exalted, revealed:

> "Indeed, those who believe and perform righteous deeds—the All-Merciful will appoint affection for them."

Among the supplications of ʿAlī—peace be upon him—was this supplication of the Supreme Oath, which he would use in grave matters:

> "O God, I ask You to inspire me with excellent gratitude toward You, and I ask You to grant me expansiveness of tongue in proclaiming Your praises.

I turn to You desiring that You guide me toward what earns an increase from You, and I seek refuge in You from what calls down the arrival of Your displeasure and brings upon one the sudden blows of Your punishment. O God, You began with me through the richest of gifts and singled me out with them apart from many of Your creatures. Thus there came to me, without any request on my part, the happiest share and fullest portion of what You had allotted, when You made me among the people of Your forgiveness, holding fast to the rope of Your unity, before the passing of ages, the succession of times, the arrival of generations, and before the creation of male and female, the multiplication of peoples, and the succession of descendants. Then You created me in the finest creation and most complete form. You made me hearing, seeing, speaking, intelligent, and perceptive. You straightened my frame and completed my faculties.

You deprived me of none of my bodily members, but protected them from afflictions through Your power and spared them from the stillness of incapacity through Your governance. Just as You, my God, undertook to repel illnesses from my body through health and to protect my weakness, so bless Muḥammad and the Family of Muḥammad as You are worthy and as they are worthy through You. Remove from my soul the hindrance of sluggishness and the restraint of delay. Release it from the bonds of weariness and free it from the fetters of boredom. Raise it to carry the burdens You have imposed upon it among Your obligations, and keep it standing at the limits of what You have forbidden. O God, loosen my tongue for abundant remembrance of You, excellent gratitude toward You, and repeated recounting of Your favors. Fill it with recitation of Your Book during the hours of the night. Make it prefer truthfulness in hope of its benefit and abandon lying in fear of its harm. Restrain it from joining backbiters in devouring the honor of believers.

Silence it from the slander of fault-finders and from the perjury of every contemptible swearer. O God, extend my hands generously and without diminution in spending in Your path, by which one seeks access to Your mercy and hopes in You. Do not let them incline in Your displeasure toward excess, nor prefer wealth when Your pleasure requires expenditure. O God, when these hands seek the abundant treasures of Your storehouses and ask that Your gifts rain down through mercy, do not return them disappointed from the bounty of Your gifts. Join their raising toward You with the descent of Your aid and the swiftness of Your answer. Restrain them from touching what the hands of those who violate Your sanctities and transgress the limits of Your command reach toward. O God, make my eyes pour forth flowing tears and abundant weeping from fear of You. Lower them from gazing upon what is forbidden to them. Make them humble before what attracts them of the adornment and bloom of this world.

O God, protect them from sleep and the sweetness of repose when the heedless spread out their beds. O God, prevent my hearing from listening to speech of sinners that displeases You. Make it convey to my heart what brings me nearer to You and earns Your pleasure: declaring lawful what You have made lawful, declaring forbidden what You have forbidden, observing Your proper conduct, and longing for voluntary acts by which one hastens toward Your good pleasure. O God, empty my heart of every thought of heedlessness concerning Your command. Restrain it from what brings about Your displeasure. Pour into it an abundant stream of love for You that drives it toward the nearness of intimate conversation with You and impels it to long for what is with You, which You have prepared for Your friends in the abode of Your honor. Console it for whatever passes away from the debris of this world, though that debris is weighty in the eyes of its people.

O God, set my feet firm for You in standing in devotion and intimate conversation with You and in knocking at the gate of Your response, which is opened only to one who turns toward Your face. Help me through them to recite Your Book by night and by day. Grant them strength from Your increase when I journey toward You upon them through the darknesses of distant nights, seeking fulfillment of Your promise. Leave no need within me except that You prepare it for fulfillment, no desire except that You satisfy it, no emerging resolve except that You set it straight, and no greed except that You suppress it. O God, whatever shortcoming has prevented me from attaining of every good benefit hoped for only from You, and whatever hated event can be repelled only by fleeing to the side of humble entreaty before You—extend Your generosity and nobility over it. Indeed, You do what You will and judge as You desire, and You are the Most Merciful of the merciful.

So act toward me in all my conditions as You are worthy, through Muḥammad and the Family of Muḥammad, the truthful ones, upon whom be greetings and peace altogether, in well-being, O Lord of the worlds.” Among his supplications—peace be upon him—was:

“O God, what You are worthy of in pardon is more fitting than what I am worthy of in punishment.

O God, bless Muḥammad and the Family of Muḥammad as You are worthy and as they are worthy through You. Do not discipline me through Your punishment. Do not deceive me through Your hidden plan, and do not draw me gradually toward punishment from where I do not know. O God, whoever does good attains success through Your bounty, and whoever does evil perishes through Your displeasure. The doer of good is

never independent of Your support and assistance, and the doer of evil does not escape Your power or substitute another command for Your command. O You who are such that none other is like You, bless Muḥammad and the Family of Muḥammad and act toward me as You are worthy, for You are worthy of every beautiful thing." He would then supplicate for whatever he desired. Among his supplications—peace be upon him—was:

> "Blessed are You. How many an enemy drew against me the sword of his hostility, sharpened for me the edge of his blade, honed for me the cutting point of his weapon, mixed for me deadly poisons, never letting the eye of his vigilance sleep concerning me, while concealing his intention to make me taste what is hateful and to force upon me its bitterness.

You looked upon my weakness in bearing severe afflictions, my incapacity to take vengeance against one who intended war against me, and my loneliness before the many who opposed me. You supported me with Your victory over him. You made him alone after he had possessed a numerous company. You raised my position above him. You turned back upon him the arrows he had aimed, strangled him with his own bowstring, and struck him with his own arrowheads. After his arrogance, You made him submit to me. After his haughtiness, he became humble and subdued, captive in the very condition in which he had hoped to see me on the day of his assault. So praise belongs to You as You deserve it: Powerful and unconquered, Possessor of patience and never hasty." This is a supplication that ʿAlī—peace be upon him—taught al-Ḥusayn—peace be upon him. He mentioned concerning its excellence and the reward God, Mighty and Exalted, has made obligatory for one who supplicates with it matters too lengthy to relate.

He also took a covenant from him that he should teach it to no one except the people of his Household, his Shīʿa, and his loyal followers. He gave him his pledge concerning this.

He said:

> "When you wish to ask God for a need or supplicate to Him concerning some matter of this world or the Hereafter, say:
>
> 'Glory be to God, praise be to God, there is no god but God, God is greater, and there is no power and no strength except through God.

Glory be to God throughout the hours of night and the ends of day. Glory be to God morning and evening. Glory be to God when you enter the evening and when you enter the morning. To Him belongs praise in the heavens and the earth, in the late afternoon and when you reach midday. He brings forth the living from the dead and brings forth the dead from the living, and He gives life to the earth after its death, and thus shall you be brought forth. Glory be to your Lord, the Lord of might, above what they describe…'"

> "…what they describe. Peace be upon the messengers, and praise be to God, Lord of the worlds.

Glory be to the Possessor of sovereignty and dominion. Glory be to the Possessor of might, greatness, and absolute power. Glory be to the Living One who does not die. Glory be to the Sovereign, the Holy. Glory be to the Ever-Standing, the Everlasting. Glory be to the Living, the Self-Subsisting. Glory be to the Most High, the Supreme. Glorified and exalted is He. All-glorious, all-holy, Lord of the angels and the Spirit. Glory be to our Lord, the Most High. Glorified and exalted is He. O God, I have entered morning and evening in blessing and well-being from You. Complete Your blessing and well-being upon me and grant me the ability to give thanks for them. O God, by Your light I have been guided, by Your bounty I have been enriched, and within Your blessing I enter morning and evening.

O God, I call You to witness, O Lord—and You are sufficient as witness—and I call Your angels, the bearers of Your Throne, and all Your creation to witness that You are God; there is no god but You alone, without partner, and that Muḥammad is Your servant and Messenger. O God, record this testimony for me with You until I meet You with it on the Day of Resurrection while You are pleased with me. Indeed, You have power over all things. O God, to You belongs praise, a praise before which heaven lowers its wings and through which the earth and all upon it glorify You. O God, to You belongs praise whose beginning ascends

and whose end is never exhausted. O God, to You belongs abundant, everlasting praise without interruption. To You belongs praise for me, with me, and concerning me; while I live, when I die, when I perish, and when You alone remain, O my Master. O God, to You belongs praise for every vein that is still and every vein that pulses.

To You belongs praise for every morsel, every drink, every movement, and every place from which hair grows. O God, to You belongs praise for Your forbearance after Your knowledge, and praise for Your pardon after Your power. To You belongs praise, O Originator of praise. To You belongs praise, O Inheritor of praise. To You belongs praise, O Innovator of praise. To You belongs praise, O First Bringer-forth of praise. To You belongs praise, O Ancient in praise. To You belongs praise, O Raiser of degrees, Sender-down of signs from above the seven heavens, Bringer of those in darkness into light, Transformer of evil deeds into good deeds, and One who makes good deeds into degrees. O God, to You belongs praise, Forgiver of sin, Accepter of repentance, Severe in punishment, Possessor of bounty. There is no god but Him; to Him is the final return. O God, to You belongs praise in the night when it covers, and praise in the day when it shines forth. To You belongs praise in the Hereafter and the first life.

O God, to You belongs praise equal to the number of grains of earth, date-stones, pebbles, human beings, jinn, birds, livestock, and beasts of prey. To You belongs praise equal to everything Your Book has enumerated and everything encompassed by Your knowledge: abundant, good, blessed praise." He then says ten times:

> "There is no god but God alone, without partner. His is the kingdom and His is the praise. He gives life and causes death, and He is the Living One who does not die. In His hand is all good, and He has power over all things."

Then he says ten times:

> "I seek forgiveness from God, besides whom there is no god, the Living, the Self-Subsisting, for all my sins, and I repent to Him."

Then ten times:

> "O God, O All-Merciful, O Compassionate."

Then ten times:

> "O Most Tender, O Bestower."

Then ten times:

> "O Originator of the heavens and the earth, O Possessor of Majesty and Honor."

Then ten times:

> "In the name of God, the All-Merciful, the Compassionate."

Then ten times:

> "Āmīn, Āmīn."

Then ask for your need and invoke blessings upon the Prophet and his family. ʿAlī ibn al-Ḥusayn—peace be upon him—used to supplicate in the middle of the night, after every eye had grown still, saying:

> "My God, the stars in Your heavens have set, the eyes of Your creation have slept, the voices of Your servants and Your creatures have grown quiet, and the rulers of the Banū Umayya have shut their doors upon themselves while their guards circle around them.

They have concealed themselves from anyone who asks them for a need or seeks some benefit from them. But You, my God, are a living, self-subsisting King. Neither drowsiness nor sleep overtakes You, nor does one matter distract You from another. The gates of Your heavens are open to whoever calls upon You. Your treasuries are not locked. The means of Your mercy and Your benefits are not withheld from those who seek

them; rather, they are freely offered. My God, You are the Generous One who does not reject a believing servant who asks You, nor conceal Yourself from one among them who seeks You. By Your might, their needs are not withheld from You, nor can anyone besides You fulfill them. My God, You see my standing and the abasement of my station before You in the darkness of this night. You know my inner state and are aware of what is in my heart and of what will set right my Hereafter and my worldly life. So grant me that through Your generosity and nobility.

My God, anticipating death, the terror of what lies beyond it, and standing before You have spoiled for me my food and drink, caught my saliva in my throat, disturbed me from my pillow and my sleep, and prevented me from rest. My God, how can one sleep who fears the sudden coming of the Angel of Death in the attacks of night and day? Indeed, how can an intelligent person sleep while the Angel of Death does not sleep concerning him, but seeks to seize his soul in the morning and evening and at whatever hour?" At these words he—peace be upon him—would weep and sob until his family and followers became alarmed by his crying. They would rise and find him with his cheek pressed to the earth, saying:

"My Lord, I ask You for comfort and relief at death and for arrival in the abode of permanence."

Among the supplications of Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was:

"O God, bless Muḥammad and the Family of Muḥammad.

Have mercy on my abasement before You, my humble entreaty toward You, my estrangement from people, and my intimacy with You. My God, do not disgrace me, for You know me, and do not punish me, for You have power over me. O God, I seek refuge in You from humiliation in life, from an evil appearance at death, from an evil return in the graves, and from regret on the Day of Resurrection. O God, I ask You for a pleasing life, a gentle death, and an honorable return, without disgrace or exposure. O God, Your forgiveness is broader than my sins and Your mercy gives me greater hope than my deeds. So forgive me and have mercy upon me. O God, praise belongs to You if I obey You, and the proof belongs to You if I disobey You. Neither I nor anyone else possesses any defense against Your beneficence, nor do I or anyone else have any argument when doing evil. O God, assist me in my religion, my worldly life, and my Hereafter through fear of You. O God, guard me in what is absent from me and do not entrust me to myself in what I am present for.

O You whom forgiveness does not diminish and whom sins do not harm, bless Muḥammad and the Family of Muḥammad, forgive me what does not harm You, and give me what does not diminish You. O God, I ask You for abundance in provision, ease, forgiveness, mercy, health, fear of You, pardon, well-being, contentment, moderation, righteousness, gratitude, and success in all my affairs of this world and the Hereafter, through what is easy in all things rather than difficult, O Generous One. O my Lord, extend all this to my children, my family, my relatives, my believing brothers, those whom I love and who love me, those to whom I have given birth, and those who gave birth to me. O God, I ask You for patience in obeying You, patience in abstaining from disobedience to You, contentment with Your judgment, truthfulness in every circumstance, the realities of faith, and gratitude for Your blessings which cannot be counted. O God, may You and Your angels bless Muḥammad Your Prophet and all the Family of Muḥammad."

On What Actions and Speech Are Permitted or Forbidden in Prayer

We transmit from the People of the Household—peace be upon them—that ordinary speech, occurrences that invalidate ritual purity, turning completely away from the *qibla*, and excessive bodily movement invalidate the prayer. Supplication, glorification of God, *takbīr*, recitation of the Qurʾān, and whatever speech the servant addresses to his Lord during prayer do not invalidate it, even though they are speech, because they are not the kind of speech that invalidates prayer. They said that if someone greets a person who is praying, and the worshipper returns the greeting inwardly or with a subtle gesture, this does not invalidate his prayer. They did not regard gestures or inward speech as things that invalidate prayer. Nevertheless, it is better to

leave such things and devote oneself completely to the prayer. If the worshipper leaves the greeting unanswered until he has finished his prayer, and then returns the greeting after concluding it, that is better if he wishes to do so.

They permitted a worshipper who sees something objectionable, fears some danger, or sees something he thinks may escape him to glorify God by saying:

"Glory be to God,"

while praying. He may intend the phrase as Qurʾān, because it occurs in the Qurʾān, or simply as glorification, because glorification is permitted during prayer. If the matter involves no serious harm, however, then it is better to remain focused upon the prayer and leave it aside. Likewise, a worshipper may gesture in such a situation toward someone he wishes to address, provided that he does not turn his face away from the *qibla*. There is no harm in this. But if he can dispense with it, it is better to leave it and remain focused upon the prayer. They transmitted that laughter invalidates prayer. Smiling does not invalidate it, although it is disliked for the worshipper. They forbade blowing during prayer, such as when a worshipper blows upon the place of prostration because he sees something there that he dislikes prostrating upon. There is no harm in removing such a thing with the hand if it is something upon which prostration is not permitted.

They did not consider it objectionable for someone overcome by phlegm during prayer to spit it out. He should let it fall gently from his mouth. If he is upon bare ground, he should cast it beneath his feet. If he receives it into his garment, that is better. The worshipper should not spit directly in front of himself or to his right. He should spit to his left without turning his face away from the *qibla*. They forbade cracking the fingers during prayer—that is, deliberately bending them until they make a cracking sound. This is frivolous behavior and shows disregard for the prayer, and when done without need it invalidates the prayer. If the fingers crack because of an action not intended for that purpose, or because of something unavoidable, there is no harm. They permitted scratching during prayer when itching occurs that the person cannot patiently endure and that would distract him from his prayer.

They permitted the worshipper to kill a snake or scorpion that he sees during prayer, as well as any other dangerous and harmful creature. They likewise permitted killing a louse, flea, or bedbug found upon one's body or clothing while praying. They forbade deliberate idle movement of the hand during prayer, such as playing with one's beard or anything else. They permitted such movement when it occurs unintentionally. They permitted counting the verses of the Qurʾān during prayer. They forbade deliberately stretching oneself or yawning during prayer. If either occurs involuntarily, it does not invalidate the prayer. Sneezing likewise does not invalidate the prayer, but the worshipper should suppress it as much as possible, cover his mouth with his hand, praise God, and invoke blessings upon Muḥammad and the Family of Muḥammad inwardly. They forbade the worshipper from wiping dust or anything else from his forehead during prayer when it comes from what he prostrated upon.

He should wipe it away after completing the prayer rather than leaving it there. They forbade *tawarruk* during prayer, meaning placing one's hand upon one's hip. They forbade a man from praying with his face covered unless there is some excuse or illness.

On Clothing in Prayer

The Messenger of God—may God bless him and his family—said:

"Whoever is more protective of his garment than of his prayer has not acquired it for God."

Accordingly, a person should pray in the finest clothing available to him, for prayer is the most worthy thing for which a person adorns himself. We transmit from the People of the Household—peace be upon them—that they permitted prayer in a single garment provided that it covers the body and does not reveal the worshipper's nakedness. If the garment is so thin that the nakedness shows through, prayer in that garment alone is not valid until something else is added that conceals the nakedness. A man's nakedness is the area

between the navel and the knees. A woman's entire body is nakedness and must all be covered in prayer except for her face. A free woman should cover her head when she intends to pray. A female slave may pray without a head-covering, but she should nevertheless cover her head and should not leave her hair exposed. A man may pray in a waist-wrapper that covers his nakedness even if the remainder of his body is uncovered, when he has nothing else to wear.

He should not deliberately do this when he possesses other clothing; rather, he should wear what he has available. The worshipper should wrap himself in a cloak, mantle, or outer garment by placing the middle of its length over his shoulders and throwing the end hanging from his left over his right and the end hanging from his right over his left. They forbade *ishtimāl al-ṣammāʾ* during prayer. This consists of gathering the edge of the garment while it rests upon the shoulder, bringing it with the left hand toward the hands, throwing the portion on the right over the left, and wrapping oneself within it in the manner of the desert Arabs, so that both hands remain trapped inside the garment. One should not pray wrapped in this manner. They permitted prayer in a hooded cloak that adequately covers the body. They forbade letting the garment hang loosely in prayer and said that this is a practice of the Jews.

This consists of placing the middle of the cloak over both shoulders and allowing it to hang freely alongside the hands without folding any part of it over the shoulders. They permitted praying while wearing a sword and carrying it suspended from the body. They recommended this for Friday prayer, the two festival prayers, jihād, frontier duty, and whenever the worshipper fears for himself while traveling or otherwise. They saw no harm in praying while wearing leather socks. They permitted prayer in sandals if they do not distract the worshipper and he is able to perform the prayer properly while wearing them. They forbade praying in garments worn by polytheists until those garments have been purified. They recommended that a woman pray wearing jewelry if she possesses it and that she not leave herself entirely without adornment. Even if she has only a cord or some other object to tie around her neck so as to distinguish herself from men, she should do so.

They disliked women abandoning adornment of this sort or henna and leaving their hands uncolored, and they forbade them from imitating men. Anything that may lawfully be worn may also lawfully be prostrated upon, including things produced from the earth and other materials such as wool, fur, hair, and the like. The worshipper should not leap or spring about during prayer, nor should he prostrate upon any kind of food. They disliked a worshipper prostrating upon any part of his own clothing, whether his sleeve or the fold of his turban. He should uncover his forehead so that it directly touches all or part of the surface upon which he prostrates sufficiently for proper prostration, and he should also place his nose upon it.

On the Friday Prayer

The Messenger of God—may God bless him and his family—said:

> "Four people begin their deeds anew"—meaning that their preceding sins have been forgiven—"the sick person when he recovers, the polytheist when he embraces Islam, the pilgrim when he completes his pilgrimage, and the person returning from Friday prayer in faith and seeking reward."

And the Messenger of God—may God bless him and his family—said:

> "Increase your invocation of blessings upon me on Friday, for it is a day upon which deeds are multiplied."

And the Messenger of God—may God bless him and his family—said:

> "On Thursday night, God, Mighty and Exalted, sends down angels carrying pens of gold and sheets of silver.

When dawn breaks, they write nothing except invocations of blessings upon me and upon my Household until sunset. Other angels stand at the doors of the mosques and record those who enter according to their ranks, one after another, from the appearance of dawn until the Imam ascends the pulpit. When the Imam ascends the pulpit, they roll up their sheets and enter to listen to the remembrance."

And he said:

> “Going early to the Friday prayer is the pilgrimage of the poor of my community.”

And he said:

> “There are three things which, if my community knew the reward contained in them, they would draw lots for them with arrows: the call to prayer, going early to the Friday prayer, and the first row”—meaning in prayer.

And he said:

> “Whoever goes early to the mosque on Friday and recites Sūrat Āl ʿImrān there until completing it will have seventy angels ascend with it and seventy angels meet it, and he will be forgiven what lies between one Friday and the next.

If he recites Sūrat al-Kahf, seventy angels will ascend with it and seventy angels will meet it, and on the Day of Resurrection he will be gathered with a light extending the distance between Mecca and Medina.” ʿAlī—peace be upon him—said concerning the saying of God, Mighty and Exalted:

> “Maintain the prayers, and the middle prayer,”

that:

> “The middle prayer is the Friday prayer. On the other days it is the noon prayer.”

He used to command careful observance of the sun’s passage across the meridian.

And he—peace be upon him—said:

> “Beware of abandoning attendance at the mosques.

One of you may begin by coming to the mosque only on Friday, then begin to fall behind so that he attends one Friday and misses another, and then continue delaying until he ceases attending altogether, whereupon God seals his heart.”

Abū Jaʿfar Muḥammad ibn ʿAlī ibn al-Ḥusayn—peace be upon him—said:

> “Deeds are multiplied on Friday, and I love to increase prayer and charity on that day.”

And he—peace be upon him—said:

> “The eve of Friday is a radiant night, and its day is a shining day.

Whoever dies on the eve of Friday, God records for him freedom from the punishment of the grave. Whoever dies on Friday, He frees from the Fire. Hell is kindled every day except Friday; it is not kindled on that day. Therefore there is no harm in performing prayer throughout the whole of Friday.”

And he said:

> “The Friday prayer is obligatory.

If a man abandons it three times without illness or excuse, he has abandoned three obligatory duties. No one abandons three obligatory duties without excuse except a hypocrite.”

Jaʿfar ibn Muḥammad—peace be upon him—said:

> “When the eve of Friday begins, God, Mighty and Exalted, commands an angel to call out from the beginning of the night until its end.

On other nights, this call is made only during the final third:

> ‘Is there anyone asking, that I may give him?

Is there anyone repenting, that I may turn toward him? Is there anyone seeking forgiveness, that I may forgive him? O seeker of good, come forward. O seeker of evil, hold back.' Then when the morning of Friday comes…"

> "…Friday comes, God, Mighty and Exalted, apportions provision among His servants until the sun rises."

We transmit from the People of the Household—peace be upon them—that they recommended performing the ritual bath on Friday. They disliked taking medicine on Friday. They instructed that one use perfume and wear the best clothing available when intending to go out to attend the Friday prayer.

The Messenger of God—may God bless him and his family—said:

> "Let one of you perfume himself on Friday, even if only from the perfume bottle of his household."

The Messenger of God—may God bless him and his family—said:

> "On Friday there is an hour during which no believing servant asks God for something good without being granted it."

ʿAlī and Abū ʿAbd Allāh—peace be upon them—said:

> "It is from the sun's passing of the meridian until one hour has elapsed."

They—peace be upon them—said that the Friday prayer is obligatory except upon the traveler, woman, child, sick person, slave, and one who has an excuse. If any of these attends it, the Friday prayer suffices in place of the noon prayer.

They—peace be upon them—said:

> "Whoever lives within two *farsakhs* or less of the congregational mosque is required to attend the Friday prayer."

A *farsakh* is three miles, and a mile is three thousand cubits. If two congregations are separated by three miles, Friday prayer is obligatory for each of them, even if both are within the same city.

They—peace be upon them—said:

> "The minimum number by which Friday prayer is established is five men, one of whom is the Imam."

If there are fewer than five, they do not establish Friday prayer but instead perform the noon prayer. This applies when they are in a settled town.

Concerning the saying of God, Mighty and Exalted:

> "O you who believe, when the call is made for prayer on Friday, hasten to the remembrance of God,"

they said:

> "This is a command from God, Mighty and Exalted."

The "hastening" does not mean running or jogging. Rather, the preferable practice is to go early before the call is made. Once the call has been made, however, one is no longer permitted to hold back. The person going to it should walk, and whatever part of the prayer he catches, he catches. He should not run or jog.

Concerning His saying:

> "When the prayer has been completed, disperse through the land,"

this is a command of permission. Just as He commanded them to hasten when the call was made, He permitted them to depart once the prayer was completed. Whoever wishes may leave. Whoever remains in the mosque praying, listening to remembrance, or simply sitting receives the merit and reward of doing so. Whoever departs after the prayer has been completed has no blame upon him, for God has permitted it. When someone enters the mosque on Friday before the prayer, he may perform as much voluntary prayer as he

wishes until the Friday prayer begins. He may likewise perform as much voluntary prayer as he wishes after it. They disliked a person who arrives after the mosque has become crowded stepping over people's necks.

ʿAlī—peace be upon him—said:

> "I would rather remain away from the congregation than sit back until the Imam has seated himself and then come stepping over the people's necks."

Whoever comes when the mosque is crowded should sit wherever he finds an open place without stepping over people. If the people are sufficiently spread out that he can walk between them to an opening toward the front of the mosque, there is no harm in doing so. They forbade speaking once the Imam has ascended the pulpit. They commanded the people to turn their faces toward him and remain silent to listen to the sermon. When the sermon has ended, there is no harm in speaking between then and the establishment of the prayer. When the Imam enters the mosque on Friday, he begins by ascending the pulpit. When he has seated himself upon it, he turns toward the people, greets them with peace, and sits. The callers to prayer stand and give the call before him. When they have completed the call, they sit. The Imam then rises, praises God and extols Him, invokes blessings upon the Prophet and his family, and exhorts the people with whatever he is able and prepared to say. Then he sits briefly.

He rises again, praises and extols God, invokes blessings upon the Prophet and his family, and supplicates for the Imam and for the believers as he is able. When the Imam has finished, the callers to prayer rise and give the *iqāma*. The Imam descends and performs the Friday prayer as two cycles. In the first cycle, after the Opening of the Book, he recites Sūrat al-Jumuʿa. In the second, after the Opening of the Book, he recites Sūrat al-Munāfiqūn. He recites aloud. He performs the *qunūt* after completing the recitation in the second cycle. Then he performs the *tashahhud*, gives the salutation, and concludes. He should deliver the sermon wearing a turban and carrying a sword if this is possible and such a sword is available. Whoever catches the final cycle of the Friday prayer and joins the Imam before he raises his head from bowing counts that cycle, then adds a second cycle to it. If he does not join until after the Imam has raised his head, he has not caught the Friday prayer and must perform four cycles.

If people in a town where the Friday prayer has already been established miss it, they should not form a separate congregation for it afterward. Instead, if they miss the Friday prayer, they perform the noon prayer individually. If the Imam is absent and no one is found to replace him, they gather in the congregational mosque and one of them leads the others in the four-cycle noon prayer.

On the Festival Prayer

God, Mighty and Exalted, says:

> "The month of Ramadan in which the Qurʾān was sent down…"

through His words:

> "…that you complete the prescribed number and magnify God for having guided you, and perhaps you will give thanks."

And He, exalted be His praise, says:

> "A proclamation from God and His Messenger to the people on the day of the Greater Pilgrimage."

We transmit from the Imams of the Household of the Messenger of God—may God bless him and his family—that the day of the Greater Pilgrimage is the Day of Sacrifice.

On that day occur the visitation, the circumambulation of *ifāḍa*, the sacrifice, shaving the head, and stoning the pillar.

They—peace be upon them—said that the *takbīr* is proclaimed after completing the prescribed number of fasting days, on the eve and day of the Festival of Breaking the Fast. Likewise, it is proclaimed on the Festival of Sacrifice. We shall mention this in its proper place, God willing.

ʿAlī—peace be upon him—said:

> "I like a person to free himself during four nights of the year"—meaning for prayer and remembrance of God, exalted be His remembrance—"the eve of the Festival of Breaking the Fast, the eve of the Festival of Sacrifice, the night of the middle of Shaʿbān, and the first night of Rajab."

ʿAlī—peace be upon him—said:

> "I heard the Messenger of God—may God bless him and his family—addressing the people on the Day of Sacrifice and saying: 'This is the day of *thajj* and *ʿajj*.'"

The *thajj* is what you pour forth of blood in sacrifice. Whoever makes his intention sincere, the first drop becomes an expiation for every sin. And the *ʿajj* is supplication. So cry out to God in supplication. By Him in whose hand is the soul of Muḥammad, no one leaves this standing-place except forgiven, apart from one guilty of a major sin who persists in it and does not even intend to abandon it. We transmit from the People of the Household—peace be upon them—that they recommended bathing on the Festival of Breaking the Fast and on the Festival of Sacrifice before going out to the place of prayer.

On the Festival of Breaking the Fast, one should eat something available before going out to the prayer ground.

On the Day of Sacrifice, one should not eat until returning from the prayer.

Whoever goes out for either festival should wear the finest clothing available to him, apply whatever perfume he has, and the Imam should wear a turban whether in winter or summer. When Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—intended to go out for the two festivals or for Friday prayer, he would say:

> "O God, whoever prepares himself, makes ready, equips himself, and prepares to visit a created being in hope of his gift and reward, then toward You, O God, is my preparation, readiness, equipment, and preparation, hoping for Your gift, Your reward, and Your supererogatory bounty.

I have gone out toward You without claiming before You any righteous deed I have sent ahead, nor relying upon the intercession of any created being with You. Rather, I have gone out toward You acknowledging my sins and the evil I have committed against myself. O Magnificent, O Magnificent, O Magnificent, forgive the enormous sin, for none forgives the enormous sin except You, O Magnificent. There is no god but You." They—peace be upon them—approved the display of weapons, military equipment, and dignity on the day of the festival, so that the enemy might be impressed and intimidated by it. The pulpit is taken out and erected in an open place. If it is near the cemetery, that is better. The Imam goes out, and the people go out in the finest clothing and appearance they possess, magnifying God, proclaiming His unity, and praising Him as they go and as they return.

The Commander of the Faithful ʿAlī—God's blessings be upon him—used to go out for the two festival prayers in Kūfa saying the *takbīr*, while around him and before him were one thousand men from among its elders and senior men, all saying the *takbīr*. When the people reach the prayer ground, they sit without performing prayer either before or after the festival prayer. They sit in humility and dignity, remembering God, without crowding one another. Each person sits where he reaches. They form rows for prayer, leaving between each two rows enough space for a worshipper properly to perform bowing and prostration. Whoever is unable to do so has no valid prayer. When the Imam arrives, he begins with the prayer before the sermon.

This is the Sunna of the festival. The Messenger of God—may God bless him and his family—and those after him acted in this manner until ʿUthmān changed it. He once led the people in a festival prayer. When he had completed the prayer, most of the people dispersed and did not remain to listen to the sermon.

He thereafter placed the sermon before the prayer so that they would not disperse from him, as is done on Friday. But the practices established by the Messenger of God—may God bless him and his family—should not be changed, substituted, or moved from the form in which he established them.

God, Mighty and Exalted, says:

> "Whatever the Messenger gives you, take it, and whatever he forbids you, abstain from it."

And He says:

> "Let those who oppose his command beware lest a trial afflict them or a painful punishment strike them."

The Imam begins the prayer without a call to prayer, for there is neither call to prayer nor *iqāma* for the festival prayer. He says the opening *takbīr* and recites the Opening of the Book and Sūrat al-Shams aloud. He then says five *takbīrs*, performing a brief *qunūt* between each two *takbīrs*. He then says a sixth *takbīr*, with which he bows, and performs two prostrations. He rises for the second cycle and recites the Opening of the Book and Sūrat al-Ghāshiya. He then says four *takbīrs*, performing a brief *qunūt* between each two. He says a fifth *takbīr*, with which he bows, performs two prostrations, then performs the *tashahhud*, gives the salutation, and concludes. He then ascends the pulpit. The people remain sitting in their places and turn toward him. He delivers two sermons in the manner we described for the Friday prayer, except that in the sermon for the Festival of Breaking the Fast he mentions the rules of the alms of breaking the fast and commands the people concerning them.

In the sermon for the Festival of Sacrifice he mentions the rules of sacrifice and encourages anyone able to perform it to do so. He then descends and the people depart. It is recommended for them to return by a different route from the one by which they came, if they are able. Whoever misses the festival prayer with the Imam performs four cycles alone in his house. They permitted women to go out for the two festival prayers. The people of the desert are not required to gather or go out for the festivals. The festival prayer is established only in settled towns and wherever Friday prayer is established. The festival prayer is established by the same minimum number as Friday prayer: five men, one of whom is the Imam. If there are fewer than five, no festival prayer is established among them. Travelers are not obligated to perform it. If people of the desert or travelers passing through attend the festival prayer, however, that is good and carries merit for them.

A person from the surrounding countryside who lives within two *farsakhs* or less of the town should attend the festival prayer. If the festival falls on a Friday, the festival prayer is performed at its proper time and the Friday prayer at its proper time. The people of the countryside may return to their places after the festival prayer if their homes are distant and they wish to do so. If people awaken on the day of the festival without knowing that it is the festival, and it becomes clear to them before midday, they go out and perform the festival prayer. If it is the Festival of Breaking the Fast, they also break their fast. If they do not learn until after midday, they break their fast and then go out the following morning at the usual time for going to the festival prayer and perform it. The time for going out to the festival is when the sun has risen somewhat above the horizon. Going out for the Festival of Breaking the Fast is delayed slightly compared with the Festival of Sacrifice.

The *takbīr* during the Days of Tashrīq begins after the dawn prayer on the Day of ʿArafa and continues through the afternoon prayer on the final Day of Tashrīq. After the afternoon prayer on that final day, the *takbīr* is said and then discontinued. The *takbīr* during the Days of Tashrīq is obligatory upon men and women, whether traveling or resident, after every obligatory prayer. The *takbīr* of the Days of Tashrīq is:

"God is greater, God is greater. There is no god but God, and God is greater. God is greater, and to God belongs praise. God is greater for having guided us, and God is greater for having provided us with the grazing livestock."

The *takbīr* when going out to the prayer ground on the Day of Sacrifice and the Festival of Breaking the Fast is the same, except that on the Festival of Breaking the Fast one does not say:

"God is greater for having provided us with the grazing livestock."

The Days of Tashrīq are the three days following the Day of Sacrifice. They were given this name because people would expose strips of dried meat to the sun at Minā—that is, spread them out in the sunlight. The Day of ʿArafa is the day before the Festival of Sacrifice. The festival follows the Day of ʿArafa. The Day of *Qarr* follows the Day of Sacrifice. It is called this because the people settle at Minā on that day. Then comes the first Day of Departure, followed by the final Day of Departure, which is the last of the Days of Tashrīq.

On that day the *takbīr* is said after the afternoon prayer and then discontinued.

If people are praying in congregation during the Days of Tashrīq, then when the Imam gives the salutation he says the *takbīr*. When he has completed it, those behind him say the *takbīr*. Both he and they say it aloud. Whoever joined the Imam late and missed part of the prayer rises after the Imam's salutation and completes whatever he missed. He then says the *takbīr* after giving his own salutation.

On Forgetfulness in Prayer

We transmit from the Imams of the Household of the Messenger of God—may God bless him and his family—that they said:

Whoever forgets the opening *takbīr*, completes the prayer, and afterward realizes that he did not say the *takbīr* at the beginning must repeat the prayer. Whoever doubts whether he performed the bowing of a cycle should bow and then perform the two prostrations of forgetfulness. Whoever doubts and does not know whether he has performed one cycle or two: if he is certain that he has performed one, he builds upon that and performs the two prostrations of forgetfulness. If he cannot establish even that, he begins the prayer anew, treating the cycle he is presently in as the first cycle of his prayer, and performs the two prostrations of forgetfulness. If he doubts whether he has performed two cycles or three, he builds upon certainty, namely two, and performs the two prostrations of forgetfulness. If he doubts whether he has performed three cycles or four, he gives the salutation, then performs two cycles while seated, followed by the two prostrations of forgetfulness.

If he had in fact performed four cycles, those two seated cycles count for him as a voluntary prayer. If he had performed only three, the two cycles performed while seated take the place of one cycle.

This accords with what has been transmitted from the Messenger of God—may God bless him and his family—that he said:

"The prayer of one who sits without an illness is worth half the prayer of one who stands."

If he doubts whether he has performed two cycles or four, he performs the *tashahhud* and gives the salutation. Then he rises and performs two cycles, reciting the Opening of the Book in them, performs the *tashahhud*, gives the salutation, and performs the two prostrations of forgetfulness. If he had actually performed only two cycles, he has thereby completed his prayer. If he had already performed four, the final two cycles count as voluntary prayer. Nevertheless, when performing them he should form the intention that they are part of the obligatory prayer. Whoever forgets the bowing must repeat the prayer. Whoever forgets a prostration performs it when he remembers, then performs the *tashahhud* and gives the salutation. If he leaves the prayer forgetting to give the final salutation, but has already performed the *tashahhud*, then the salutation contained within the *tashahhud* suffices him—meaning the words:

"Peace be upon us and upon the righteous servants of God."

Whoever forgets the recitation but has properly completed the bowing and prostration does not have to repeat the prayer, but he performs the two prostrations of forgetfulness. If he deliberately omits the recitation, he must repeat the prayer. If he forgets to sit for the first *tashahhud*, rises for the third cycle, and remembers before bowing, he sits down. In every case we have mentioned, and in those we shall mention, the two prostrations of forgetfulness are performed after the salutation and before standing up or speaking. He performs two prostrations, then a brief *tashahhud*, gives the salutation, and concludes. If through forgetfulness he gives the salutation after two cycles and then realizes this before leaving the place of prayer, he completes the prayer and performs the two prostrations of forgetfulness. Likewise, even if he has already left the prayer and spoken, all that is required is that he complete what remains of the prayer and perform the two prostrations of forgetfulness.

The Messenger of God—may God bless him and his family—did this. He forgot and gave the salutation after two cycles.

When he had turned away, Dhū al-Yadayn said:

"O Messenger of God, has the prayer been shortened, or did you forget?"

He asked:

"What do you mean?"

He replied:

"You concluded after two cycles."

The Messenger of God—may God bless him and his family—asked the people:

"Is what Dhū al-Yadayn says true?"

They said:

"Yes, O Messenger of God."

He then performed two cycles, gave the salutation, performed the two prostrations of forgetfulness, and concluded. Whoever forgetfully adds something to his prayer: if he had already performed the *tashahhud* at the end of the proper prayer and then stood and added to it, his prayer is complete. He should treat what he added as a voluntary prayer and perform the two prostrations of forgetfulness. If he had not sat for the *tashahhud* and added an extra bowing, he must repeat the prayer. If he only added an extra prostration, the prayer is complete and he performs the two prostrations of forgetfulness. Whoever forgets and cannot tell whether he added to or diminished his prayer, and his mind inclines toward neither possibility, should perform the *tashahhud* and give the salutation. He then performs two cycles reciting the Opening of the Book in both, performs the *tashahhud*, gives the salutation, and performs the two prostrations of forgetfulness. Whoever doubts whether he bowed after he has already prostrated should continue his prayer.

Likewise, whoever doubts whether he prostrated after he has already risen should continue, and nothing is required unless he becomes certain. Similarly, if he doubts anything concerning his prayer after he has already completed it, nothing is required unless he becomes certain. Whoever forgets a prayer or deliberately leaves it should perform it when he remembers it. Whoever is frequently afflicted by doubts should proceed upon what he is certain of, build upon that, and perform the two prostrations of forgetfulness. Whoever imagines during prayer that he has invalidated his ritual purity should continue the prayer unless he becomes certain that this has actually occurred. Whoever forgets something while praying behind an Imam whom he is following has nothing further required of him.

On Interrupting the Prayer

Whoever, while praying, is confronted by something through which he fears for himself, his property, or another person, or is suddenly faced with something that makes it impossible for him to complete the prayer,

may interrupt it without blame. An occurrence that invalidates ritual purity during prayer also invalidates the prayer. If the worshipper incurs such ritual impurity, he should leave, perform ablution, and begin the prayer again. If he vomits or has a nosebleed during prayer, and it is possible for him to rinse his mouth after vomiting or wash away the blood without turning his face away from the *qibla*, he should do so and then continue his prayer. If he turns his face away from the *qibla*, he must begin the prayer again. Whoever speaks during prayer has invalidated his prayer and must repeat it. Whoever remembers during prayer that he is in a state of major ritual impurity or otherwise without ritual purity should interrupt the prayer, purify himself, and begin again.

If he remembers only after completing the prayer, he should purify himself and repeat it. If he had been the Imam, those who prayed behind him must also repeat their prayer. The passage of something in front of the worshipper does not invalidate his prayer, but he should prevent it as far as he is able.

ʿAlī—God's blessings be upon him—said:

> "The Messenger of God—may God bless him and his family—was once praying when a woman passed in front of him, then a donkey, then a dog, while we watched.

When he had finished, he said: 'I saw what you saw. Nothing passing in front of the believer invalidates his prayer, but prevent it as much as you can.'"

On One Who Joins the Prayer Late

If a man arrives while the Imam is leading the people in prayer and joins them, he begins with the opening *takbīr*. If he reaches the Imam before the Imam has raised his head from bowing, he bows with him and counts that cycle. If he does not reach him until after the Imam has raised his head from bowing, he joins the prayer and prostrates when the Imam prostrates, but does not count that cycle. He counts what follows it and regards that as the beginning of his own prayer. If he has missed one cycle, he performs the Imam's second cycle with him. When the Imam sits for the first *tashahhud*, the latecomer does not sit fully settled with him, but sits poised to rise and does not perform the *tashahhud*. When the Imam is in his third cycle, that is the latecomer's second. He prostrates with the Imam. When the Imam rises for the fourth cycle, the latecomer briefly settles his buttocks back toward the ground and performs a short *tashahhud*, then rises.

When the Imam sits for the final *tashahhud*, the latecomer sits as he did the first time, poised to rise, and does not perform the final *tashahhud* with him. When the Imam gives the salutation, the latecomer does not give it with him. He rises, completes one cycle, then sits, performs the *tashahhud*, gives the salutation, and concludes. If the Imam had preceded him by two cycles, he treats the two cycles he catches with the Imam as the beginning of his own prayer. When the Imam gives the salutation, the latecomer does not give it, but completes the remaining two cycles of his prayer, performs the *tashahhud*, and concludes. The *tashahhud* he performs with the Imam at the Imam's final sitting is, for him, his first *tashahhud*. Likewise, if he catches only one cycle, he builds upon it and regards it as the first cycle of his own prayer. During the Imam's sittings and risings, he acts in the manner already described for one who has missed one cycle.

If the prayer is the sunset prayer and the Imam has preceded him by one cycle, he joins him in the second and regards it as the first cycle of his own prayer. When the Imam sits for the first *tashahhud*, he sits poised to rise, as described above, and does not perform the *tashahhud*. When the Imam rises for the third cycle, the latecomer regards that as his own second cycle. When the Imam sits for the final *tashahhud*, the latecomer sits with him and performs what is for him his first *tashahhud*. When the Imam gives the salutation, he rises and performs one more cycle, then sits, performs the *tashahhud*, gives the salutation, and concludes. If he catches only one cycle of the sunset prayer, he regards it as the first cycle of his own prayer. When the Imam sits for the *tashahhud*, he sits in the manner already described, without settling fully. When the Imam gives the salutation, he rises and performs one cycle in which he recites the Opening of the Book and another sūra. He then sits for his first *tashahhud*, rises, and completes his prayer.

If the Imam precedes him by one cycle in the dawn prayer, then when the Imam sits for the *tashahhud*, the latecomer sits with him without settling fully, as described above, and does not perform the *tashahhud*. When the Imam gives the salutation, the latecomer rises, performs one cycle, sits, performs the *tashahhud*, gives the salutation, and concludes. If the latecomer forgets what he had missed, gives the salutation together with the Imam, and then remembers, he completes whatever he missed and performs the two prostrations of forgetfulness. All of this is the doctrine of the Imams of the People of the Household—peace be upon them.

On the Prayer of Children

The Messenger of God—may God bless him and his family—said:

> "The pen is lifted from the child until he reaches puberty, from the sleeper until he awakens, and from the insane person until he recovers."

This indicates that prayer is not imposed upon children as an obligatory duty until they reach puberty. Nevertheless, it has been transmitted from ʿAlī and the Imams descended from him—peace be upon them—that they commanded children to be made to pray once they were able to understand prayer, and to fast once they were physically able to do so, even before reaching puberty. This is so that they may train themselves in these acts, become accustomed to them, and grow familiar with them. Then, once they reach the age of legal responsibility, they will already know these practices and continue in them, rather than entering them suddenly and becoming afflicted by weariness, aversion, or carelessness. Habits, when established early, become like natural dispositions. It has also been transmitted from them—God's blessings be upon them—that when a person begins a righteous practice, whether prayer, fasting, or another form of goodness, he should persist in it and not abandon it before a full year has passed.

Their intention in this was to train people gradually in goodness and make it easier for them. Had they said, "Persist in it forever," this might have seemed burdensome to the listener. But when he is told, "Persist in this for one year," that is easier for him. Once he has maintained it for a year, it becomes a natural disposition or established habit which he finds difficult to abandon, because he has become familiar and comfortable with it. In the same way they instructed children in prayer and fasting. They said that children should be commanded to do these things from the age of seven. They should be disciplined for abandoning them when they reach nine. They should be separated in their sleeping places once they reach ten. The separation of their sleeping places at that age is a precaution, because they have drawn near to puberty and to the awakening of sexual desire. This prevents situations arising from their lying close together that might be feared for them.

This is the discipline by which the friends of God train His servants whom God has entrusted to their care and whose religious and worldly affairs He has placed under their guardianship.

On the Prayer of the Traveler

The Messenger of God—may God bless him and his family—said:

> "God, blessed is His name, has given my community a gift that He gave to none of the communities before them, as an honor from God, Mighty and Exalted, toward us."

The Commander of the Faithful—peace be upon him—asked:

> "O Messenger of God, what is this gift?"

He replied:

> "Breaking the fast and shortening the prayer while traveling. Whoever does not do so has rejected God's gift."

And he—peace be upon him—said:

> "Whoever shortens the prayer while traveling has accepted the relief granted by God, Mighty and Exalted, and his prayer is complete."

And he—peace be upon him—said that the Messenger of God—may God bless him and his family—forbade completing the full prayer while traveling.

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "I disassociate myself from one who performs four cycles while traveling."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "Whoever completes the prayer while traveling, knowing that the Sunna is to shorten it, must repeat the prayer.

If he did not know this, he does not have to repeat it." They—peace be upon them—said that shortening the prayer while traveling means performing every prayer as two cycles except the sunset prayer, which is not shortened either while traveling or while resident. They said that the traveler performs the prescribed supererogatory and voluntary prayers. If he is traveling during the day and presses onward in his journey, he performs the obligatory prayer as two cycles and may postpone the prescribed supererogatory prayer until he stops at night, when he makes it up together with the night prayer. They recommended this and did not consider abandoning it preferable. The traveler does not complete the full obligatory prayer and does not later make up what was shortened, whether while still traveling or after returning home. They said that the travel distance at which shortening the prayer and breaking the fast become obligatory is two postal stages. One postal stage is four *farsakhs*. A *farsakh* is three miles.

A mile is three thousand cubits, equivalent to one thousand moderate paces measured by one leg from the point at which the right foot is raised to the point at which it is placed down. If the place to which he intends to travel is a one-way distance of that extent, he has no family or permanent residence there, and he intends to return from it in fewer than ten days, he shortens the prayer and breaks the fast until he returns. The traveler begins breaking the fast and shortening the prayer once he has left his home and set out upon the journey, and continues until he returns and enters his home, provided that he is genuinely proceeding upon a journey. If a traveler joins a congregation of residents, he gives the salutation after two cycles and leaves. If a traveler leads residents, he concludes after two cycles and then tells them to complete the prayer. Both situations were disliked, and we have mentioned them because the traveler's legal ruling in prayer differs from that of residents.

Whoever owes a prayer from a period of residence and remembers it while traveling must make it up in its full form, exactly as it was due from him. Likewise, if he owes a prayer from a period of travel and remembers it after becoming resident, he makes it up in its shortened form according to how it had originally been due. A traveler may perform voluntary prayer while mounted, regardless of whether his mount is facing the *qibla* or another direction. This accords with the saying of God, Mighty and Exalted:

> "Wherever you turn, there is the face of God."

The Messenger of God—may God bless him and his family—used to perform voluntary prayer upon his riding animal during his return journey from the Farewell Pilgrimage while the Sacred House was behind his back. This dispensation applies only to voluntary prayer. As for obligatory prayer, it may be performed only upon the ground while facing the *qibla*. They forbade praying upon the main traveled part of a road—that is, upon the central route where people pass. A traveler at sea likewise shortens the prayer and may pray aboard a ship. If the ship turns, he should turn with it so that his face remains toward the *qibla*. If he cannot pray standing, he prays sitting. A person in danger of drowning, a naked person, and one wading through water perform the prayer by gestures. They make the gesture of prostration lower than that of bowing. A naked person who finds nothing with which to cover himself likewise prays sitting.

Prayer is not shortened by one who goes out merely for recreation, nor by a governor continually traveling throughout his province, nor by a tax collector continually making his rounds, nor by a professional transporter, nor by sailors whose habitual occupation is constant travel at sea, nor by one who stays during a journey with family members at whose home he intends to reside. Whoever stops at a place during travel

intending to remain there for ten days performs the prayer in full. If he intends to remain fewer than ten days, he shortens it. If his stay becomes prolonged without a definite intention, while each day he continues intending to depart, he shortens the prayer for up to one month. After one month, he performs the prayer in full until he departs.

On the Prayer of the Sick

We transmit from the People of the Household—peace be upon them—that if a sick person cannot pray standing, he prays sitting. If he cannot sit, he prays lying flat upon his back with the *qibla* before his face in the direction toward which he is turned. He gestures with his head for bowing and prostration, making the gesture of prostration lower than the gesture of bowing. Likewise, if he can sit but cannot physically perform bowing and prostration, he gestures for them. Whoever suffers from a nosebleed that does not stop, or has a wound or sores continuously discharging fluid which he cannot restrain, should perform ablution and pray in that state. God is more ready to excuse His servant when He has afflicted him. If the sick person can perform only the obligatory prayer, he performs it. When he recovers, he may, if he wishes, make up the prescribed supererogatory or voluntary prayers he had omitted. There is reward in doing so, but making them up is not obligatory in the way that making up obligatory prayer is.

If a sick person is able to pray sitting, he should sit cross-legged during the portions corresponding to standing if he is able, and fold his legs in the normal sitting posture during the portions corresponding to sitting. If he cannot do this, he prays in whatever manner he is able. It suffices him to recite only the Opening of the Book if he is unable to recite anything beyond it. Likewise, if he can manage only one glorification in bowing and one in prostration, that suffices. If he cannot bow or prostrate, he gestures with his head, making the prostration lower than the bowing. If he cannot even gesture fully with his head, he gestures with whatever movement of his head and eyes he is able to make. God does not burden any soul beyond its capacity. If he is able to pray standing, he should not pray otherwise unless standing aggravates his illness or makes it worse. In that case he may pray in the manner we have described, according to what he is able to do.

Whoever has lost consciousness must make up whatever prayers he missed once he recovers, whether the number is small or great.

On the Prayer of Fear

God, Mighty and Exalted, says:

> "There is no blame upon you if you shorten the prayer if you fear that those who disbelieve may attack you. Indeed, the unbelievers are a manifest enemy to you. And when you are among them and establish the prayer for them, let a group of them stand with you and let them take…"

through His words:

> "…a humiliating punishment."

God, Mighty and Exalted, permitted His servants to shorten the prayer in a state of fear without restricting this permission to travel as opposed to residence. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked whether both the prayer of fear and the traveler's prayer are shortened.

He replied:

> "Yes. The prayer of fear has even greater claim to shortening than the traveler's prayer in which there is no fear."

We transmit from the People of the Household—peace be upon them—that the Messenger of God—may God bless him and his family—performed the prayer of fear with the people during the expedition of Dhāt al-Riqāʿ. He divided his companions into two groups. One group remained facing the enemy, while the other stood behind him. He said the *takbīr* and they said it. He recited and they listened. He bowed and they bowed.

He prostrated and they prostrated. Then the Messenger of God—may God bless him and his family—rose and remained standing while the group completed another cycle for themselves. They gave the salutation to one another and then went to their companions, taking their places facing the enemy. The other group then came and stood behind the Messenger of God—may God bless him and his family. He said the *takbīr* and they said it. He recited and they listened. He bowed and they bowed. He prostrated and they prostrated. He then sat and they sat.

The Messenger of God—may God bless him and his family—performed the *tashahhud* and gave the salutation. They then rose, completed one cycle for themselves, performed the *tashahhud*, gave the salutation to one another, and departed. They—God's blessings be upon them—said that this is how the prayer of fear is performed whenever circumstances permit, in all the prayers except the sunset prayer, because it is not shortened, as has already been mentioned. For the sunset prayer, the first group performs one cycle with the Imam and then two cycles for themselves in accordance with the manner described from the Messenger of God—may God bless him and his family. The second group performs two cycles with the Imam so that each group hears the recitation during two cycles in which the recitation is aloud. They—God's blessings be upon them—said that if circumstances do not permit this because fear becomes severe, they pray while mounted upon their animals or standing upon their feet.

They gesture with their heads, making the prostration lower than the bowing. They do not dismount or prostrate upon the ground if they are unable to do so. If they cannot face the *qibla*, they face it for the opening *takbīr* and then turn toward the enemy. This is the meaning of the saying of God, Mighty and Exalted:

"If you fear, then on foot or mounted."

If battle becomes fully joined, with sword-fighting and spear-thrusting, and even gesturing becomes impossible, they perform the prayer through *takbīr* alone. They say one *takbīr* for each cycle while intending it as prayer. The Commander of the Faithful ʿAlī—peace be upon him—and his companions prayed in this manner on the Night and Day of al-Harīr.

On the Eclipse Prayer

ʿAlī said that the Messenger of God—may God bless him and his family—said:

"The moon was eclipsed while Gabriel—peace be upon him—was with me.

I said to him, 'What is this, O Gabriel?' He replied, 'It is more obedient to God than you are, and no one behind it has disobeyed God. Rather, this is a sign and an admonition.' I asked, 'What should be done when it occurs?' He replied, 'Prayer and recitation of the Qurʾān.'" Whenever the sun or moon was eclipsed, the Messenger of God—may God bless him and his family—would say to the people:

"Hasten to your mosques."

We transmit from the Imams of the People of the Household—peace be upon them—that the prayer for an eclipse of the sun and that for an eclipse of the moon are performed in the same manner. The solar-eclipse prayer, however, should be somewhat longer. When an eclipse occurs, the people should be summoned to prayer without a formal call to prayer. If they are in a town, they gather in the great congregational mosque. The Imam stands before them and they form rows behind him. He says the *takbīr* aloud and they say it. He then begins the recitation, reciting the Opening of the Book and one of the longest sūras he is able to recite, aloud. He then says the *takbīr* and bows, and they bow with him. He remains in bowing, and they remain with him, for approximately as long as his recitation had taken, glorifying God and saying what is prescribed during bowing. He then raises his head with a *takbīr*, and they rise with him. He recites the Opening of the Book and another long sūra similar in length to the first.

After the recitation and before bowing, he performs the *qunūt*. He then bows again in the same manner. He continues in this way until he has performed five bowings, performing the *qunūt* after every two bowings.

When he raises his head from the fifth bowing, he says:

"God hears whoever praises Him,"

and does not say this except "…in that bowing and in the tenth bowing, after which he prostrates. As for the remaining bowings, whenever he raises his head from one of them he says the *takbīr*: 'God is greater.' He then prostrates and prolongs the prostration. He raises his head and sits briefly between the two prostrations, saying what is ordinarily said between them in its fullest form. He then performs the second prostration in the same manner. He rises and performs another five bowings in the same way as the first five. He then prostrates, performs a lengthy *tashahhud*, and supplicates to God within it, turning toward Him in hope and asking Him for the good of this world and the Hereafter with whatever supplications he is able to make. He then gives the salutation. If the eclipse has ended, they depart. If it has not ended, the Imam remains sitting in his place facing the *qibla* and instructs the people to sit likewise.

They recite the Qurʾān, supplicate, and remember God until the eclipse ends or the eclipsed body disappears from view. The eclipse prayer is not performed until the eclipse has actually been seen and become manifest. One should not rely in this matter upon the statement of an astrologer who says that the sun has been eclipsed when no eclipse has been seen, nor upon a claim that the sun was eclipsed at night or the moon during the day when no such eclipse can be observed. The solar-eclipse prayer is performed only during the day after the eclipse has been seen. The lunar-eclipse prayer is performed only at night after the eclipse has been seen. The *qunūt* in the eclipse prayer is performed after every two bowings, before bowing in the second, fourth, sixth, eighth, and tenth standing. There is no harm in reciting a complete sūra in every standing. Alternatively, one may divide the recitation of a sūra across the successive bowings. If one does this, the Opening of the Book is not repeated except when beginning a new sūra.

Rather, each new standing resumes the sūra from where the previous recitation stopped. Likewise, when rising after the prostrations into the second major cycle, one begins a new sūra. In this manner, the eclipse prayer consists of two cycles and four prostrations, with five bowings in each cycle. The Commander of the Faithful ʿAlī—God's blessings be upon him—performed it with the people in this way. The eclipse prayer is performed whenever the eclipse occurs, by night or day, while traveling or resident, whenever circumstances permit. If an eclipse occurs at the time of an obligatory prayer, the obligatory prayer is performed first. If a person has already begun the eclipse prayer and fears that the time of the obligatory prayer will expire, he interrupts the eclipse prayer, performs the obligatory prayer, and then resumes the eclipse prayer from where he left off. A prayer of this same form is performed whenever another divine sign occurs, such as a violent wind, darkness, tremor, earthquake, or similar sign.

Whoever misses the eclipse prayer or the prayer for such signs does not make it up. It is recommended that the eclipse prayer be performed in the open so that the end of the eclipse can be directly observed. If it is not performed in the open, then when the Imam completes the prayer he should have someone ascertain whether the eclipse has ended. If it has not, he remains in his place and instructs the people to sit as described above.

On the Prayer for Rain

God, Mighty and Exalted, says:

"When Moses sought water for his people, We said: Strike the rock with your staff."

And He, exalted be His praise, says:

"We revealed to Moses when his people asked him for water…"

Rain once failed in Medina, so the Messenger of God—may God bless him and his family—went out and prayed for rain. They were given rain until its abundance became a source of concern to them. It is transmitted from the People of the Household—peace be upon them—that the prayer for rain is performed in the same manner as the two festival prayers. The pulpit is taken out, and the people go out to the prayer ground in humility, fear, and abasement before God. They do not go out displaying weapons as they do for the festival

prayer. The Imam performs two cycles without a call to prayer or *iqāma* and says the *takbīrs* in the same manner as in the two festival prayers. He then ascends the pulpit. When he reaches it, he sits briefly, then rises and reverses his cloak, placing what had been on his right upon his left and what had been on his left upon his right. The Messenger of God—may God bless him and his family—did this.

At the beginning of the first sermon, the Imam begins with abundant *takbīr*, proclamation of God's unity, and seeking forgiveness, repeating these as much as he is able. He then praises God, invokes blessings upon the Prophet and his family, and exhorts the people to seek forgiveness, repent, and perform good deeds. He explains to them that the withholding of rain results from the sins of the servants. He then turns toward God on their behalf, supplicating, asking Him, and earnestly seeking from Him rain and mercy with whatever supplications he is able to make. It is recommended that this be done on Monday.

On the Witr Prayer and the Two Cycles Before Dawn

God, Mighty and Exalted, says:

> "By the even and the odd, and by the night as it passes."

He, exalted be His praise, swore by these. In Arabic usage, *shafʿ* means an even number and *witr* an odd number. The *witr* within the prescribed night prayer consists of three cycles after the final evening prayer. No prayer is performed after it until dawn appears. The name *witr* may be applied to all three cycles. It may also refer specifically to the single final cycle, while the two cycles preceding it are called the *shafʿ*. According to the established doctrine of the People of the Household—peace be upon them—the two are separated: the worshipper gives the salutation after the first two cycles, then rises and performs the single *witr* cycle. Strong encouragement concerning the *witr* has been transmitted.

The Messenger of God—may God bless him and his family—commanded it and said:

> "God is One and loves what is odd, so perform the *witr*, O people of the Qurʾān."

ʿAlī—peace be upon him—was strict concerning it and did not permit its abandonment.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The *witr* should not be abandoned. It is not one of the written obligatory prayers, but it is part of the Sunna."

It is recommended for one who misses the *witr* to make it up. Doing so is not obligatory in the manner of an obligatory prayer, because it is not among the obligations. Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said regarding the *witr* that during travel it may be performed while mounted, just like other voluntary prayers. They recommended performing the *witr* toward the end of the night. Whoever performs it at the beginning of the night, however, has fulfilled it. They recommended reciting in its first two cycles the Opening of the Book followed by:

> "Glorify the name of your Lord, the Most High"

in the first cycle, and the Opening of the Book followed by:

> "Say: O unbelievers"

in the second. In the third cycle, after the Opening of the Book, one recites:

> "Say: He is God, One."

The *qunūt* in the *witr* is performed after bowing. One raises one's hands in the *qunūt* and supplicates with whatever is available. The *qunūt* in the dawn prayer is performed before bowing and after the recitation. As for the two cycles before the obligatory dawn prayer, the call to the dawn prayer is given, then, once dawn has appeared, these two cycles are performed. They recommended keeping them short. In the first cycle one recites the Opening of the Book and:

"Say: O unbelievers."

In the second, one recites the Opening of the Book and:

"Say: He is God, One."

Then one performs the *tashahhud*, gives the salutation, and remains seated in the place of prayer supplicating until the obligatory dawn prayer is performed.

On the Qunūt

There is no single fixed supplication such that nothing else suffices, whether in the *qunūt* or elsewhere. Whoever supplicates may call upon God with whatever supplication he wishes. Many forms of supplication in the *qunūt* have been transmitted from the People of the Household—peace be upon them. This itself demonstrates that no single fixed wording is prescribed, as we have stated. The minimum and lightest form of *qunūt* is to glorify God three times. Long, short, and medium-length supplications have been transmitted from them—peace be upon them—for the *qunūt* of the *witr* and that of the dawn prayer. Among the medium-length forms transmitted continuously from them is that they instructed the following to be said in the *qunūt* of the *witr*:

"O God, You see and are not seen. You are in the highest station.

Toward You eyes have been raised, feet have moved, necks have stretched forth, hands have been extended, tongues have called, and deeds have been brought before You for judgment. O You toward whom hands are extended, O You toward whom hearts turn, O You before whom eyes are humbled, O You before whom necks submit:

To You we complain of the loss of our Prophet, the severity of the age, the alliance of enemies against us, the smallness of our number, and the division of hearts. We thank You for the blessing of our guardian, our Imam, and the son of our Prophet." At this point one names the Imam of one's age.

"Our guide toward You and the one who directs us to You.

We ask You to bless him and his forefathers, and to strengthen him with a victory by which You exalt Your religion and give victory to Your friends. O God, unite the hearts upon obedience to You and obedience to him, and upon adherence to his Imamate. Give him victory over Your enemies who have departed from obedience, O God of all creation, Lord of the worlds. O God, establish certainty firmly within my heart and increase me in guidance, light, and forgiveness. Guide me to a straight path. Āmīn, Āmīn. I ask You, my Lord, for good in this world and good in the Hereafter, and I ask You to protect me from the punishment of the Fire." Whoever wishes to add further supplication may add whatever he wishes. For the dawn prayer, the following is transmitted:

"O God, we praise You, seek Your aid, seek Your forgiveness, and praise You for all good.

We do not disbelieve in You. Before You we humble ourselves, and we cast off and abandon whoever rebels wickedly against You. O God, You alone we worship, for You we pray and prostrate, toward You we strive and hasten. We hope for Your mercy and fear Your severe punishment. Indeed, Your punishment will overtake the unbelievers. O God, punish the unbelievers, hypocrites, deniers, and those who reject the authority of the friends and Imams from the Household of Your Prophet, the purified Imams. Send down upon them Your scourge, might, wrath, and punishment. O God, punish the unbelievers among the People of the Book and the male and female polytheists. Forgive me and the believing men and believing women, the Muslim men and Muslim women. Set right their relations with one another and unite their word upon obedience to You and obedience to Your friends. Establish faith and wisdom firmly in their hearts. Keep them firm upon the religion of Your Prophet and give them victory over Your enemy. O God, guide me among those whom You have guided.

Grant me well-being among those whom You have granted well-being. Take me into Your guardianship among those whom You have taken into Your guardianship. Bless for me what You have given. Protect me from the evil of what You have decreed. You decree and none decrees over You. One whom You befriend is not humiliated, and one whom You oppose is not exalted. Blessed and exalted are You. There is no god but You. I seek Your forgiveness and repent to You. I ask You, my Lord, for good in this world and good in the Hereafter, and I ask You to protect me from the punishment of the Fire." For the Friday *qunūt*:

"There is no god but God, the Wise, the Generous.

There is no god but God, the Most High, the Magnificent. Glory be to the Lord of the seven heavens and all that is within them and between them, and the Lord of the seven earths and all that is within them and between them, and Lord of the Mighty Throne. Praise be to God, Lord of the worlds. O God, bless Muḥammad and the Family of Muḥammad. Make my heart firm upon Your religion and the religion of Your Prophet. Do not cause my heart to deviate after You have guided me. Grant me mercy from Yourself; indeed, You are the Bestower. O God, make me among those whom You created for Your Paradise and chose for Your religion. Turn toward me in repentance; indeed, You are the Accepter of Repentance, the Compassionate. Bless Muḥammad and the Family of Muḥammad as You are worthy and as they are worthy through You. May God's blessings be upon them all."

On the Obligatory, Prescribed, and Voluntary Prayers

The obligatory prayers consist of seventeen cycles during every day and night. The noon prayer, also called the "first prayer," is four cycles. It is called the first prayer because it was the first prayer performed by the Messenger of God—may God bless him and his family—at the time when the obligation of prayer was revealed to him. In the first two cycles he recites the Opening of the Book and another sūra, then performs the *tashahhud*. In the final two cycles he recites the Opening of the Book alone, then performs the *tashahhud* and gives the salutation. The afternoon prayer is likewise four cycles, performed like the noon prayer, and the recitation in the two is the same. The sunset prayer is three cycles. After the first two cycles, in which the recitation is aloud, he performs the *tashahhud*. He then rises and performs one cycle in which he quietly recites the Opening of the Book. He then sits, performs the *tashahhud*, and concludes.

The final evening prayer is four cycles, like the noon prayer, except that the recitation in its first two cycles is aloud. The dawn prayer is two cycles, with the recitation aloud in both. These together make seventeen cycles. The prescribed prayers of the Sunna are equal in number to the obligatory prayers. Their recitation is all quiet, although one may recite somewhat audibly during the night prayer if one wishes. Every one of these prayers is concluded after two cycles. In every cycle one recites the Opening of the Book and another sūra. They consist of six cycles before the noon prayer after the sun has passed the meridian, and four cycles after the obligatory noon prayer. Then four cycles before the afternoon prayer. There is no prayer after the afternoon prayer until the sun sets. There are six cycles after the sunset prayer. There are four cycles before the final evening prayer and four cycles after it. Then comes the *witr* of three cycles: one gives the salutation after the first two and then rises and performs the third.

After it, one performs two cycles while seated. There are also two cycles before the dawn prayer, namely the two dawn cycles. In raw numerical count, these make thirty-five cycles. But the two cycles performed while seated are counted as one, making thirty-four, equal to twice the obligatory seventeen. They are called "the prayer of the Sunna" because the Messenger of God—may God bless him and his family—used to perform them regularly and made them binding upon himself. The Imams from among his descendants—God's blessings be upon them—likewise observed them consistently, instructed their friends and Shīʿa to perform them, encouraged them, and described their excellence and reward. As for voluntary prayer, there is no fixed limit to it. It is optional worship, and whoever wishes may perform as much of it as he wishes during those times of night and day when prayer is permitted. ʿAlī ibn al-Ḥusayn—peace be upon him—used to perform one thousand cycles during every day and night with full composure.

The best of voluntary prayer is that which is performed during the night after sleeping, as *tahajjud*. God, Mighty and Exalted, says to His Prophet Muḥammad—may God bless him and his family:

> "And during part of the night, keep vigil with it as an additional prayer for you; perhaps your Lord will raise you to a praised station."

In Arabic, one says that a man *hajada* when he sleeps and *tahajjada* when he rises from sleep for some purpose that has awakened him. Thus His words:

> "Keep vigil with it"

mean with the Qurʾān.

And He says:

> "O you who are wrapped in garments, stand during the night except a little…"

through the end of the sūra. The Messenger of God—may God bless him and his family—used to stand in prayer at night until his feet became swollen from prolonged standing. He forbade a person from sleeping through the entire night so that he becomes like a discarded corpse. Lengthy standing is recommended in the night prayer. It should not be neglected, and a person should establish for himself a regular portion of it.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "I strongly dislike a servant who has learned the Qurʾān, then wakes during the night but does not rise, only to wait until dawn is near and then hurriedly perform his prayer."

Whoever has not learned the whole Qurʾān should recite whatever of it is easy for him.

God, Mighty and Exalted, says:

> "Recite whatever is easy of the Qurʾān."

Whoever wishes may spend the entire night in prayer reciting a single sūra repeatedly, or part of a sūra, or two sūras, or more. In voluntary prayer there is no harm in reciting only part of a sūra after the Opening of the Book. There is likewise no harm in combining two or several sūras within a single cycle. Some of them would spend the entire night, or most of it, repeatedly reciting a single verse containing promise or warning, reflecting upon it and repeating it in order to understand it and humble themselves before it. They recommended beginning the night prayer with two short cycles and then prolonging whatever follows as one wishes. The best form of voluntary prayer, charity, and all optional good works is that performed secretly and privately. The best form of obligatory duties—prayer, almsgiving, and others—is that performed openly. Voluntary prayers are not performed in congregation, neither during Ramadan nor at any other time. People perform them individually.

The best place for them is in the home because of the merit in concealing and keeping them private. The Messenger of God—may God bless him and his family—once performed voluntary night prayer in the mosque during Ramadan. The people formed rows behind him and prayed following his prayer. He forbade them from doing this and entered his private chamber. He thereafter prayed there. The first person to establish congregational night prayer during Ramadan was ʿUmar ibn al-Khaṭṭāb. Had there been merit in this, the Messenger of God—may God bless him and his family—would not have forbidden it, and he would have had greater claim than ʿUmar or anyone else to be the first to establish it. The generality themselves have transmitted this from the Messenger of God—may God bless him and his family—yet afterward followed ʿUmar in opposition to him and in violation of his prohibition.

God, Mighty and Exalted, says:

> "Let those who oppose his command beware lest a trial afflict them or a painful punishment strike them."

And He says:

"Whatever the Messenger gives you, take it, and whatever he forbids you, abstain from it."

Their principal response to this is that the Messenger of God—may God bless him and his family—disliked and forbade the people from praying in congregation with him only because he feared that it might become obligatory upon them. It should be said to them:

You acknowledge that the Messenger of God—may God bless him and his family—forbade you from doing this with him. You do not claim that he later permitted you to perform it in congregation with someone else. If such a permission existed, the Messenger of God—may God bless him and his family—would have made it clear when he prohibited the practice, because God, Mighty and Exalted, imposed upon him the duty of clarification. You must therefore abstain from what he forbade, as God commanded you, until you establish that he permitted what you claim is permissible. Yet they themselves do not claim any such permission. It was not practiced during the lifetime of the Messenger of God—may God bless him and his family—nor during the days of Abū Bakr, nor at the beginning of the rule of ʿUmar, until ʿUmar introduced it. Thus, even according to their own account, it is an innovation.

Some of them have acknowledged this and said:

"It is a good innovation."

But this contradicts the saying of the Messenger of God—may God bless him and his family:

"Every innovation is misguidance, and every misguidance is in the Fire."

And he said:

"Follow, and do not innovate."

How can an innovation be good when God, Mighty and Exalted, has forbidden it through the tongue of His Messenger—peace be upon him? In the same manner, they introduced the *ḍuḥā* prayer even though it had been forbidden upon the tongue of the Messenger of God—may God bless him and his family. A man from the Anṣār asked Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—about it.

He replied:

"By God, the first people to innovate it were your own people, the Anṣār."

The Messenger of God—may God bless him and his family—had forbidden it. The Anṣār had a place of theirs from which they would come into the mosque in the forenoon and perform this prayer there, so the Messenger of God—may God bless him and his family—forbade them from doing so. It was later revived by Yazīd ibn Muʿāwiya—may God curse him—when the head of al-Ḥusayn—God's blessings be upon him—was brought to him in the forenoon. He rose and performed two cycles and made them a regular practice for himself. May God curse that sinner. He did not intend through them repentance for what he had committed; rather, he made the prayer an act of thanksgiving for what his cousin had accomplished for him—an act through which God consigned him to the lowest depths of the blazing Fire. ʿAlī ibn al-Ḥusayn—peace be upon him—used to make up whatever voluntary prayers he missed because he had been occupied or asleep.

Doing so is not obligatory, but he—peace be upon him—loved not to abandon anything he had made incumbent upon himself for the sake of God, Mighty and Exalted.

The Messenger of God—may God bless him and his family—said:

> "Whoever intends to rise for some part of the night prayer and then goes to his bed should say: 'O God, do not make me secure against Your plan, do not cause me to forget Your remembrance, and do not make me among the heedless. I shall rise, God willing, at such-and-such an hour.'
>
> God, Mighty and Exalted, appoints an angel over him to awaken him at that hour."

And he said:

> "Whoever intends some portion of the night prayer but his eyes overcome him until morning, his sleep is a charity from God toward him. God records for him the reward of his intention and completes for him the reward of a night's vigil."

The Messenger of God—may God bless him and his family—said:

> "When half the night has passed, an angel says: 'All-glorious, all-holy is our Lord, Lord of the angels and the Spirit, our Lord the All-Merciful; there is no god besides Him. Let those who keep night vigil rise.'

Those whom God wills then rise. The angel remains silent for as long as God wills, then says: 'All-glorious, all-holy is the Lord of the angels and the Spirit, our Lord the All-Merciful; there is no god besides Him. Let those who remember God rise.' Those whom God wills then rise. When dawn appears, he says: 'All-glorious, all-holy is the Lord of the angels and the Spirit, our Lord the All-Merciful; there is no god besides Him. Let the heedless rise.'"

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "When one third of the night has passed, a caller calls:
>
> 'O seeker of good, come forward. O seeker of evil, hold back.

Is there anyone repenting, that repentance may be accepted from him? Is there anyone seeking forgiveness, that he may be forgiven? Is there anyone asking, that his request may be granted? O God, compensate the one who spends and bring loss upon the one who withholds.'" The caller continues proclaiming this every night from the passing of the first third of the night until morning.

On the eve of Friday, he proclaims it from the beginning of the night until its end.

And he said:

> "When the final third of the night remains, the gates of heaven are opened and the angel continues calling in this manner until morning."

The Messenger of God—may God bless him and his family—said:

> "The people of the highest stations in Paradise will ride upon piebald horses whose bridles are of gold and whose saddles are of pearls and rubies.

They will pass by those beneath them, who will say: 'Our Lord, through what did Your servants attain this honor?' It will be said to them: 'They used to stand in prayer during the night while you slept; they used to fast during the day while you ate; they used to struggle while you held back; and they used to spend in the path of God while you withheld.'"

On the Prostrations of the Qurʾān

God, Mighty and Exalted, says:

> "When the Qurʾān is recited to them, they do not prostrate."

That is, at the passages of prostration within it. We transmit from the Imams of the People of the Household—peace be upon them—that there are fifteen prostrations in the Qurʾān at which one who recites them or hears them recited should prostrate. Among these are obligatory prostrations which may not be omitted. We shall identify them as they occur. The first Qurʾānic prostration is at the end of Sūrat al-Aʿrāf. In Sūrat al-Raʿd:

> "…and their shadows, in the mornings and evenings."

In Sūrat al-Naḥl:

"…and they do what they are commanded."

In Banī Isrāʾīl:

"…and it increases them in humility."

In *Kāf Hā Yā ʿAyn Ṣād*:

"…they fell down prostrating and weeping."

In Sūrat al-Ḥajj:

"Indeed, God does whatever He wills."

And also in that sūra:

"…and do good, that perhaps you may prosper."

In Sūrat al-Furqān:

"…and it increases them in aversion."

In Sūrat al-Naml:

"…Lord of the Mighty Throne."

In *al-Tanzīl al-Sajda*:

"…and they are not arrogant."

This is one of the obligatory prostrations. In Sūrat Ṣād:

"…and he fell down bowing and turned in repentance."

In *Ḥā Mīm al-Sajda*:

"…if it is Him whom you worship."

This too is one of the obligatory prostrations. At the end of Sūrat al-Najm is another obligatory prostration. In:

"When the sky is split open…"

at the words:

"When the Qurʾān is recited to them, they do not prostrate."

And at the end of:

"Recite in the name of your Lord…"

which is also one of the obligatory prostrations. Whoever is in prayer and hears someone reciting one of the verses of prostration, or hears his Imam recite it but the Imam does not prostrate, should gesture with his head in place of prostration and intend the prostration if it is one of the obligatory passages. They disliked reciting in an obligatory prayer a sūra containing one of the obligatory prostrations. If someone nevertheless recites such a sūra, he prostrates at the relevant passage. If the prostration occurs at the end of the sūra, he prostrates, then rises, recites the Opening of the Book, bows, and continues the prayer. As for the non-obligatory prostrations, he has a choice: if he wishes he prostrates, and if he wishes he does not. Whoever recites a verse of prostration while mounted prostrates in whichever direction he is facing by gesturing with his head. There is no *takbīr*, *tashahhud*, or salutation in the Qurʾānic prostration.

One who hears it while attentively listening to the Qurʾān prostrates, as does one who recites it, even if he is not in a state of ablution. While prostrating he glorifies God, asks God, Mighty and Exalted, for what he wishes, and supplicates to Him.

Collection of the Chapters on Funerals

On Illness, Visiting the Sick, and Their Reward

The Messenger of God—may God bless him and his family—said that God, Mighty and Exalted, says:

> "When I afflict My servant with an illness and he remains patient for three days without complaining to those who visit him, I replace his flesh with flesh better than his flesh and his blood with blood better than his blood.
>
> If I cause him to die, I bring him into My mercy; and if I restore him to health, I restore him without sin."

And he—may God bless him and his family—said:

> "Fever is a purification from a forgiving Lord."

And he said:

> "The groaning of a sick person is written as good deeds if he remains patient. If he gives way to panic, he is recorded as one overcome by anxiety, and there is no reward for him."

The Commander of the Faithful, our master ʿAlī ibn Abī Ṭālib—peace be upon him—said:

> "The sick person is in God's prison so long as he does not complain to those visiting him; his evil deeds are erased from him."

And he—may God bless him and his family—said:

> "When God, Mighty and Exalted, afflicts a servant, He removes from his sins in proportion to his illness.
>
> Whoever suffers fever receives a reward beyond calculation."

And he—peace be upon him—said:

> "There is no visiting of the sick until after three days, and women are not obligated to visit the sick."

And he—peace be upon him—said:

> "Whoever visits a sick person seeking the face of God and fulfillment of His promise remains among the fruits of Paradise for as long as he sits with the sick person.
>
> When he leaves him, God sends seventy thousand angels that day to invoke blessings upon him until night. If the visit was at night, they invoke blessings upon him until morning." Thus it is appropriate to visit the sick early in the day.

And he—peace be upon him—said:

> "Among the natural practices is that when the sick person is approaching death he should be turned toward the *qibla*."

We transmit from the People of the Household—peace be upon them—that they commanded this. The dying person should be laid upon his back, with his face toward the *qibla* and his feet pointing in its direction, if that is possible. If this is not possible, he should be placed upon one of his sides with his face toward the *qibla*. They instructed that he be prompted with the testimony:

> "There is no god but God, and Muḥammad is His servant and Messenger."
>
> At his head one should recite the Throne Verse and the two verses following it. Then one should recite:
>
> "Indeed, your Lord is God, who created the heavens and the earth in six days…"

through the end of the verse. Then three verses from the end of Sūrat al-Baqara. One should also supplicate for him, saying:

"O God, if his appointed term has arrived, make his affair easy for him.

Bring his soul forth toward Your pleasure and good pleasure. Grant him glad tidings, forgive him, and have mercy upon him."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "When one of your believers is at the point of death and speech has been withheld from him, the Messenger of God—may God bless him and his family—comes to him together with ʿAlī, al-Ḥasan, and al-Ḥusayn—peace be upon them.

The Messenger of God—may God bless him and his family—says to him: 'As for what you feared, you have been made safe from it; and as for what you hoped for, it is before you.' Then a gate of Paradise is opened for him and he sees his dwelling there. It is said to him: 'If you wish to return to the world, you will be returned to it, and you may have its gold and silver.' He replies: 'I have no need of the world or anything within it.'" He then recited the saying of God, Mighty and Exalted:

> "For them are glad tidings in the life of this world."

On Death

The Messenger of God—may God bless him and his family—was asked about the believer upon whom death is sometimes made severe and sometimes easy, and likewise about the unbeliever.

He said:

> "A believing servant may possess a station in Paradise which he has not yet attained through any trial before death comes to him.

If he has not yet reached that degree, death is made severe upon him so that through it he attains that station. Sometimes God, blessed and exalted, commands the Angel of Death to return the believer's soul repeatedly so that it may leave his body by the easiest possible means. People may imagine that death has been made severe upon him, when in fact this is a relief from God, Mighty and Exalted, for His servant. And sometimes He commands the Angel concerning an unbeliever so that he tears out his soul in one pull, like drawing a roasting-spit from soaked wool. People may think that death was made easy for him, while he has in fact suffered a tremendous punishment."

The Messenger of God—may God bless him and his family—said:

> "Death is the fragrant flower of the believer."

And he said:

> "There is one who finds rest and one from whom others find rest.

The one who finds rest is the believer: he finds rest from the grief and hardship of this world and passes into the mercy of God. The one from whom others find rest is the unbeliever: his two angels find rest from him."

And he—may God bless him and his family—said:

> "Increase your remembrance of the destroyer of pleasures."

He was asked:

> "O Messenger of God, what is the destroyer of pleasures?"

He replied:

> "Death."

The Messenger of God—may God bless him and his family—said:

> "The most intelligent of the believers are those who remember death most frequently and prepare most intensely for it."

The Commander of the Faithful—peace be upon him—delivered a sermon and said:

> "I have never seen certainty resembling doubt more than what I see in this human being.

Every day he escorts another to the graves, yet returns to the deception of this world. He refuses to abandon desires and pleasures. Even if the poor son of Adam had no sin from which to repent and no reckoning at which he would be stopped except death alone—a death that scatters his gathered affairs, separates his companions, and leaves his children orphaned—it would be fitting for him to be intensely wary of the condition in which he lives. Yet people have become heedless of death as though it will never descend upon them, and they rely upon this world and its desires like people who expect no reckoning and fear no punishment."

On Grief at Death and Consolation

When Ibrāhīm, the son of the Messenger of God—may God bless him and his family—died, he instructed ʿAlī to wash him. The Messenger of God—may God bless him and his family—shrouded and perfumed him.

He then said:

> "O ʿAlī, carry him."

ʿAlī carried him until they reached al-Baqīʿ.

The Messenger of God—may God bless him and his family—performed the funeral prayer over him and said:

> "O ʿAlī, carry him."

He carried him until they came to the grave.

Then he said:

> "O ʿAlī, descend into the grave."

So he descended into it. The Messenger of God—may God bless him and his family—then lowered Ibrāhīm down to him. When he saw him laid out, he wept. The people wept because of his weeping until the voices of the men rose above those of the women.

The Messenger of God—may God bless him and his family—strongly forbade them from wailing and said:

> "The eye sheds tears and the heart grieves, but we do not say what angers the Lord.
>
> We are indeed patient concerning you, and we are grieved for you, O Ibrāhīm."

And he—peace be upon him—said:

> "I do not forbid you from weeping.
>
> Rather, I forbid you from lamentation and wailing. This weeping is tenderness and mercy which God, Mighty and Exalted, places in the heart of whomever He wills among His creatures. God has mercy upon whomever He wills, and God has mercy only upon the merciful among His servants."

And he—may God bless him and his family—said:

> "Whoever suffers a calamity should remember the calamity of losing me, for it is greater than every other calamity."

And he said:

> "Patience is at the first shock,"
>
> meaning at the moment when the calamity first strikes.

And he said:

> “Whoever has three children die and seeks reward from God for them, they will shield him from the Fire.”

It was asked:

> “And two, O Messenger of God?”

He replied:

> “And two.”

When the Messenger of God—may God bless him and his family—was taken from this world, the people of his Household heard a speaker whose words they could hear though they could not see his person.

He said:

> “Peace be upon you, People of the Household, and the mercy and blessings of God.
>
> Every soul shall taste death, and you shall only be paid your rewards in full on the Day of Resurrection. Whoever is drawn away from the Fire and admitted into Paradise has indeed triumphed. The life of this world is nothing but the enjoyment of delusion. In God there is consolation for every calamity and a successor for everything that perishes. So place your hope in God and worship Him alone. Know that the truly afflicted person is the one who is deprived of reward. Peace be upon you, and the mercy and blessings of God.” The Messenger of God—may God bless him and his family—used to take from women, as part of their pledge of allegiance, the pledge that they would not wail.

And he said:

> “Three practices belong to the works of the Age of Ignorance, and people will continue in them until the Day of Resurrection: seeking rain through the stars, attacking people’s genealogies, and wailing over the dead.”

Jaʿfar ibn Muḥammad—peace be upon him—gave instructions at the time of his death, saying:

> “Do not strike your cheeks because of me, and do not tear open your garments because of me.”

The Commander of the Faithful ʿAlī—peace be upon him—wrote to Rifāʿa, his judge in al-Ahwāz:

> “Beware of allowing lamentation over the dead in any land over which you exercise authority.”

On Washing the Dead

The Messenger of God—may God bless him and his family—instructed ʿAlī—peace be upon him—to undertake his washing.

He said:

> “Gabriel will be with you, turning me for you.
>
> Let al-Faḍl ibn al-ʿAbbās pass you the water while keeping his eyes covered, for no one besides you who sees my nakedness will escape blindness.” ʿAlī washed him.

He—peace be upon him—said:

> “I was assisted in washing him, and I could feel the touch of hands turning him together with me.
>
> When I began washing him, I intended to remove his shirt, but a voice called to me: ‘Do not remove his shirt.’ So I washed him while he remained in his shirt. I intended to turn him face-down, but a voice called: ‘Do not turn him face-down.’ So I turned him upon his side.” He washed him three times:

the first washing with water and *ḥaraḍ*—a cleansing plant with which the dead are washed—or whatever may serve in its place, such as lote leaves, marshmallow plant, or something similar; the second with water

and camphor; and the third with pure water alone. According to the doctrine of the People of the Household—peace be upon them—the dead should be washed in this manner three times:

first with water and lote leaves, then with water and camphor, and finally with pure water alone. The body is turned upon its sides. It is not turned face-down. Nor is it seated upright in the manner practiced by the generality, who raise the corpse and sit it up. Washing the dead resembles the ritual bath from major impurity. One begins by washing the hands and then the private parts. The washer wraps a cloth around his hand when washing the private parts. At the same time he gently massages the abdomen while pouring water over the private area so that anything remaining there may emerge. Then he washes the face three times and the arms three times up to the elbows. He wipes the head and feet. He does not rinse the mouth or nostrils. When wiping the head, he also wipes the ears. He then pours water over the body and passes his hands over its entire surface. He turns the body so that the water reaches underneath it. The body may be washed unclothed, while the area between the navel and knees is covered with a waist-wrapper.

If it is washed through a garment, there is no harm. Any stain or dirt upon the body should be removed. If dirt is present upon the soles of the feet, they may be rubbed with pottery or stone. Dirt beneath the fingernails should likewise be removed. The head and beard are washed with lote leaves. Care should be taken to cleanse the body thoroughly and remove every stain and impurity upon it. If the water needs to be heated for washing, it may be heated. The body is washed three times in the manner we have described. The washer should conceal the nakedness of the dead, treat the body gently, conceal whatever occurs from it, and mention nothing unpleasant that he observes.

The Messenger of God—may God bless him and his family—said:

> "No Muslim washes his Muslim brother without preserving his dignity, refraining from looking at his nakedness, and refraining from mentioning anything bad that he sees, then accompanies his funeral, performs the funeral prayer over him, and remains until he is placed in his grave, except that he emerges stripped of his sins."

We transmit from the People of the Household—peace be upon them—that they commanded the washing of all Muslims, whether sinful or otherwise. They forbade a person in a state of major ritual impurity or a menstruating woman from washing the dead. They—peace be upon them—said that men wash men and women wash women. A woman may wash her husband, and a man may wash his wife when necessary, doing so from behind a covering. If a woman dies among men, or a man among women, and there is no unmarriageable relative among them and no appropriate person can be found to wash the body, it is buried without washing. A martyr is buried in the clothing in which he was struck down. He is not washed. Weapons, leather armor, and fur garments are removed from him. This applies when he dies on the battlefield. If he leaves the battlefield, reaches his family, and then dies, he is washed and shrouded. A drowned person and a burned person are washed.

Likewise, any severed bodily part found from a human being which is of such a kind that a person could not live after losing it is washed. Whatever falls from the dead body is washed and placed with it. If the limbs, or any of them, have become separated from the body, they are washed and each limb is placed in its proper position. The whole is then shrouded and buried. It is recommended to hasten the burial of the dead except in the case of one who has drowned, been struck unconscious, or whose death is otherwise uncertain. Such a person is left until the reality of his death is established. If a man dies while in a state of major ritual impurity, or a woman dies while menstruating or experiencing post-partum bleeding, the washing performed for the dead suffices them just as it suffices one who died while ritually pure.

On Embalming and Shrouds

We transmit from the Imams of the People of the Household—peace be upon them—that when the washer has finished washing the dead, he should dry the body with a cloth. He should then take a piece of cloth large enough to wrap around the waist, spread cotton upon it, and sprinkle embalming perfume upon the cotton. He

gently removes the cloth that had been covering the nakedness while keeping the body concealed, then ties this new cloth around the hips. He places the cotton spread upon it over the private parts and at the anus and secures it firmly. He then dresses the dead in a shirt, if one is included among the shrouds, or in an undergarment. If neither is available, the body is left as it is upon the washing-place. The shrouds are then spread out, their edges gathered together, and the body is lifted and placed upon them. The embalming perfume is applied to the places of prostration: the forehead, nose, inner surfaces of the hands, the fronts of the knees, and the feet. The shrouds are then folded over the body.

A turban is placed upon the head, with its middle over the head and its ends passed beneath the chin. The dead is wrapped with it, and its tail is allowed to hang down upon the chest beneath the shrouds. Some of the embalming perfume is placed upon the head, in the ears, upon the eyes, nose, beard, chest, and mouth. The embalming substance may be made from fragrant substances generally, except that *wars* and saffron should not be used in the embalming of men. They may, however, be used for women. The Commander of the Faithful ʿAlī—peace be upon him—placed musk in the embalming of the Messenger of God—may God bless him and his family—because the Prophet had instructed him to do so. Some of it remained, and he instructed ʿAlī to place the remainder in his own embalming. Camphor is also placed in the embalming. The shrouds and the place where the body was washed may be perfumed with incense. Incense should not, however, be carried along with the funeral procession.

A person who dies while in the consecrated state of pilgrimage is not to be brought near perfume, just as perfume was not brought near him while alive. It is recommended that the number of shrouds be odd: three, five, or seven. There is no fixed number, however. A single garment suffices as a shroud, just as a single garment may suffice for prayer. They disliked shrouding a man in pure silk. They permitted shrouding in dyed garments. The cost of the shroud is taken from the principal of the deceased's estate.

On Carrying the Funeral and Performing the Prayer over the Dead

We transmit from the People of the Household—peace be upon them—that after the dead has been shrouded, the body should be placed upon a bier if one is available and this is possible. Men should carry it upon their shoulders when sufficient bearers are present. If that is not possible, it may be carried upon an animal or by whatever other means is available. The shrouds should be covered from above with another cloth if one is available. For a woman, a covered canopy should be placed upon the bier and concealed with a cloth. If there is fear that the body may fall from the bier, it should be secured. The funeral procession should move briskly and should not proceed slowly in the manner of the Jews. The person beginning to carry the bier takes the rear left corner upon his right shoulder. He may then circle around it as he wishes, with the people taking turns carrying it. They disliked decorating funeral biers and walking in front of the funeral procession. They instructed that people walk behind it.

When the funeral reaches the place of prayer, the bier is placed crosswise, with the deceased lying upon his back. The right side of the deceased should be toward the *qibla*, while the left side faces the person performing the funeral prayer. The person praying over the dead says five *takbīrs*, raising his hands with each *takbīr*. At the conclusion he gives the salutation to the right and left as in ordinary prayer. After the first *takbīr* he praises and extols God as He deserves. After the second, he invokes blessings upon the Prophet and his family. After the third, he supplicates for the deceased. If he knew the deceased, he should strive earnestly in supplication and may say:

> "O God, this is Your servant and the child of Your two servants. He has left this world and come to You. We know nothing of him but good. We have come as intercessors for him, so accept our intercession concerning him."

He then supplicates for him with whatever prayers he is able to make.

If he did not know him, he says:

> "O God, You know best his inward and outward state. If he was a doer of good, increase his good and have mercy upon him. If he was an evildoer, forgive him and overlook him."

He should strive in supplication for him and say:

> "Our Lord, You encompass all things in mercy and knowledge. So forgive those who repent and follow Your path, and protect them from the punishment of Hell…"

through His words:

> "…and that is the supreme triumph."

If the deceased was known to be wicked, he says:

> "O God, You know the inward and outward condition of this servant better than we do. Gather him with those whom he loved and give him what he chose,"

or words of similar meaning.

If the deceased is a child, he says:

> "O God, make him for his parents a forerunner, a reward, and a treasure, and benefit them and us through him."

He may supplicate with whatever similar wording is possible for him. After the fourth *takbīr*, he supplicates for the believing men and believing women. After the fifth, he invokes blessings upon the Prophet and his family and then concludes. All of this is recited quietly except the *takbīrs*, which are pronounced aloud. If the funeral prayer is performed at night, the recitation may be made audible as in the night prayer. A second transmission from Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—states that the person performing the funeral prayer praises and extols God after the first *takbīr*, invokes blessings upon the Prophet and his family after the second, supplicates for the Imam after the third, for the believers after the fourth, and for the deceased after the fifth if he knew him. He then invokes blessings upon the Prophet and his family and gives the salutation.

He said that the Messenger of God—may God bless him and his family—also pronounced only four *takbīrs* over some of those upon whom he prayed who did not deserve supplication, namely certain hypocrites. He then concluded after the fourth and did not supplicate for them, leaving them as discarded corpses. The funeral prayer may be performed at any hour of the day except at the exact time of sunrise and sunset. It is preferable to perform it during the day. The funeral prayer should not be performed at night unless there is necessity.

It has been transmitted from the Messenger of God—may God bless him and his family—that he said:

> "Bury your dead during the day, for the angels of the day are more merciful than the angels of the night."

If the ruler or someone appointed by the ruler is present for the funeral prayer, he has greater right to lead it than the deceased's guardian. If no ruler is present, the nearest guardian among the relatives has the greater right. The funeral prayer is performed over a martyr, over those guilty of major sins and other offenses, over one executed as a prescribed punishment or retaliation, over a child born of unlawful intercourse, and over a severed bodily part if it is known to be such that a person could not live after its separation from the body. If that is not known, no separate funeral prayer is performed over the part apart from the rest of the body. If several funerals are brought together, the Imam may pray over all of them at once. If all the bodies are men or all are women, the bodies are arranged in a row and the Imam stands approximately opposite their middle. If there is only one deceased man, he stands opposite the chest. For a woman, he stands opposite her head.

He may also pray over them one by one; that is permissible. If the funerals include both men and women and he prays over them together, the women are placed closer to the *qibla* and the men closer to the Imam. Likewise, if there is one man and one woman, the woman is placed toward the *qibla* and the man closer to the

Imam. If someone joins after the Imam has already pronounced some of the *takbīrs*, he says a *takbīr* and joins him. He begins the supplications in their proper order from the beginning while continuing to say each subsequent *takbīr* with the Imam. When the Imam concludes, the latecomer completes the *takbīrs* he missed, then gives the salutation and concludes, just as one does when joining an ordinary prayer late. Whoever does not catch the Imam until after he has given the salutation has missed the funeral prayer. He may supplicate for the deceased if he wishes, but does not perform another funeral prayer over him.

On Burial and Graves

We transmit from the Imams of the People of the Household—God's blessings be upon them—that they commanded graves to be dug for the dead. They forbade digging them deeper than three cubits. A side niche (*laḥd*) may then be made, or a central trench (*ḍarīḥ*), as one wishes. The *laḥd* is made by excavating, on the side of the grave facing the *qibla*, a recess in which the deceased is laid. The earth behind it, toward the opposite side, is left like a bench upon which the person placing the deceased into the niche can stand. The *ḍarīḥ* is made by digging the recess in the middle of the grave, leaving a raised ledge both in front of it and behind it. Whichever of the two is done is permissible and good. They permitted lining the niche when there is need for this. When the body reaches the grave, it is placed at the edge of the grave on the side facing the *qibla*. The relatives, or whoever they appoint, descend into the grave. For a man, the person with the greatest right to do so is one who handles the upper part of his body.

For a woman, it is the one who handles the lower part. One descends into the grave and comes out from the side of the deceased's feet. Those receiving the body face it and take it in their hands. If the deceased is a woman, a cloth is spread over the grave to conceal her while she is being lowered until she is covered. The deceased is laid upon his right side, straight and balanced. He is not turned face-down or laid flat upon his back. The knots tied in the shrouds are undone. Those present supplicate for him with whatever supplications occur to them. They may place bricks, a board, or palm-stalks above him if they wish. They then pour earth over him. Those who placed him in the grave climb out. The earth removed from the grave is returned to it and the remainder is heaped above it. Water is sprinkled over it. The people then depart. If it becomes necessary to bury two or several people in a single grave, this may be done. The most excellent among them is placed closest to the *qibla*.

If there are men and women, the men are placed in front of the women. A layer of earth should separate each two bodies. They disliked transporting the dead from one place to another and spoke severely against it. They permitted the grave to be made rectangular and not rounded or hump-shaped. They permitted marking the grave with some sign so that it may be recognized. They likewise permitted plastering it, whitening it, and erecting a roof over it. They permitted visiting graves from time to time over the course of the years, asking mercy for the dead and seeking forgiveness for them. They instructed whoever enters a cemetery to greet the inhabitants of the graves and supplicate for them all. They forbade stepping over graves, laughing in their presence, performing prayer among them, or defecating or urinating between them. If a polytheist woman dies while carrying a child fathered by a Muslim and the child has not yet emerged from her, the people of her own religion take charge of her and she is buried in their cemetery.

If a woman dies while a living child is moving within her womb, there is no harm in a midwife inserting her hand and cutting the child free and extracting it if she is able. If she cannot do so, the abdomen may be opened and the child removed. If no midwife is available, the nearest male relative may do this, but only if the child's life is known with certainty and it has reached six months or more—an age at which it is known that it may survive if removed. Otherwise, it is left until it dies within her womb. She must not be buried while the child is still moving within her. Likewise, if a child dies within a living woman and there is fear for her because of it, the midwife may insert her hand, cut the child apart, and remove it. There have been cases in which an unborn child was removed through an incision and survived. Opening the abdomen of the dead woman is preferable to killing the living child within her. They recommended that food be prepared and sent to the household of the deceased while they remain occupied by their grief.

Their neighbors and close associates should do this because their bereavement distracts them from preparing food for themselves. The Messenger of God—may God bless him and his family—commanded his family to prepare food for the household of Jaʿfar ibn Abī Ṭālib—peace be upon him—when news of his death arrived.

He said:

> "Something has come upon them that occupies them from attending to this for themselves."

Collection of the Chapters on Almsgiving

On the Command to Give Alms, the Merits of Paying It, and the Severity of Withholding It

God, Mighty and Exalted, says:

> "Successful indeed is the one who purifies himself, remembers the name of his Lord, and prays."

And He, blessed and exalted, says:

> "Successful indeed are the believers: those who are humble in their prayer, who turn away from idle speech, and who are active in giving alms."

And He says:

> "Establish prayer and give alms."

And He, glorified be He, says:

> "When the sacred months have passed, then kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give alms, then let them go their way."

Thus God, Mighty and Exalted, did not accept the Islam of a polytheist who withheld the alms. The Messenger of God—may God bless him and his family—was asked concerning the saying of God, Mighty and Exalted:

> "Woe to the polytheists, those who do not give alms."

He replied:

> "God is not reproaching the polytheists [for a mere subsidiary obligation]. Have you not heard His saying:
>
> 'Woe to those who pray, those who are heedless of their prayer, those who make a show and withhold *al-māʿūn*'?
>
> Indeed, *al-māʿūn* is almsgiving."

Then he said:

> "By Him in whose hand is the soul of Muḥammad, no one betrays God concerning the alms due upon his wealth except a polytheist."

And he said:

> "When God desires good for a servant, He sends to him an angel from among the keepers of Paradise who wipes his breast, and his soul becomes generous in giving alms."

And he—may God bless him and his family—said:

> "Whoever gives the alms due upon his wealth should give it willingly.

He gives only a portion of what God has already given him, while what he gives is stored up for him. Whoever gives the alms due upon his wealth has removed its evil from himself."

And he said:

> "No wealth has perished on land or sea except because its alms were withheld.
>
> So fortify your wealth through almsgiving, treat your sick through charity, and repel affliction through supplication."

And he said:

> "No one has ever given the alms due upon his wealth and had his wealth diminished by it, nor withheld it and thereby increased his wealth. So go forward and do not shrink back."

And he—peace be upon him—said:

> "God has places called the places of vengeance. Whoever withholds God's right from his wealth is driven toward them and spends it there."

And he—may God bless him and his family—said:

> "Whoever possesses camels, cattle, or sheep but does not give their alms will on the Day of Resurrection be laid out upon a broad, level plain.
>
> They will trample him with their hooves, gore him with their horns, and bite him with their mouths. Whenever the last of them has passed over him, the first returns upon him, until the reckoning of creation is completed."

It is transmitted from the Commander of the Faithful ʿAlī—God's blessings be upon him—that he said:

> "The worshipper has three signs: prayer, almsgiving, and fasting."

And in his testament to al-Ḥasan—peace be upon him—he said:

> "I counsel you, O Ḥasan, and all my children, my Household, and every believer whom this writing reaches, to fear God your Lord.
>
> God, God, concerning almsgiving, for it extinguishes God's wrath against you."

And he—may God bless him and his family—said:

> "God has imposed upon the wealthy, from their wealth, an amount sufficient for their poor.
>
> If the poor person goes hungry or unclothed, it is because the wealthy person withheld from his wealth. God, Mighty and Exalted, will call them to account for this on the Day of Resurrection."

And he said:

> "Whoever possesses abundant wealth but does not discharge its due right, that wealth will become snakes biting him on the Day of Resurrection."

And he—peace be upon him—said:

> "The one who withholds almsgiving is like the one who consumes usury.
>
> One who withholds almsgiving is not a Muslim." And he—may God bless him and his family—said concerning the saying of God, Mighty and Exalted:
>
> "They will be encircled by what they withheld on the Day of Resurrection":
>
> "The wealth of the one who withheld almsgiving will be embodied as a bald, poisonous serpent that coils around his neck and bites him until the people have completed their reckoning, saying: 'I am your wealth whose alms you withheld.'"
>
> And he—may God bless him and his family—said concerning the saying of God, Mighty and Exalted:

> “Those who hoard gold and silver and do not spend it in the path of God—give them tidings of a painful punishment. On the day it is heated in the Fire of Hell and their foreheads, sides, and backs are branded with it: ‘This is what you hoarded for yourselves, so taste what you used to hoard.’”

He said:

> “Hoarded wealth is wealth whose alms are not paid. Wealth upon which alms have been paid is not hoarded treasure.”

And he—may God bless him and his family—said:

> “On the Day of Resurrection, the wealth of one who withheld its alms will be brought forth and beaten into plates.
>
> They will then be heated in the Fire of Hell and his forehead, sides, and back will be branded with them. Whenever they cool, they will be reheated and the branding repeated until the reckoning of creation is completed.”

And he—peace be upon him—said:

> “Whoever pays the alms due upon his wealth has discharged what he owes concerning it.”

A man asked Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—about another man who complained that he was terrified in his dreams by a woman who pursued and frightened him.

He said:

> “This is a man who does not pay the alms due upon his wealth.”

The questioner informed the man of this.

He replied:

> “By God, I do pay it.”

The questioner then informed Abū ʿAbd Allāh—peace be upon him—of this.

He said:

> “If that is true, then he does not place it in its proper place.”

The man replied:

> “As for that, yes.”

On Giving Alms to Those Entitled to It and the Prohibition against Placing It Elsewhere

God, Mighty and Exalted, said to Muḥammad His Prophet—may God bless him and his family:

> “Take from their wealth an alms by which you purify them and cause them to grow.”

Then He, exalted be His praise, explained the places in which it is to be distributed, saying:

> “Alms are only for the poor, the needy, those employed to administer them, those whose hearts are to be reconciled, for freeing those in bondage, those burdened by debt, in the path of God, and the stranded traveler—an obligation from God. God is Knowing, Wise.”

Jaʿfar ibn Muḥammad—peace be upon him—said:

> “The poor person is the needy one who does not ask people.
>
> The destitute person is in even greater hardship than he and is the one who asks people.
>
> ‘Those employed to administer them’ are the officials“…of almsgiving, for they are the officials who undertake its collection from the people.

Those whose hearts are to be reconciled are people who had previously been hostile, but who possess strength, standing, and influence among their people. They are given from the alms in order to incline them favorably, so that those who obey them may incline with them. They are like those whom the Messenger of God—may God bless him and his family—used to give in order to reconcile them, from among the chiefs of the tribes, such as ʿUyayna ibn Ḥiṣn and al-Aqraʿ ibn Ḥābis. Such people exist in every age whenever circumstances require it, and the Imams give them from the alms.

"And for those in bondage" means for freeing slaves.

"The debtors" are those burdened by debts.

"In the path of God" refers to jihād.

"The traveler" is the stranger whose means have been cut off while traveling.

These, then, are the eight categories upon whom God, Mighty and Exalted, has imposed the distribution of alms. It is not proper to give all of it to one category while excluding another. I know of no disagreement among the Muslims concerning the principle that if someone were to say, "So-and-so, so-and-so, and so-and-so"—naming several men—"are entitled to such-and-such," and then one of those men seized the whole amount for himself without the others conceding it to him, this would not be lawful for him. How, then, could one who hears the saying of God, Mighty and Exalted:

"Alms are only for the poor and the needy…"

through His mention of eight categories, give the alms to only one of them? Furthermore, the payer himself is under an act of obedience requiring him to hand it over to the one whom God, Mighty and Exalted, has commanded to receive it and upon whom He has imposed the duty of placing it in its proper places. God has entrusted to that person the supervision of the alms, so that he may know the condition of every group entitled to them and the amount each should receive at every time and in every circumstance, according to what may arise for the Muslims and for Islam. No one can truly know or carry out this responsibility except the Imams whom God, Mighty and Exalted, has entrusted with the affairs of His servants and appointed as His successors over His earth and lands. There is no disagreement that the Messenger of God—may God bless him and his family—personally undertook the collection of alms from those who were present before him, and sent his agents to collect them from those who were absent.

They would bring the alms to him, and he would distribute them in the places where God, Mighty and Exalted, had commanded them to be distributed. This is further made clear by God's mention in His Book of:

"those employed to administer them,"

assigning them a share of the alms because of their work in collecting them. Likewise, when God, Mighty and Exalted, said to His Messenger—may God bless him and his family:

"Take from their wealth an alms…"

and entrusted its collection to him, the people did not disagree that this obligation remained after the passing of the Messenger of God—may God bless him and his family. Rather, they agreed that the one who stood in his place after him was to undertake its collection from them just as he had collected it, and to distribute it among its prescribed recipients. They agreed with Abū Bakr in fighting those who withheld almsgiving, called them the people of apostasy, and deemed their blood and offspring lawful. Abū Bakr, ʿUthmān, and the Commander of the Faithful ʿAlī—peace be upon him—personally undertook the collection of alms during their respective periods, and no one disputed their right to do so. Then, when authority passed to the Banū Umayya and the people saw that they appropriated these funds for themselves, some people began to hesitate about handing alms over to them. They turned to those remaining among the Companions of the Messenger of God—may God bless him and his family—and asked them about this.

Every one of them instructed the people to pay the alms over to the rulers, saying:

> "Upon them lies what they have been charged with, and upon you lies what you have been charged with.

Your duty is to give it to them, and their duty is to place it in its proper places." They transmitted this from ʿĀʾisha, Abū Hurayra, Saʿd ibn Abī Waqqāṣ, Abū Saʿīd al-Khudrī, and ʿAbd Allāh ibn ʿUmar. They did not transmit any opposing view from any Companion, while they themselves do not permit opposition to the Companions.

When people questioned Ibn ʿUmar repeatedly about the matter, he said:

> "Woe to you! Suppose you captured thieves and cut off the hand of some while leaving others. Would you have acted correctly?"

They replied:

> "No."

He said:

> "But if you delivered them to the ruler and he did this, would responsibility fall upon you?"

They replied:

> "No."

He said:

> "The matter of alms is the same. Hand it over to them, even if they spend it upon the dens of snakes."

This is the doctrine of the generality and the transmission they attribute to their predecessors. Yet today they have altogether cast it aside and departed from it completely, without producing any proof or introducing any sound reason. Indeed, they have thereby entered into the same category as those whom they themselves claimed to be people of apostasy because they withheld from their rulers the alms due upon their wealth, just as those earlier people withheld their alms from Abū Bakr. The earlier case, however, has an aspect that is not appropriate to explain here, and a full discussion of it would be lengthy. As for the Household of the Messenger of God—may God bless him and his family—they do not hold that almsgiving should be handed over except to the rightly guided Imams from the Household of the Messenger of God—may God bless him and his family—whom God, Mighty and Exalted, has commanded people to obey in His Book and whom He has entrusted with the affairs of His servants.

Whoever willingly gives the alms due upon his wealth to anyone other than them has not fulfilled the obligation. He must pay it to the Imam of his own age from among them. If, however, the unjust Imams overpower him and take it from him by force, it suffices him. The Commander of the Faithful ʿAlī—peace be upon him—said to one of his officials in al-Jazīra concerning one who had paid the alms on his wealth to Muʿāwiya and his officials:

> "Whoever lies within the reach of our cavalry and infantry, that payment does not suffice him, so collect it from him.

But whoever lies beyond our reach and outside our protection and states that they overpowered him and took it from him, accept his statement and leave him alone." And he—peace be upon him—said that the Messenger of God—may God bless him and his family—forbade a person from concealing his alms from his Imam and said:

> "That is hypocrisy."

God, Mighty and Exalted, has made clear to His servants, upon the tongue of His Messenger Muḥammad—may God bless him and his family—the one to whom they are to hand over their alms, by making them trustees over it and, as an indication of that trusteeship, forbidding the alms to them themselves while permitting it to others. The community has agreed that alms are not lawful for the Messenger of God—may God bless him and his family—or for his Household. They transmitted that al-Ḥasan ibn ʿAlī—peace be upon

him—once took a date from the dates of almsgiving while he was a small boy and put it into his mouth. The Messenger of God—may God bless him and his family—saw him, leapt toward him, took it from his mouth together with his saliva, and threw it back among the dates of almsgiving.

He said:

> "We, the People of the Household, are not permitted to consume alms."

Thus He excluded them from receiving it, while entrusting them with its collection and with placing it in its proper places. This authority belongs to them and not to anyone outside them among the rest of the people. Likewise, God assigned to them the *khums* which He had assigned to the Messenger of God—may God bless him and his family—as an indication of their Imamate and of their standing in his place after him in relation to his community. This applies to the Imams from among them, peace be upon them, rather than to every member of the Household. As for the alms due upon their own property, they are like the rest of the community: they must hand their alms over to the Imam just as everyone else must. Such was the state of the Household of the Messenger of God—may God bless him and his family—during his lifetime. This authority passes from one Imam to another, an honor transmitted and an excellence continuously bestowed.

Whoever denies their right and is ignorant of their Imamate is still, according to the doctrine of his own Imams and predecessors, at the very least required—once God makes their authority manifest and grants them rule—to hand over the alms due upon his wealth to them in every circumstance. We have already presented enough proof concerning this, though briefly, for whoever pauses to understand it and whom God guides toward sound judgment.

On the Alms Due upon Gold, Silver, and Precious Substances

We transmit from the Imams of the People of the Household—peace be upon them—that alms are not obligatory upon gold until it reaches twenty *mithqāls* and remains in the ownership of the person who acquired it for a full year. Nor are alms obligatory upon silver until it reaches two hundred dirhams and remains in the ownership of the one who acquired it for a full year. Upon twenty *mithqāls* of gold, the amount due is half a *mithqāl*. Upon two hundred dirhams of silver, the amount due is five dirhams. Once this threshold has been reached, whatever exceeds it is subject to one quarter of one tenth, provided the increase came into his possession before the completion of the year. At the end of the year he calculates and pays it accordingly. If, at the completion of the year, the amount has fallen below the threshold mentioned, no alms are due upon it. Whatever exceeds the threshold is assessed proportionately. Gold and silver are not combined with one another in calculating the threshold.

No alms are obligatory upon either until each independently reaches the amount we have mentioned. Thus, if a man possesses one hundred dirhams and ten dinars whose value is one hundred dirhams or more, there is no alms due upon them until the dinars themselves reach twenty dinars and the dirhams themselves reach two hundred dirhams and a full year passes over them. The exception is if he converts part of one form into the other before the completion of the year in order to evade almsgiving. If he does this, he must still pay the alms. An example is a man who possesses two hundred dirhams and, when he sees that almsgiving has become obligatory upon him, exchanges part of them into dinars in order to make the obligation fall away. Or if he possessed dinars and exchanged part of them into dirhams for the same reason. Precious stones, pearls, and ambergris, when extracted from their mines or places of origin, are subject to the *khums* payable by the one who extracts them. No further alms are due upon them for as long as he retains them.

Once he sells them and the purchaser acquires them, they become like the purchaser's other wealth. Jewelry and precious stones used for adornment are not subject to alms unless the person who acquired them intended through doing so to evade almsgiving. If he intended evasion, then alms are due. The same rule applies to things extracted from mines, such as gold, silver, brass, iron, lead, mineral stones, and the like. The *khums* is due upon extraction. Once ownership passes to another person, the material is treated like ordinary property. If a person possesses debased coinage, he pays its alms proportionately from that coinage. If the coin

is actually copper, iron, lead, or some other substance coated with precious metal, then its value in its actual underlying material is assessed and added together with the rest of his property for purposes of almsgiving. There are no alms due upon garments, riding animals, household utensils, or furnishings when they are not held for trade and were not acquired in order to evade almsgiving.

If, however, they are held as merchandise, or were purchased with wealth and deliberately retained in order to avoid paying alms, then alms are due upon them. Whoever purchases merchandise should assess its value at the completion of the year and pay its alms if the merchandise is present in his possession or in a place from which it is not being withheld from him. The same applies to a debt. So long as it remains owed to him and has not yet come into his possession, he does not pay alms upon it until he receives it. There are no alms due upon the property of a child until he reaches puberty, takes possession of the property, and a full year then passes while it is in his possession. If, however, the property comes into the hands of an adult who trades with it, the adult pays the alms. The alms are due from the one who trades with it, any loss incurred in the property is upon him, while the profit belongs to the child. The marriage-dower owed to a woman has the same ruling as a debt, whose principle we have already explained.

Whoever sets aside the alms due upon his property in order to deliver it, but it is lost before reaching its recipient, must replace it. He remains responsible for it until he places it in its proper place. If a person dies while alms remained due upon him and he had not paid them, they are taken from the principal of his estate, whether or not he made a testament concerning them, provided the obligation is known and established.

On the Alms Due upon Camels, Cattle, and Sheep

We transmit from the Imams of the Household of the Messenger of God—may God bless him and his family—that no alms are due upon working camels, meaning camels used for carrying loads or labor, regardless of how many there are. If the camels are grazing freely—that is, pastured and kept for breeding and milk—then nothing is due upon fewer than five. When they reach five and a full year has passed over them, one sheep is due. Nothing further is due until they reach ten, at which point two sheep are due. At fifteen, three sheep are due. At twenty, four sheep are due. At twenty-five, a *bint makhāḍ* is due. This is a female camel that has completed one year since birth and entered its second year, so called because her mother has generally conceived after her and is in labor with another. If no *bint makhāḍ* is available, then an *ibn labūn* may be given. This is a male camel that has completed two years and entered its third year, so called because its mother has conceived again and given birth and thus has milk.

This ruling remains until thirty-five. If the number increases beyond that, then up to forty-five a *bint labūn* is due. If it increases by one, a *ḥiqqa* is due. A *ḥiqqa* is a female camel that has completed three years and entered its fourth year, having reached the age at which she is fit for carrying loads and for mating. This applies up to sixty. If the number increases by one, a *jadhaʿa* is due. A *jadhaʿa* is one that has completed four years and entered its fifth. This applies up to seventy-five. If the number increases by one, then a *bint labūn* is due up to ninety. If it increases by one beyond ninety, two *ḥiqqas* are due up to one hundred and twenty. Beyond one hundred and twenty, for every forty camels a *bint labūn* is due, and for every fifty a *ḥiqqa*. If the alms collector does not find among the camels an animal of the exact age-category required, he may take one age-category lower together with two sheep or twenty dirhams. Or he may take one age-category higher and return to the owner two sheep or twenty dirhams.

There are no alms due upon working cattle, meaning those used for plowing or irrigation. Nor are alms due upon grazing cattle—that is, those pastured and kept for breeding and milk—until they reach thirty. When they reach thirty and a full year has passed while they are in the owner's possession, one yearling male or female calf is due, namely an animal that has completed its first year and whose horns have begun to become even. Nothing further is due above thirty until the number reaches forty. At forty, one mature cow is due. At sixty, a mature cow and a yearling calf are due. At eighty, two mature cows are due. At ninety, three yearling calves are due. For every forty, one mature cow is due. There is nothing due between these thresholds. There are no

alms due upon domestically fed sheep kept in houses and not pastured. Nor are alms due upon freely grazing sheep until they reach forty and a full year passes while they are in the owner's possession. At forty, one sheep is due.

Nothing further is due until the flock reaches one hundred and twenty. If it increases by one or more beyond one hundred and twenty, two sheep are due until it reaches two hundred. If it increases by one or more beyond two hundred, three sheep are due. When the flock becomes larger still, one sheep is due for every hundred.

On What the Collectors of Alms Are Commanded concerning Their Administration and Collection, and on the Property of Partners

We transmit from the Commander of the Faithful ʿAlī—peace be upon him—that he appointed Mikhnaf ibn Sulaym over the alms of Bakr ibn Wāʾil. He wrote for him a covenant containing the following:

> "This is what ʿAlī ibn Abī Ṭālib—peace be upon him—enjoined upon Mikhnaf ibn Sulaym when he sent him to collect the alms.

He commanded him to fear God his Lord in all his affairs and in the hidden aspects of his deeds, where there is no witness over him besides God and no guardian apart from Him. He commanded him not to display outwardly an act of obedience to God while secretly turning to its opposite. Whoever does this places himself in betrayal, treats the right of God lightly, and exposes himself to His wrath. He commanded him to conduct himself justly toward those placed under his authority, to distribute among them equitably, to meet them with a cheerful face and gentle manner, to secure justice for the wronged against the wrongdoer, and to maintain equality among them in his sitting, his expression, his speech, and his listening, so that no powerful person among them imagines that he enjoys preference before him. He commanded him not to despair them, scowl at them, or turn away from them out of pride in the authority he exercises over them. For they are brothers in religion, supporters against enemies, and helpers in collecting the rights due."

And he—peace be upon him—said in it:

> "O Mikhnaf ibn Sulaym, you have a share and an assigned right in these alms, while your partners in them are the poor and the weak among the needy.

I shall give you your right in full, so give them their rights in full. Otherwise, you will be among those with the greatest number of claimants against them on the Day of Resurrection. Miserable indeed is the person whose opponents are the poor, the needy, the debtor, and the stranded traveler." It is also transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—forbade requiring people to swear oaths concerning their alms.

He said:

> "They are trusted concerning them,"

meaning regarding that portion of their wealth which is concealed and not publicly visible. As for what is manifest, they are held accountable for it.

And he said:

> "The one who exceeds the proper limits in collecting alms is like the one who withholds it."

He forbade coercing people in matters of almsgiving.

The Commander of the Faithful ʿAlī—peace be upon him—said:

> "The alms of the desert people are to be collected in their own places. They are not to be driven from one location to another.

In years of drought, collection is to be postponed until prosperity returns." It is transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—forbade combining what is separate or separating what is combined for purposes of almsgiving. Separating what is combined means, for example, that a man owns one hundred and twenty sheep. Only one sheep is due upon them until the number increases. The collector is therefore forbidden to divide them into three groups of forty and take three sheep. Likewise, if the owner has forty sheep, he is not permitted to divide them into two groups of twenty in order to avoid paying alms. As for combining what is separate, it means that three men, each possessing forty sheep individually and not sharing ownership of them, may not combine their flocks so that the collector takes only one sheep from the combined total. If kept separate, three sheep would be due.

Likewise, the collector may not combine the sheep of two men, neither of whom individually possesses enough for alms to be due, in order to make the combined total reach the threshold. Partners in livestock are not liable to alms until the individual share of one of them reaches the amount upon which alms would be due. When that occurs, and their shares are equal, they contribute equally. If the shares are unequal, they settle the excess between themselves according to their respective ownership. For example, if two men jointly own a flock, there is nothing due until their combined flock reaches eighty sheep. At eighty, two sheep are due, one upon each partner, if they own the flock in equal halves. If one owns one third and the other two thirds, then only one sheep is due from the owner of the two-thirds share until the total flock reaches one hundred and twenty. If it increases by one, two sheep become due. The two partners then settle the difference between themselves according to their shares.

This is because the collector has taken two sheep from the flock as a whole. One partner owns forty sheep and the other eighty. Thus, proportionally, one and one-third sheep have effectively been taken from the property of the owner of eighty, even though only one sheep is due from him. And two-thirds of a sheep has effectively been taken from the property of the owner of forty, even though one whole sheep is due from him. They therefore compensate one another so that the burden ultimately upon each is one sheep, corresponding to his own share. The same principle applies to all forms of property: coined money, camels, cattle, sheep, grain, and everything else upon which alms are due when held in partnership. Each partner owes only what would have been due upon his own share had he not been in partnership. Partnership does not abolish ownership nor transfer one person's property to another. Each partner continues to own what belongs to him.

Whatever would have been due from him before entering the partnership remains what is due from him afterward. If property owners gather their wealth together and intermingle it without becoming legal partners in ownership, each person is assessed according to what is due from him individually, without regard to the mere physical mixing of their property. Whoever possesses the minimum amount of property upon which alms become obligatory, and a full year passes over it and he pays its alms, then later adds something to it, adds that increase to the principal amount at the completion of the next year and pays alms upon all of it together. For coined money, he pays one quarter of one tenth. For livestock, the increase is included in the total number. Even if an animal gives birth while the collector is standing over the flock, the newborn is counted toward the total. But the collector does not take that newborn itself, nor another newborn like it, as the alms.

From camels and cattle the collector takes only the age-categories already described, not very old animals. He does not take an aged animal, an animal with a defect, the breeding ram of the flock, the finest animals, or the worst animals. Rather, he takes from those of medium quality. If the collector and the owners of the property disagree, the owners select one third of the property and set it apart. The collector then chooses the required alms from the remaining two thirds and takes it.

On the Alms Due upon Grains and Fruits

God, Mighty and Exalted, says:

> "It is He who brought forth gardens, trellised and untrellised, date-palms and crops of diverse produce, olives and pomegranates, similar and dissimilar. Eat of their fruit when they bear fruit, and give its due on the day of its harvest."

We transmit from Jaʿfar ibn Muḥammad—peace be upon him—that concerning the saying of God, Mighty and Exalted:

> "Give its due on the day of its harvest,"

he said:

> "This is something given in addition to the obligatory alms at the time of harvest: when a beggar is standing there, one gives him a handful—that is, a grasp—or something else in charity besides the obligatory alms."

It is transmitted from him, from his forefathers, that the Messenger of God—may God bless him and his family—said:

> "Whatever is watered by the sky"—meaning by rain—"or irrigated by flowing water"—meaning a river—"is subject to one tenth.

Whatever is watered by a *gharb*"—meaning a bucket—"is subject to one half of one tenth." This is a well-known report from the Messenger of God—may God bless him and his family—and it gives the clearest indication that one tenth is due upon everything irrigated by rainwater and flowing waterways, while one half of one tenth is due upon what is irrigated from wells. It has been transmitted from the People of the Household—peace be upon them—that the tenth becomes due upon grain when it has formed and reached the stage at which its sound condition becomes apparent. At that point it is estimated. The crop is fairly assessed for its owners and left in their possession. They are then charged with one tenth of the amount estimated. The estimator is instructed not to be excessively exacting in his estimation, but to leave something uncounted. They—peace be upon them—said that the Messenger of God—may God bless him and his family—sent ʿAbd Allāh ibn Rawāḥa al-Anṣārī to the people of Khaybar.

He had contracted with them for one half of its produce. When the fruits had reached the stage at which their soundness became apparent, he estimated them. They objected. ʿAbd Allāh ibn Rawāḥa said to them:

> "I have estimated it and have added nothing against you. If you wish, give us one half of what we have estimated; and if you wish, hand it over to us and take one half yourselves."

The Jews said:

> "This is the justice upon which the heavens and the earth stand."

They—peace be upon them—said concerning honey that if it is held for trade, alms are due upon it. As for honey taken for personal use and extracted from its hives, no alms are due upon it.

On the Alms of Breaking the Fast

God, Mighty and Exalted, says:

> "Successful indeed is the one who purifies himself and remembers the name of his Lord and prays."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "His saying, 'Successful indeed is the one who purifies himself,' means one who gives the alms of breaking the fast.
>
> And 'remembers the name of his Lord and prays' means the festival prayer."

He—peace be upon him—said:

> "The alms of breaking the fast are obligatory upon the rich and the poor."

And he—peace be upon him—said:

> "The alms of breaking the fast are obligatory upon every person for himself and for everyone whom he supports, young and old, free and enslaved.
>
> For each person, one *ṣāʿ* of food is due."

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

> "A man gives the alms of breaking the fast on behalf of his Jewish or Christian slave."

And it is transmitted from him—peace be upon him—that if a woman possesses slaves who are counted among her own dependents, she gives the alms of breaking the fast for them. If, however, they are among the dependents of her husband, then the husband is required to give it for them. He—peace be upon him—used to give the alms of breaking the fast on behalf of his father even after his father's death. This is a voluntary act of goodness and is not obligatory. He—peace be upon him—would permit one who could not find food to give dirhams instead, according to the value at that time. The Sunna is to give the alms of breaking the fast before the festival prayer. Praise be to God, Lord of the worlds, and may God bless Muḥammad His Prophet and the righteous members of his family and grant them peace. The second part follows, containing the Collection of the Chapters on Fasting.

Part Two of *The Abridgement of the Authentic Traditions from the Purified Imams—God's Blessings Be upon Them—among the Noble Masters*

By al-Qāḍī al-Nuʿmān ibn Muḥammad—may God be pleased with him. It contains the Collection of the Chapters on Fasting, the Collection of the Chapters on Pilgrimage, and the Collection of the Chapters on Jihād. Its final section concerns those among the people of the *qibla* whom it is obligatory to fight. In the name of God, the All-Merciful, the Compassionate.

Collection of the Chapters on Fasting

On the Obligation of Fasting and the Merits of It

God, Mighty and Exalted, says:

> "O you who believe, fasting has been prescribed for you just as it was prescribed for those before you, that perhaps you may become God-fearing…"

through His words:

> "…that you may complete the number, magnify God for having guided you, and perhaps you will give thanks."

Thus God, Mighty and Exalted, made fasting the month of Ramadan obligatory every year upon every legally responsible person. I have already mentioned in the chapters on prayer what children are to be instructed concerning prayer and fasting, and at what stage they are to be instructed in them. We transmit from

Jaʿfar ibn Muḥammad—peace be upon him—that when the month of Ramadan drew near, he would supplicate:

> "O God, the month of Ramadan has drawn near. If You cause us to reach it, assist us in it and accept it from us."

When the month began, he would say in his supplication:

> "O God, this is the month of Ramadan in which the Qurʾān was sent down as guidance for the people and clear proofs of guidance and discrimination.

O God, bless for us the month of Ramadan, assist us in it, and accept it from us. Indeed, You have power over all things."

It is transmitted from him—peace be upon him—that he said:

> "Do not say merely 'Ramadan.' Rather say as God said: 'the month of Ramadan.'"

It is transmitted from him, from his forefathers, that the Messenger of God—may God bless him and his family—said:

> "Shaʿbān is my month and Ramadan is the month of God, and it is the springtime of the poor."

The Messenger of God—may God bless him and his family—said this to indicate the excellence of the two months. All months belong to God, Mighty and Exalted, but the month of Ramadan was specifically attributed to Him as a form of magnification. Likewise, his saying "Shaʿbān is my month" is a form of honoring it. He—may God bless him and his family—used to fast during Shaʿbān.

He once ascended the pulpit and said:

> "O people, Gabriel met me and said: 'O Muḥammad, whoever reaches the month of Ramadan and is not forgiven during it, then dies, may God, Mighty and Exalted, distance him. Say Āmīn.'
>
> So I said: 'Āmīn.'"

The Messenger of God—may God bless him and his family—addressed the people at the end of Shaʿbān and said:

> "O people, a great month has cast its shadow over you, a blessed month.
>
> It contains a night in which an act of worship is better than that of a thousand months. Whoever draws near to God in it through one characteristic of goodness is like one who has performed an obligatory act at another time. It is the month of patience, and the reward of patience is Paradise. It is the month of mutual support. It is a month in which the believer's provision is increased. Whoever provides food for a fasting person to break his fast receives forgiveness for his sins, release from the Fire, and a reward equal to that fasting person's without anything being diminished from the latter's reward."

Some of those present said:

> "O Messenger of God, not all of us possess enough to provide a fasting person with food."

He—may God bless him and his family—said:

> "God, Mighty and Exalted, grants this reward even to one who provides a fasting person with a mouthful of milk, a date, or a drink of water.
>
> Whoever feeds a fasting person until he is satisfied, God will give him a drink from my basin after which he will never thirst until he enters Paradise. It is a month whose beginning is mercy, whose middle is forgiveness, and whose end is release from the Fire. Increase in it four things: two with which you please your Lord, and two which you cannot do without. As for the two with which you please your Lord: testify that there is no god but God and seek God's forgiveness. As for the two which you cannot do without: ask God for Paradise and seek refuge in Him from the Fire."

The Messenger of God—may God bless him and his family—said:

> "Whoever lightens the burden of his slave during this month, God forgives him and frees him from the Fire."

And he also said:

> "Everything has an alms, and the alms of the body is fasting."

And he said concerning the saying of God, Mighty and Exalted:

> "Seek help through patience and prayer":

> "Patience means fasting."

And:

> "Indeed, the patient will be paid their reward without measure."

The Messenger of God—may God bless him and his family—said to ʿAlī—peace be upon him:

> "O ʿAlī, fast in the heat, perfect your ablution in the cold, and train yourself in patience."

And he said:

> "Those who will enjoy the greatest rest at the standing on the Day of Resurrection are those who ate least in this world.

Those who will experience the greatest thirst and hunger on the Day of Resurrection are those who belched most from fullness in this world."

And he—may God bless him and his family—said:

> "God, Mighty and Exalted, has appointed His angels to supplicate for those who fast."

And he said:

> "I have never commanded My angels to supplicate for any of My creatures except that their supplication for them is answered."

And he said:

> "The sleep of the fasting person is worship and his breath is glorification."

And the Messenger of God—may God bless him and his family—said:

> "God, Mighty and Exalted, says: 'Fasting is Mine, and I Myself reward it.'

The fasting person has two joys: a joy when he breaks his fast, and a joy when he meets his Lord. By Him in whose hand is the soul of Muḥammad, the odor of the mouth of the believing fasting person is sweeter before God than the fragrance of musk." When the Messenger of God—may God bless him and his family—ate food in someone's home, he would say:

> "May those who fast break their fast with you, may the righteous eat your food, and may the angels invoke blessings upon you."

This indicates the merit of feeding fasting people.

On Beginning the Fast and Entering into It

The Messenger of God—may God bless him and his family—said:

> "The predawn meal is a blessing, so eat the predawn meal at the end of the night, even if only a drink of water.

For God and His angels invoke blessings upon those who eat the predawn meal."

The Commander of the Faithful ʿAlī—peace be upon him—said:

> "When God, Mighty and Exalted, revealed:
>
> 'Eat and drink until the white thread becomes distinct to you from the black thread,'

people began taking two threads, one white and one black, and continued eating and drinking at night until they could distinguish the white thread from the black. God, Mighty and Exalted, then revealed the words:

> 'of dawn.'"

And he said:

> "The dawn that makes food and the other things forbidden to the fasting person unlawful is the dawn whose light spreads horizontally across the eastern horizon.
>
> The first dawn forbids nothing. It is the one that rises thin and vertically."

And he—peace be upon him—said:

> "The Sunna is to hasten breaking the fast"—meaning after sunset—"and to delay the predawn meal."

And he—peace be upon him—said that the Messenger of God—may God bless him and his family—forbade performing the obligatory fast without a deliberate intention to fast.

The Commander of the Faithful said:

> "God, Mighty and Exalted, made the crescent moons signs for fasting, appointed times for pilgrimage, and terms for debts.
>
> This is among the blessings of God, Mighty and Exalted, upon His creation." Whoever fasts without having seen the crescent and later learns that the day was actually part of the month of Ramadan must make that day up, because what he performed was only a voluntary fast. There is no harm in voluntarily fasting the day about which there is doubt whether it belongs to Ramadan, provided one intends it as a day of Shaʿbān. If it is later learned that the day was in fact from Ramadan, it must be made up, because the fast was performed voluntarily. One must not fast it on the basis of doubt as though it were Ramadan, for God, Mighty and Exalted, is not worshipped through any act of worship founded upon doubt.

On What Breaks the Fast and What Is Required of One Who Breaks It

God, Mighty and Exalted, says:

> "It has been made lawful for you on the nights of fasting to have intimate relations with your women…"

through His words:

> "…then complete the fast until night."

The Muslims are agreed concerning the general meaning of fasting. It has been transmitted from the Messenger of God—may God bless him and his family—that he imposed an expiation upon one who deliberately breaks the fast or has sexual intercourse during the daytime of the month of Ramadan. The expiation for one who deliberately breaks the fast or has intercourse during the daytime of Ramadan is to free a slave. If he cannot find one, he fasts two consecutive months. If he is unable to do that, he feeds sixty needy people. He must also make up the day upon which he broke the fast. If he possesses neither the means to free a slave nor the means to give food in charity and is incapable of fasting, nothing further is required of him. God does not burden a soul beyond its capacity or beyond what He has given it.

We transmit from the People of the Household—peace be upon them—that if a man plays amorously with his wife during the daytime of Ramadan, kisses her, or has physical contact with her and thereby ejaculates, he

must make up the fast and perform the expiation. If he does not ejaculate, nothing is required of him. Whoever fears that this may happen to him should not expose himself to it. Rather, he should preserve his fast, protect it from what would invalidate it, and avoid exposing it to what would diminish it. If a man has intercourse with a woman during the daytime of Ramadan while she is asleep, coerces her, or she is insane or a child, then the man, if he is a legally responsible adult, must make up the fast and perform the expiation. Nothing is required of the woman in any of the circumstances just mentioned. They—peace be upon them—said that whoever has intercourse during a night of Ramadan should not deliberately go to sleep before performing the ritual bath.

If he does so and enters the morning in a state of major ritual impurity, he must make up that day. The same applies if he has a nocturnal emission, wakes, and then deliberately goes back to sleep. If, however, sleep overcomes him, or he becomes ritually impure and does not wake until dawn has appeared, he performs the ritual bath, completes his fast, and nothing is required of him. Whoever eats, drinks, or has intercourse forgetfully during the daytime of Ramadan should complete his fast. There is neither makeup nor expiation upon him. But once he remembers, he must stop immediately and expel from his mouth whatever food or drink remains there and rinse his mouth. If, after remembering, he deliberately swallows any of it, or continues intercourse, then he must make up the fast and perform the expiation. They said that whoever deliberately induces vomiting during the daytime of Ramadan must make up one day because he treated his fast lightly.

If some of what he vomited then returns and he deliberately causes any of it to enter his throat, he must make up the fast and perform the expiation. If vomiting overcomes him involuntarily and he is unable to restrain it, nothing is required of him. Whoever rises near the end of the night and eats or drinks while remaining inside his house, without going outside or looking to determine whether dawn has appeared, and it turns out that dawn had already appeared when he ate and drank, must complete the fast and make up one day. If, however, he went outside and looked for dawn but did not see it, then ate and drank, and dawn had in fact already appeared, while he did not act deliberately, negligently, or fail to investigate, nothing is required of him. Whoever is uncertain whether dawn has appeared and is knowledgeable about its signs may continue eating and drinking until he becomes certain of its appearance.

If he is uncertain and has no knowledge of the signs of dawn, he should refrain until the matter becomes certain to him or until someone knowledgeable informs him. Whoever looks toward the sun and believes it has set, then eats or drinks during the daytime of Ramadan, after which the sun becomes visible again, should stop eating and drinking until it actually sets. Nothing further is required of him. If a fasting person applies eye-kohl whose taste reaches his throat, he must make up the fast and perform the expiation. If he uses a kohl whose taste does not reach his throat, nothing is required. They permitted the fasting person to use the tooth-stick, except that he should not use a fresh, moist stick. If he does so and its taste reaches his throat, his fast is broken. If he deliberately repeats the act, he must make up the fast. If he uses a dry tooth-stick, nothing is required.

They permitted the fasting person to chew gum or food and to taste it with his tongue and mouth, provided nothing from it reaches his throat, just as rinsing the mouth with water is permissible. They also permitted cupping. If something occurs to him as a result of it that causes him to break the fast, he makes up one day. If he knows beforehand that this is likely to happen to him as a result of cupping, he should not expose himself to it unless compelled by necessity. They disliked for the fasting person to inhale perfume, oils, and fragrant scents. He should not deliberately draw any of these into his nose lest they reach his throat. Likewise, he should not pour anything into his ear that may reach his throat.

On Fasting while Traveling

God, Mighty and Exalted, says:

> "O you who believe, fasting has been prescribed for you just as it was prescribed for those before you, that perhaps you may become God-fearing, for a prescribed number of days. Whoever among you is ill or on a journey, then an equal number of other days…"

Thus God, Mighty and Exalted, made fasting the month of Ramadan obligatory upon the legally responsible resident and made it obligatory upon the traveler to perform an equal number of days later. The traveler's obligation is therefore to make up, while resident, the days of Ramadan during which he traveled.

Jaʿfar ibn Muḥammad—God's blessings be upon him—said:

> "The Messenger of God—may God bless him and his family—set out during the campaign of Mecca in the month of Ramadan.

He broke his fast and commanded those with him to break theirs. He then learned that some of his companions had continued fasting. He said: 'Do you not have in the Messenger of God an excellent example?' Then, at Kurāʿ al-Ghamīm on the road, he stopped where those whom God willed could see him, took a vessel of water, and drank from it while they watched. When they saw this, they broke their fast. A group nevertheless remained fasting, and the Messenger of God—may God bless him and his family—called them 'the disobedient ones.'" Breaking the fast during the daytime of Ramadan while traveling is therefore permitted by the Book of God, Mighty and Exalted, and by the Sunna of the Messenger of God—may God bless him and his family. Whoever abstains from food and drink during travel is not counted as having performed the obligatory fast. He must make up an equal number of days later, as God, Mighty and Exalted, has required.

If a person refrains from eating and drinking while traveling without intending it as a fast and without counting it as such, and then makes up the day while resident, nothing is required of him. There is likewise no blame upon anyone who merely abstains from food and drink, whether traveling or not, without treating that abstention as an obligatory fast. It has been transmitted from many of the Imams—God's blessings be upon them—that they themselves would sometimes act in this way. I have already explained in the chapters on prayer the distance of travel at which breaking the fast and shortening the prayer become obligatory. Wherever shortening the prayer is obligatory, breaking the fast is likewise obligatory. Deliberately beginning a journey during the month of Ramadan without a need is disliked. If the traveler leaves his home during Ramadan before the sun has passed the meridian, he must make up that day. If he leaves after the meridian, he does not break his fast on that day and does not make it up.

Likewise, if he returns and reaches home before the meridian without having eaten anything, then he completes…"…his fast for that day and does not make it up. If, however, he arrives after the sun has passed the meridian, he must make that day up."

On Breaking the Fast because of Illnesses that Arise

God, Mighty and Exalted, says:

> "O you who believe, fasting has been prescribed for you just as it was prescribed for those before you, that perhaps you may become God-fearing, for a prescribed number of days. Whoever among you is ill or on a journey, then an equal number of other days…"

In the preceding chapter I explained what the apparent meaning of this saying of God, Mighty and Exalted, requires concerning one who travels during the month of Ramadan. The same principle applies to one who is ill during it. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—God's blessings be upon him—was asked about the degree of illness at which a fasting person is permitted to break the fast.

He said:

> "That is entrusted to the sick person himself, and he is trusted concerning it.

If he is able to fast without harm, let him fast. If he cannot endure it, let him break his fast. Every illness in which fasting harms him permits him to break the fast." A person unable to fast during Ramadan because of an illness from which he has despaired of recovery—such as leprosy or an entrenched chronic illness—feeds one needy person each day with half a *ṣāʿ* of food. The same applies to an elderly person who cannot fast, because such a person has despaired of being able to make the fast up later. As for one who knows that he may recover

from his illness and become capable of fasting, he must make up the fast once he recovers and is able. The pregnant woman and nursing woman have the same ruling as a sick person if they are unable to fast and therefore break the fast. If a sick person's illness continues until another month of Ramadan arrives, and he is able to fast the newly arrived Ramadan, he fasts it and gives food in compensation for the Ramadan that he missed before it.

If he remains unable to fast and breaks the fast during the second Ramadan as well, then later recovers, he compensates for the first by feeding and makes up the second by fasting. All of this is the doctrine of the People of the Household—God's blessings be upon them. They—God's blessings be upon them—recommended that when a person dies while owing fasts, his guardian make them up on his behalf. They said that when a woman menstruates during the month of Ramadan, she breaks the fast and must make up the days she missed. Whoever owes days from Ramadan may make them up in whatever manner is convenient for him, consecutively or separately. God, Mighty and Exalted, said only:

> "Then an equal number of other days."

They—God's blessings be upon them—disliked making up Ramadan fasts during Dhū al-Ḥijja because it is a month of pilgrimage rites. They encouraged hastening to make up the days missed from Ramadan as soon as possible afterward. Nothing is required of one who delays the makeup before the next Ramadan arrives. But if the next Ramadan arrives while the earlier fast remains outstanding, he must then give food in compensation for what has passed, as we have described.

On Breaking the Fast

God, Mighty and Exalted, says:

> "Then complete the fast until night."

The beginning of night is the disappearance of the sun's disk—that is, the setting of the disk of the sun beneath the western horizon when nothing obstructs the view. If an obstruction prevents it from being seen, the sign of the disk's setting is the darkening of the eastern horizon, the advance of night from that direction, and the disappearance of the redness there. We transmit from the People of the Household—God's blessings be upon them—that they recommended hastening to break the fast and disliked delaying it. They instructed that a person break his fast after the sunset prayer upon whatever is available, if that is possible and he has something to eat, rather than remaining in a state of fasting. They said that if food is present when the sun has set, one begins with the food before the prayer. If no food is present, the fasting person performs the prayer and then breaks his fast. When food has been brought and placed before him, he should not leave it and rise to perform the prayer at that time.

When the Messenger of God—may God bless him and his family—broke his fast, he would say:

> "O God, for You we have fasted, and upon Your provision we have broken our fast. Accept it from us.
>
> The thirst has gone, the veins have been filled, and the reward remains, God Most High willing." They—peace be upon them—said that if the crescent is seen during the daytime of Ramadan, whether at the beginning or end of the day, the people do not break their fast before night. That day remains one of the days of Ramadan—meaning when this occurs at the end of the month. Likewise, if the crescent is first seen during the daytime at the beginning of the month and had not been seen during the preceding night, that day is not to be fasted as a day of Ramadan. A day belongs to the new month only when its crescent was seen during the preceding night.

On the Night of Decree

God, Mighty and Exalted, says:

> "Indeed, We sent it down on the Night of Decree…"

through the end of the sūra.

And He, blessed and exalted, says:

> "Ḥā Mīm. By the clear Book. Indeed, We sent it down on a blessed night…"

through His words:

> "…Indeed, We have ever been sending."

Abū Jaʿfar Muḥammad ibn ʿAlī—God's blessings be upon him—said concerning the saying of God, Mighty and Exalted:

> "The angels and the Spirit descend therein by the permission of their Lord":
>
> "The angels descend during it to the lowest heaven by permission of their Lord and record what will occur during the year of affairs and what will befall the servants.

Yet the matter remains suspended before Him, subject to His will. He brings forward whatever He wills, delays whatever He wills, and God effaces whatever He wills and confirms whatever He wills; with Him is the Mother of the Book." Jaʿfar ibn Muḥammad—God's blessings be upon him—said concerning the saying of God, Mighty and Exalted:

> "In it every wise affair is distinguished":
>
> "During that night the affairs of the year and what will occur within it are written."

The Messenger of God—may God bless him and his family—was asked about the Night of Decree.

He said:

> "Seek it during the final ten nights of the month of Ramadan."

The Messenger of God—may God bless him and his family—said:

> "On the Night of Decree, the delegation for the coming year is recorded, and in it every wise affair is distinguished."

Jaʿfar ibn Muḥammad ibn ʿAlī—peace be upon him—said:

> "A sign of the Night of Decree is that a breeze blows during it.
>
> If the weather is cold, it becomes mild; if it is hot, it becomes cool."

The Commander of the Faithful ʿAlī—peace be upon him—said:

> "During the final ten nights of Ramadan, the Messenger of God—may God bless him and his family—would awaken his household, tighten his waist-wrapper, and spend the night standing in prayer."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "His 'tightening his waist-wrapper' means that he abstained from women."

On the Prescribed and Voluntary Fasts

I have already mentioned in the chapters on prayer those non-obligatory prayers which the Messenger of God—may God bless him and his family—made a regular obligation upon himself, and that the Imams descended from him—God's blessings be upon them—likewise made them a regular practice for themselves

and instructed their followers to perform them by way of recommendation and encouragement, not because they constituted an obligatory duty that could not be abandoned. Those prescribed prayers equal the obligatory prayers in number. Likewise, toward the end of his life the Messenger of God—may God bless him and his family—made it his regular practice to fast the equivalent of two additional months each year besides the month of Ramadan. The Imams from among his descendants—God's blessings be upon them—likewise made this their regular practice and instructed their followers concerning it by way of recommendation and encouragement, not as an obligatory duty or binding command that could not be left.

According to what the Imams among his descendants—God's blessings be upon them—transmitted from him, the Messenger of God—may God bless him and his family—would sometimes fast until people said that he would not cease fasting, and at other times refrain until people said that he would not fast. He used to fast Muḥarram, Rajab, and Shaʿbān. At one time he would fast every other day. He would fast Mondays and Thursdays. He would fast the White Days—the thirteenth day of the month and the two following days. These nights are called the White Nights because the moon is visible throughout them from the beginning of the night until its end, so that they appear white with moonlight. Later, the settled practice of the Messenger of God—may God bless him and his family—was to fast Shaʿbān and three days of every month: two Thursdays and one Wednesday.

He fasted the first Thursday of the month, the final Thursday of the month, and a Wednesday in the middle, namely the Wednesday closest to the midpoint of the month, whether just before or after it. In total this was equivalent to two months of fasting, paralleling the obligatory fast. The Messenger of God—may God bless him and his family—continued upon this practice until his death. It is transmitted from Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—God's blessings be upon him—that he used to fast Rajab, Shaʿbān, and the month of Ramadan continuously.

And he—peace be upon him—said:

> "Noah—peace be upon him—boarded the Ark on the first day of Rajab and commanded those with him among humankind and jinn to fast it."

He—peace be upon him—said:

> "Whoever fasts one month"—meaning Rajab—"the Fire is distanced from him by a journey of one year.

If he fasts it for two years, the Fire is distanced from him by two years' journey, and so on until seven years. If he fasts it for seven years, the seven gates of the Fire are closed to him. If he fasts it for eight years, the eight gates of Paradise are opened to him. If he fasts it for ten years, his requests are granted. If he fasts it for fifteen years, it is said to him: 'Begin your deeds anew.' Whoever adds more, God increases for him." Abū Jaʿfar ibn Muḥammad—peace be upon him—was asked about fasting the Day of ʿĀshūrāʾ.

He said:

> "That was before the obligatory fasting of the month of Ramadan was revealed."

Abū ʿAbd Allāh—God's blessings be upon him—said:

> "The Ark came to rest upon al-Jūdī on the Day of ʿĀshūrāʾ, so Noah—peace be upon him—commanded those with him among humankind and jinn to fast that day.

It is the day on which God, Mighty and Exalted, accepted the repentance of Adam and Eve. It is the day on which He split the sea for the Children of Israel and drowned Pharaoh. It is the day on which Abraham—peace be upon him—was born. It is the day on which God, Mighty and Exalted, accepted the repentance of the people of Jonah. It is the day on which Jesus son of Mary—peace be upon him—was born.

On it God brought Jonah—peace be upon him—out from the belly of the fish.

On it God brought Joseph out of the well.

On it God removed affliction from Job.

It is the day upon which God, Mighty and Exalted, honored al-Ḥusayn ibn ʿAlī—God's blessings be upon him—with martyrdom. And it is the day upon which the *Qāʾim* from among his descendants will arise."

The Imam al-Muʿizz li-Dīn Allāh—God's blessings be upon him—said:

> "The Day of ʿĀshūrāʾ is a day magnified by God, His Messenger, and His friends because of the excellence and proof transmitted concerning it.

The friends of Satan from the Banū Umayya and the House of Marwān also magnified it because of what they obtained on it through violating the sanctity of God's religion and killing the descendants of the Messenger of God—may God bless him and his family. They therefore made it a day of joy and celebration rather than a day of seeking forgiveness and righteous action, turning away from the Sunna of His Prophet concerning it while persisting in what God had forbidden and in disobedience to Him." It has been transmitted from the Imams—God's blessings be upon them—that they recommended fasting the Day of ʿArafa except for one who is standing at ʿArafa and fears that fasting may weaken him for the standing. They disliked singling out Friday alone for fasting unless another day was fasted before or after it.

ʿAlī—God's blessings be upon him—said:

> "Whoever fasts Friday seeking reward, it is as though he has fasted the period between one Friday and the next,"

meaning when he joins another day to it and does not single out Friday alone for fasting.

And he—God's blessings be upon him—said:

> "A voluntary fast is not accepted from one who still owes an obligatory fast until he has fulfilled the obligatory fast he owes."

They permitted one who is fasting voluntarily to break the fast before the sun passes the meridian, with no makeup required. If he breaks the voluntary fast after the meridian, he must make up that day. They forbade fasting on the Festival of Breaking the Fast, the Festival of Sacrifice, and the three Days of Tashrīq. They also forbade continuous fasting without breaking the fast between days—that is, for the fasting person to join two days or more together without breaking his fast.

On Retreat in the Mosque

Iʿtikāf means remaining in a place, and an *ʿākif* is one who remains.

God, Mighty and Exalted, says:

> "Equal are the resident there and the visitor."

And He, blessed and exalted, says:

> "Do not have relations with them while you are remaining in retreat in the mosques,"

meaning women. The Messenger of God—may God bless him and his family—used to observe retreat during the final ten nights of the month of Ramadan—that is, he would remain in the mosque night and day. He used to say:

> "Retreat during them is equal to two pilgrimages and two lesser pilgrimages."

He—may God bless him and his family—would keep those nights alive standing in prayer. He would perform a ritual bath every night between the sunset and final evening prayers. In one year the Messenger of

God—may God bless him and his family—observed retreat during the first ten days of Ramadan. In the second year he observed retreat during the middle ten. In the third year he observed retreat during the final ten.

ʿAlī—peace be upon him—said:

> "Whoever observes retreat should remain in the mosque night and day, devoting himself there to prayer, recitation, and remembrance of God, Mighty and Exalted.

He should not occupy himself with conversation except concerning what is unavoidable. He should neither buy nor sell, recite poetry, attend a funeral, visit the sick, enter a house, seclude himself with a woman, speak obscenely, nor dispute with anyone. Whatever speech with people he can avoid is better for him."

It is transmitted from Jaʿfar ibn Muḥammad—God's blessings be upon him—that he said:

> "There is no retreat without fasting, and no retreat except in a mosque in which the congregational prayer is established.

The person in retreat does not pray in his house, approach women, buy or sell, or leave the mosque except for an unavoidable need. When he leaves for such a need, he does not sit down until he has returned. The same applies to a woman observing retreat, except that if she menstruates, her retreat is invalidated and she leaves the mosque. The minimum retreat is three days."

Collection of the Chapters on Pilgrimage

On the Merits of Pilgrimage

God, Mighty and Exalted, says:

> "Proclaim the pilgrimage among the people. They will come to you on foot and upon every lean mount, coming from every distant pass."

Jaʿfar ibn Muḥammad transmitted from his father, from his forefathers—peace be upon them—that the Messenger of God—may God bless him and his family—said:

> "When God commanded Abraham—peace be upon him—to proclaim the pilgrimage, he climbed al-Ṣafā, placed his finger in his ear, and called the people to pilgrimage as God had commanded him.

God caused those in the east and west to hear him"—meaning those who were still within the loins of their ancestors—"and they answered him. Whoever answered once performs pilgrimage once. Whoever answered twice performs pilgrimage twice. Whoever answered more than that does so according to the number of his responses."

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

> "It is because of this that the *talbiya* was instituted."

The Messenger of God—may God bless him and his family—said:

> "Pilgrimage is the jihād of every weak person."

And he said:

> "Whoever circumambulates this House seven times and performs the prayer of its cycle well is forgiven."

On the eve of ʿArafa, the Messenger of God—may God bless him and his family—stood facing the people and said three times:

> "Welcome to the delegation of God!

If they ask, they are given. What they spend is replaced for them in this world, and with God, Mighty and Exalted, in the Hereafter, every dirham is replaced by one thousand good deeds. O people, shall I give you glad tidings?"

They said:

"Yes, O Messenger of God."

He said:

"When this evening arrives, God, Mighty and Exalted, commands His angels to descend to the earth.

Then He says to them: 'My angels, look at My servants, disheveled and dusty, who have come to Me from the ends of the earth. Do you know what they ask?' They say: 'Our Lord, You know best.' He says: 'They ask Me for forgiveness. I call you to witness that I have forgiven them.'"

The Messenger of God—may God bless him and his family—said:

"The reward of pilgrimage is Paradise, and the lesser pilgrimage is an expiation for every sin."

And he—may God bless him and his family—said:

"Perform pilgrimage and lesser pilgrimage repeatedly, for the two remove poverty and sins and bring provision."

And he—may God bless him and his family—said:

"Among sins are sins that are forgiven only at ʿArafāt."

The Messenger of God—may God bless him and his family—once saw a caravan of pilgrims and said:

"Not one hoof of their camels is raised except that a good deed is written for them, nor is one hoof set down except that an evil deed is erased from them.

When they have completed their rites, it is said to them: 'You have erected a building, so do not demolish it. What has passed has been taken care of for you, so act well in what lies ahead.'"

And he—may God bless him and his family—said:

"Whoever desires this world or the Hereafter should make his way to this House.

No servant comes to it and asks God for something of this world without being given some of it, nor asks Him for the Hereafter without God storing some of it for him."

Then he said:

"O people, adhere to pilgrimage and lesser pilgrimage and perform them repeatedly.

They wash away sins just as water washes away dirt, and they remove poverty just as fire removes impurity from iron." ʿAlī—God's blessings be upon him—used to say to a righteous man returning from pilgrimage:

"Begin your deeds anew,"

meaning that his preceding sins had been forgiven.

Abū Jaʿfar Muḥammad ibn ʿAlī—God's blessings be upon him—transmitted from the Prophet—may God bless him and his family—that he said:

"Pilgrims are of three kinds.

The one with the greatest share is a man whose past and future sins are forgiven. Next is a man whose past sins are forgiven and who begins his deeds anew. Next is a man whose family and property are protected."

He said:

"This last state occurs only rarely.

A pilgrim must generally suffer some loss in his property, whether through need or the expenditure of his journey. Whoever suffers something affecting his property or family while performing pilgrimage has returned with one of two great goods:

either his past and future sins have been forgiven, or his past sins have been forgiven, in which case he should guard himself carefully concerning what lies ahead."

Abū Jaʿfar Muḥammad ibn ʿAlī—God's blessings be upon him—said:

> "When God, Mighty and Exalted, sent Adam—peace be upon him—down to the earth, he circumambulated the House just as he had seen the angels circumambulating the Throne, then…"
>
> "…he called out:
>
> 'My Lord, forgive me.'

Then he was called:

> 'O Adam, God has forgiven you.'

Adam said:

> 'My Lord, and my descendants?'

He was called:

> 'O Adam, whoever among your descendants acknowledges his sin here, just as you acknowledged yours, God will forgive him.'"

Jaʿfar ibn Muḥammad—God's blessings be upon him—said:

> "God, Mighty and Exalted, has guaranteed the believing pilgrim: if He causes him to die during his journey, He admits him into Paradise; and if He preserves him alive, He returns him to his family and no sin is recorded against him for seventy nights after he reaches them."

He—peace be upon him—said concerning the saying of God, Mighty and Exalted:

> "Purify My House for those who circumambulate, those who remain there in devotion, and those who bow and prostrate":
>
> "When God, Mighty and Exalted, said this, He sent down upon the Kaʿba one hundred and seventy portions of mercy.

He assigned sixty of them to those circumambulating, fifty to those remaining there in devotion, forty to those performing prayer, and twenty to those looking upon it." A man asked Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—God's blessings be upon him:

> "Which is better: a voluntary pilgrimage or charity?"

He replied:

> "A voluntary pilgrimage."

The questioner continued mentioning charity and its excellence, while he continued replying:

> "Pilgrimage is better."

When the man persisted, he looked toward Abū Qubays and said:

> "Even if you gave in charity its weight in gold and silver, you would not attain the reward of pilgrimage.

Is there circumambulation of the House in charity? Is there standing at ʿArafa in it? Does it contain any of the pilgrimage rites?"

The questioner replied:

"No."

He said:

"Then pilgrimage is better."

He—peace be upon him—said concerning the saying of God, Mighty and Exalted:

"That they may witness benefits for themselves":

"These are benefits for them and for their descendants."

And he said:

"When the believing servant leaves his house as a pilgrim, he does not take a single step, nor does his mount take a step with him, except that a good deed is written for him, an evil deed is erased from him, and a degree is raised for him.

When he stands at ʿArafāt, even if his sins were as numerous as the grains of earth, they are erased from him. When he stones the pillars, a degree is raised for him which will be delivered to him in full on the Day of Resurrection. When he shaves his head, not a single hair falls except that in its place a light is appointed for him on the Day of Resurrection. Whatever expenditure he makes is written for him as a good deed. When he circumambulates the House, he returns as he was on the day his mother gave birth to him"—meaning free from sins. He then recited the saying of God, Mighty and Exalted:

"Whoever hastens to leave in two days, there is no sin upon him…"

for the one who is God-fearing.

And he—peace be upon him—said:

"No one stands upon those mountains, whether righteous or sinful, and supplicates without God answering him.

As for the righteous person, his supplication is answered in his Hereafter. As for the other, it is answered for him in this world."

On the Obligation of Pilgrimage

God, Mighty and Exalted, says:

"Pilgrimage to the House is a duty owed to God by the people, for whoever is able to find a way to it. Whoever disbelieves—God is independent of all the worlds."

ʿAlī—God's blessings be upon him—said that when this verse was revealed, the people asked:

"O Messenger of God, is it obligatory every year?"

He remained silent. They repeated the question twice.

He said:

"No. Had I said yes, it would have become obligatory."

Then God, Mighty and Exalted, revealed:

"O you who believe, do not ask about things which, if disclosed to you, would distress you."

ʿAlī—God's blessings be upon him—said concerning the saying of God, Mighty and Exalted:

"Whoever disbelieves—God is independent of all the worlds":

"This refers to one who abandons pilgrimage while being capable of performing it."

Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning the saying of God, Mighty and Exalted:

> "Pilgrimage to the House is a duty owed to God by the people, for whoever is able to find a way to it."

He was asked:

> "What is meant by 'ability to find a way'?"

He said to the questioner:

> "What do the people say concerning it?"

He replied:

> "They say it means provisions and a mount."

Abū ʿAbd Allāh—peace be upon him—said:

> "Abū Jaʿfar—peace be upon him—was asked about this and said: 'Then the people would perish.
>
> If a man possessed nothing besides provisions and a mount, while his family had no means of sustenance besides that, and he departed with it while leaving them with nothing, they would perish.'"

He was asked:

> "Then what constitutes ability?"

He replied:

> "Ability to make the journey, sufficient expenditure for it, and possessing enough to provide sustenance for one's dependents.
>
> Otherwise, has not God, Mighty and Exalted, prescribed almsgiving and made it obligatory only upon the one who possesses two hundred dirhams?" Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning a man who keeps postponing pilgrimage, prevented only by trade that occupies him or by a debt owed to him.

He said:

> "He has no excuse.
>
> He should not postpone pilgrimage. If he dies, he has abandoned one of the ordinances of Islam."

And he—peace be upon him—said:

> "Whoever dies without having performed the pilgrimage of Islam, while neither a need that would ruin him, nor an illness that made pilgrimage impossible for him, nor a ruler preventing him kept him from it, let him die as a Jew or a Christian."

And he—peace be upon him—said:

> "Pilgrimage is obligatory upon a person once during his lifetime."

He was asked:

> "What of one who abandons it while able to perform it until he dies?"

He replied:

> "He is among those concerning whom God, Mighty and Exalted, says:
>
> 'We shall gather him on the Day of Resurrection blind.'"

He was asked:

> "Blind?"

He replied:

"Yes—blind to the path of truth and goodness."

The Messenger of God—may God bless him and his family—said:

"If my community abandons this House and ceases intending it, they will not be granted respite."

He—peace be upon him—was asked about a child taken on pilgrimage.

He said:

"That does not discharge his obligation. He must perform pilgrimage when he reaches puberty."

He was asked concerning a person who had performed pilgrimage before recognizing this divine matter with which God later favored him.

He said:

"His pilgrimage suffices him, though if he performs pilgrimage again that is more beloved to me.

But if he was a *nāṣib*, holding hostility as a religious conviction, and performed pilgrimage in that state, then God later favored him with recognition, he must perform pilgrimage again if he is able." And he—peace be upon him—said concerning a slave who performs pilgrimage:

"It suffices him for as long as he remains enslaved.

If he is emancipated, pilgrimage becomes obligatory upon him if he is able. Pilgrimage is not obligatory upon him while he remains a slave." The same applies to an *umm walad*: if her master takes her on pilgrimage, it does not discharge her future obligation. A man may not prevent his wife from performing the obligatory pilgrimage when she has an unmarriageable male relative to accompany her, possesses the necessary expenses, and the route is safe.

And he said:

"A divorced woman may perform pilgrimage during her waiting period if she wishes."

If a man is poor and another person provides the means for him to perform pilgrimage, then he later becomes wealthy, pilgrimage becomes obligatory upon him again. He—peace be upon him—was asked about the lesser pilgrimage.

He said:

"It is obligatory because pilgrimage is obligatory."

Then he recited:

"Complete the pilgrimage and the lesser pilgrimage for God."

And he said:

"Their completion means performing them."

And he—peace be upon him—said:

"Whoever wishes may perform whichever of the two first"—meaning pilgrimage and lesser pilgrimage—"and whoever wishes may combine them."

Whoever combines them while bringing a sacrificial animal does not leave consecration until he sacrifices it.

That is the one performing *qirān*, because God says:

"Do not shave your heads until the sacrificial offering reaches its destination."

Whoever combines them without bringing a sacrificial animal is considered one performing *tamattuʿ*. When he reaches Mecca, he circumambulates, performs the *saʿy*, and leaves consecration. That constitutes the lesser pilgrimage. He then enters consecration for pilgrimage from Mecca.

God, Mighty and Exalted, says:

> "Whoever enjoys the lesser pilgrimage until the pilgrimage, then whatever sacrificial offering is easy to obtain."

Abū ʿAbd Allāh—peace be upon him—said:

> "A sheep or anything greater is due from him."

On What One Who Intends Pilgrimage Should Do

God, Mighty and Exalted, says:

> "Pilgrimage is during well-known months. Whoever undertakes pilgrimage in them must abstain from sexual relations, wickedness, and disputation during pilgrimage."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "The well-known months are Shawwāl, Dhū al-Qaʿda, and Dhū al-Ḥijja.

Pilgrimage is not undertaken outside them. Undertaking pilgrimage consists in the *talbiya*, marking the sacrificial animal, or placing a garland upon it. Whichever of these a person intending pilgrimage performs, he has thereby undertaken the pilgrimage.

> 'Sexual relations' means intercourse.
>
> 'Disputation' means saying 'No, by God' or 'Yes, by God,' and boasting against others."

ʿAlī ibn al-Ḥusayn—peace be upon him—said to Abū Khālid al-Wāsiṭī, advising him when he intended pilgrimage:

> "O Abū Khālid, when you set out for Mecca, God willing, adhere to fear of God, remember God abundantly, and speak little except in goodness.

The completion of pilgrimage and lesser pilgrimage lies in a man guarding his tongue, just as God, Mighty and Exalted, says:

> 'There must be no sexual relations, wickedness, or disputation during pilgrimage.'

Sexual relations means intercourse. Wickedness means lying and abusive speech. Disputation during pilgrimage means a man saying, 'No, by God,' or 'Yes, by God,' and boasting against others. You must possess scrupulous restraint that keeps you away from disobedience to God, forbearance by which you control your anger, and excellent companionship."

For Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "No consideration is due to one who comes intending this House unless he possesses three qualities:

scrupulous restraint that prevents him from disobeying God, forbearance by which he controls his anger, and excellent companionship toward whoever accompanies him." Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said to a man intending pilgrimage, advising him:

> "When you leave your house intending pilgrimage and lesser pilgrimage, supplicate with the supplication of relief and say:
>
> 'There is no god but God, the Wise, the Generous.

There is no god but God, the Most High, the Magnificent. Glory be to God, Lord of the seven heavens, Lord of the seven earths, and Lord of the Mighty Throne. Praise be to God, Lord of the worlds. O God, open

this journey of mine for me with goodness and conclude it for me with goodness. Protect me from the evil of every creature whose forelock You hold. Indeed, my Lord is upon a straight path. In the name of God I have gone out, in the name of God I have entered, and in the path of God I have traveled. O God, I place before my forgetfulness and haste: "In the name of God, and whatever God wills," concerning this journey of mine, whether I remember it or forget it. O God, You are the One whose aid is sought in every affair. You are the Companion in travel and the Successor over family, property, and children. O God, make our journey easy for us, fold up the earth for us, and cause us to travel through it in obedience to You and obedience to Your Messenger.

O God, set right our mount for us, bless for us what You have provided us, and protect us from the punishment of the Fire.'" When you place your foot in the stirrup, say:

> "In the name of God, through God, and God is greater."

When you have settled upon your mount, glorify Him seven times, praise Him seven times, magnify Him seven times, and proclaim His unity seven times. Then say:

> "Praise be to God who guided us to Islam and bestowed upon us Muḥammad—may God bless him and his Household.

Glory be to Him who subjected this to us, though we ourselves could never have mastered it, and indeed to our Lord we shall return. Praise be to God, Lord of the worlds. O God, You are the One who carries us upon the back of the mount and whose aid is sought in every affair. O God, bring us to the best destination, one that reaches Your forgiveness and good pleasure. O God, there is no omen except Your omen, no good except Your good, and no protector besides You. O God, I seek refuge in You from the hardship of travel, the sorrow of return, and an evil sight concerning family, property, and children. O God, I ask You during this journey for God-fearingness, joy, and deeds that please You. O God, cut away from me its distance and hardship. Set my affairs right and succeed me with goodness among my family." When returning from your journey, say:

> "We return, repenting and worshipping, God willing, praising our Lord, fearing Him, and returning to Him."

On Entering the City of the Prophet—May God Bless Him and His Family

The Commander of the Faithful ʿAlī—peace be upon him—delivered a sermon in which he said that the Messenger of God—may God bless him and his family—said:

> "The area between ʿAyr and Thawr is sacred.

Whoever introduces an offense within it or gives shelter to one who introduces an offense, upon him is the curse of God, the angels, and all people. God will accept from him neither obligatory nor compensatory act."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The area between the two lava-fields of Medina is sacred."

He was asked:

> "What are its two lava-fields?"

He replied:

> "Everything enclosed by the lava terrain.

The Messenger of God—may God bless him and his family—declared it sacred. Its game is not to be disturbed and its trees are not to be cut." He recommended that one entering Medina perform a ritual bath. The person entering should begin with the Mosque of the Prophet and stand at his grave, invoke blessings upon him, testify to his messengership and to his having conveyed the message, and supplicate with whatever he is

able. Before sitting, he should perform two cycles at the forward pillar on the side of the pulpit near the corner of the grave, for that is the place corresponding to the head of the Prophet—may God bless him and his family. Among the recommended supplications at the grave is to say:

> "I bear witness that there is no god but God alone, without partner, and I bear witness that Muḥammad is His servant and Messenger.

I bear witness that you are truly the Messenger of God. I bear witness that you are Muḥammad ibn ʿAbd Allāh. I bear witness that you conveyed the message of your Lord, sincerely counseled your community, struggled in the path of God, and worshipped Him until certainty came to you. You fulfilled the right that was upon you. May God reward you with the finest reward. O God, bless Muḥammad, Your servant and Messenger, Your intimate confidant, Your chosen one, Your trusted one, and the best of Your creation. Bless the Family of Muḥammad with the finest, best, and most beautiful blessing with which You have blessed any of Your prophets, chosen servants, and those honored before You. Indeed, You are Praiseworthy, Glorious. Grant peace to Muḥammad and the Family of Muḥammad as You granted peace to Noah among the worlds. Bestow security upon Muḥammad and the Family of Muḥammad as You blessed Abraham and the family of Abraham. Indeed, You are Praiseworthy, Glorious.

O God, whatever need I have before You which I have begun to seek or have sought, and whatever need I have not begun seeking and have not pursued, whether I have spoken it or not, whether I know it within myself or do not know it:

I ask You by the right of Your Messenger and by his pure, blessed grave to grant success to all my needs, small and great."

And he—peace be upon him—said:

> "If you are able to remain in Medina for three days—Wednesday, Thursday, and Friday—then do so.

On Wednesday, perform prayer between the grave and the pulpit at the pillar adjoining the grave.

Supplicate there, strive earnestly, and ask God for your needs of this world and the Hereafter.

On Thursday, perform prayer and supplicate likewise at the Pillar of Repentance.

On Friday, perform prayer and supplicate likewise at the station of the Prophet—may God bless him and his family—opposite the great pillar.

Fast those three days. If you can do this, it is an excellence." The Messenger of God—may God bless him and his family—said, according to what is transmitted from ʿAlī—peace be upon him:

> "Whoever visits my grave after my death is like one who emigrated to me during my lifetime.

Whoever is unable to visit my grave should send me his greeting of peace, for it reaches me." Jaʿfar ibn Muḥammad—peace be upon him—said that it is recommended to visit among the sacred sites of Medina:

the Mosque of Qubāʾ, which is the mosque founded upon God-fearingness; the Mosque of al-Faḍīkh; the Mosque of al-Fatḥ; and the chamber of Umm Ibrāhīm, and to perform prayer there. One should then visit the grave of Ḥamza—peace be upon him—and the graves of the martyrs—may God have mercy upon them. The pilgrim's final act before leaving Medina should be to return to the grave of the Prophet—may God bless him and his family—to bid him farewell and say there what he said upon first arriving.

On the Pilgrimage Stations

The Messenger of God—may God bless him and his family—designated five places as stations for entering consecration. For the people of Medina and those coming by their route: Dhū al-Ḥulayfa, which is the Mosque

of the Tree. For the people of Syria and those coming by their route: al-Juḥfa. For the people of Yemen: Yalamlam. For the people of al-Ṭāʾif: Qarn. For the people of Najd: al-ʿAqīq.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "These are the stations for consecration for whoever intends pilgrimage.

The stations designated by the Messenger of God—may God bless him and his family—are not to be passed without entering consecration, nor should one enter consecration before reaching them. Whoever enters consecration before the station has opposed the Sunna. If he then violates something that would normally invalidate or infringe consecration, nothing is required of him, because he was not yet truly in consecration. He does not become consecrated until he enters it from the station."

And he—peace be upon him—said:

> "Whoever lives closer to Mecca than the designated stations should enter consecration from his own home.

He is not required to go back out to a station." This accords with the saying of ʿAlī—peace be upon him:

> "Part of the completion of pilgrimage and lesser pilgrimage is that you enter consecration from the dwelling-place of your family."

It is transmitted from him—peace be upon him—that he said:

> "Whoever fears that the month will end before he reaches the station while intending a lesser pilgrimage may enter consecration before the station.

This applies when he sets out during Rajab intending the lesser pilgrimage and knows that he will not reach the station until the new month begins. He should not delay consecration until the station and thereby cause his lesser pilgrimage to become a Shaʿbān pilgrimage. Rather, he enters consecration during the remainder of Rajab before the station, so that his lesser pilgrimage is a Rajab pilgrimage, which is better and corresponds to what he intended." And it is transmitted from him—peace be upon him—that concerning one who passes beyond the Mosque of the Tree without entering consecration, he said:

> "He may enter consecration at any point between there and al-Juḥfa."

And he—peace be upon him—said:

> "Whoever reaches the station but forgets to enter consecration there, or is ignorant of the ruling until he has passed it or even reached Mecca, and then learns of it:

if there is sufficient time and he is able to return to the station, he should return and enter consecration there. If he fears missing the pilgrimage and cannot return, he enters consecration from his current location. If he is already in Mecca and is able to go out beyond the sacred precinct, enter consecration from the lawful territory, and re-enter the sanctuary while consecrated, he should do so. Otherwise, he enters consecration from where he is."

On Entering Consecration

When the Messenger of God—may God bless him and his family—reached the Mosque of the Tree during the Farewell Pilgrimage, he instructed those with him to remove the hair of their armpits, shave their pubic hair, and remove their sewn garments, entering consecration in a waist-wrapper and cloak.

It is transmitted from Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—that he said:

> "In addition to this, one entering consecration should use the tooth-stick, trim his nails, and shorten his moustache.

It does not matter with which of these he begins. He should enter consecration immediately after an obligatory or voluntary prayer. The best time is after the sun has passed the meridian. There is no harm in entering consecration at any permitted time of night or day."

He said:

> "When a menstruating woman reaches the station, she performs the ritual bath and enters consecration.
>
> The same applies to a woman experiencing post-partum bleeding."

And he said:

> "A person entering consecration should not apply perfume whose fragrance will remain upon him after entering consecration.
>
> If he enters consecration without first performing prayer, nothing is required of him, although entering consecration immediately after prayer is preferable."

And he—peace be upon him—said:

> "When a person intends to enter consecration, he firmly forms the intention and, immediately after the prayer, states the rite for which he is entering consecration—whether pilgrimage, lesser pilgrimage, an independent pilgrimage, or an independent lesser pilgrimage.

He says:

> 'O God, I intend to perform *tamattuʿ* by the lesser pilgrimage followed by the pilgrimage,'
>
> or:
>
> 'O God, I intend to combine pilgrimage and lesser pilgrimage,'"
>
> if he has brought a sacrificial animal.

Or he says:

> "'O God, I intend pilgrimage,' or 'the lesser pilgrimage,' whichever of the two he intends, 'according to Your Book and the Sunna of Your Prophet.
>
> O God, the place where I leave consecration shall be wherever You prevent me, according to the decree You have decreed concerning me. O God, assist me…'"
>
> "…in this, make it easy for me, and accept it from me."

He may then supplicate with whatever prayer he wishes. If he forms the intention for what he wishes to perform without pronouncing it aloud, that suffices him.

It is transmitted from him—peace be upon him—that he said:

> "The best form of pilgrimage is *tamattuʿ*, performing the lesser pilgrimage before the pilgrimage. This is the form concerning which the Qurʾān was revealed."

When the Messenger of God—may God bless him and his family—performed the Farewell Pilgrimage, he combined pilgrimage and lesser pilgrimage because he had brought the sacrificial offering with him. When he reached Mecca, he circumambulated the House and performed the *saʿy* between al-Ṣafā and al-Marwa. God, Mighty and Exalted, then revealed concerning this what He revealed.

The Messenger of God—may God bless him and his family—said:

> "Had I known beforehand what I now know, I would not have brought the sacrificial offering, and I would have made it *tamattuʿ*.

Whoever does not have a sacrificial offering with him should leave consecration." The people therefore left consecration and treated what they had performed as a lesser pilgrimage, except those who had brought

sacrificial animals with them. They then entered consecration for pilgrimage from the Sacred Mosque on the Day of Tarwiya. Thus *tamattuʿ*—performing the lesser pilgrimage before pilgrimage—is what the Messenger of God—may God bless him and his family—commanded. This accords with the saying of God, Mighty and Exalted:

> "That is for one whose family is not present at the Sacred Mosque."

As for those who live within the sacred precinct, they are not to perform *tamattuʿ* by joining the lesser pilgrimage to the pilgrimage, because they are able to perform the lesser pilgrimage whenever they wish. God, Mighty and Exalted, granted this dispensation to those who come from distant lands, allowing them to perform the lesser pilgrimage and pilgrimage on a single journey as an ease and kindness toward them. Whoever performs *tamattuʿ* by joining the lesser pilgrimage to pilgrimage, or performs an independent lesser pilgrimage, enters consecration and then comes to Mecca. He circumambulates the House seven times, performs the two cycles of prayer for circumambulation, and performs the *saʿy* seven times between al-Ṣafā and al-Marwa, beginning at al-Ṣafā and ending at al-Marwa. He has thereby completed the lesser pilgrimage and should leave consecration.

If he is performing *tamattuʿ* and intends pilgrimage afterward, he trims the ends of his hair and nails while leaving some of them to be cut on the day when he leaves consecration from pilgrimage. He remains out of consecration. It is nevertheless recommended that he retain something of a disheveled appearance resembling that of a consecrated pilgrim. When the Day of Tarwiya arrives, he enters consecration for pilgrimage from the Sacred Mosque just as he entered consecration at the pilgrimage station. If he is performing *qirān* and has brought the sacrificial offering with him, he does not leave consecration but remains in it until he completes the pilgrimage, in accordance with the saying of God, Mighty and Exalted:

> "Do not shave your heads until the sacrificial offering reaches its destination."

Whoever performs an independent pilgrimage and comes to Mecca is not required to perform any obligatory circumambulation until he returns from ʿArafa. If he performs a voluntary circumambulation, that is good and carries merit. If he goes directly to Minā without entering Mecca, nothing is required of him.

On Garland-Marking, Marking the Sacrificial Animal, Leaving Consecration, and the Talbiya

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "In earlier times people used to place garlands upon camels, cattle, and sheep.

They later ceased placing garlands upon cattle and sheep." He said that a sacrificial animal may be marked with a leather thong or cord. This applies to animals driven for pilgrimage or lesser pilgrimage. The garland is placed after entering consecration at the pilgrimage station, and the animal is also marked. Marking (*ishʿār*) means making an incision in the right side of the camel's hump with a blade until some blood flows, so that it is known to be a sacrificial offering. It is recommended to attach to its garland a sandal in which the person offering it has performed prayer, so that if the animal becomes lost, it will be recognized as a sacrificial offering.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The sacrificial camels are marked on the right side of their hump, covered with cloth, and driven onward."

When one who entered consecration at the Mosque of the Tree reaches al-Baydāʾ, he raises his voice with the *talbiya* and proclamation of consecration, saying:

> "At Your service, O God, at Your service.

At Your service; You have no partner, at Your service. Indeed, all praise and blessing are Yours, and sovereignty belongs to You. You have no partner." He repeats the *talbiya* whenever he ascends a height, descends into a valley, meets riders, after every obligatory prayer, upon awakening from sleep, and in the predawn hours, whether in a state of ritual purity or not. The more frequently the *talbiya* is pronounced, the better. It is recommended for men to raise their voices with it. Women should lower their voices enough that they hear themselves. Whoever needs to ride his sacrificial animal may ride it. Whoever needs its milk may milk and drink from it, provided he does not harm the animal in doing so. If the animal becomes incapacitated or dies because of his mistreatment, or otherwise, and it had been vowed or was due as an expiation, he remains responsible and must replace it. If it was a voluntary offering, nothing further is required of him.

If it was an obligatory offering, he does not eat from it after slaughtering it, but gives it in charity. If it was voluntary, he may eat from it, feed others, and give some of it in charity.

On What Is Forbidden to One in Consecration and What Is Required If He Commits It

God, Mighty and Exalted, says:

> "Pilgrimage is during well-known months. Whoever undertakes pilgrimage in them must abstain from sexual relations, wickedness, and disputation during pilgrimage."

We have already explained that "sexual relations" means intercourse.

And He, blessed and exalted, says:

> "Do not kill game while you are in consecration."

And God, Mighty and Exalted, says:

> "The game of the land is forbidden to you for as long as you remain in consecration."

It has been transmitted from the People of the Household—peace be upon them—that a person in consecration is forbidden from hunting, sexual intercourse, perfume, wearing fitted garments, removing hair, trimming the nails, and other things which we shall mention in this chapter and the following chapter, together with what becomes obligatory because of them, God willing.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever deliberately has intercourse while in consecration, knowing that it is unlawful for him, owes a sacrificial camel.

If he had not yet performed the circumambulation of the House on the Day of Sacrifice, he must also perform the pilgrimage again the following year. If the woman willingly responded to him while knowing that it was unlawful for her, she too owes a sacrificial camel. If he coerced her, or she was asleep, nothing is required of her, while he owes two sacrificial camels. If both were ignorant that intercourse was unlawful for them, nothing is required of them. If one of them knew, the expiation and pilgrimage the following year are required of that one. If he approaches her sexually without penetration, he owes a sacrificial camel but does not have to repeat the pilgrimage the following year. If he does this forgetfully, nothing is required of him. His case is like that of one who eats or drinks forgetfully during the daytime of Ramadan."

He said:

> "It is not lawful for a person in consecration to contract a marriage for himself or to contract one for someone else.

If he contracts a marriage, the marriage is invalid. If he knew this was unlawful, or if the woman knew, she is permanently forbidden to him. If both were ignorant, they are separated, but after he leaves consecration he may marry her if he wishes and she wishes."

He said:

> "If a person in consecration touches his wife, kisses her out of desire, deliberately looks at her with desire, or touches her lustfully and ejaculates, he owes the blood of a sheep or something greater.

If this occurs without deliberate intent and without desire, and he ejaculates, nothing is required of him."

He said:

> "If one in consecration engages in disputation and says, 'No, by God,' or 'Yes, by God,' while speaking truthfully, nothing is required until he does so three times or more, at which point a blood-offering is due.

If he lies, a blood-offering is due for a single instance, and the more he repeats it, the more becomes due."

And he—peace be upon him—said:

> "If a person in consecration shaves his head, he owes a sheep.

If he removes some hair from his head or beard and only a small amount falls out, nothing is required of him."

And he said:

> "If a person in consecration needs cupping, he may undergo it if he wishes.

If he shaves the place of the cupping, he gives charity. If he trims all his fingernails, a blood-offering is due. If he trims only some, he gives charity proportionate to what he trimmed." He—peace be upon him—permitted a person in consecration who cannot find sandals to wear leather socks cut below the ankles.

And he said:

> "If one in consecration fears harm to himself from removing his ordinary clothing, he may enter consecration in those clothes and compensate for that by the blood of a sheep, charity, or fasting of corresponding value."

A person in consecration may apply eye medicine when he needs it, but should not use antimony or any kohl containing perfume. He may use the tooth-stick whenever he wishes. He may treat himself with anything lawful for him to eat provided it contains no perfume. It was disliked for a person in consecration to shade himself beneath a litter except because of illness or another excuse. He was permitted to seek shade when he had dismounted. If one in consecration wears forbidden clothing or does something prohibited while ignorant or forgetful, nothing is required of him.

And he said:

> "There is no harm in entering consecration in a dyed garment provided it has not been dyed with saffron, *wars*, or perfume.

White is preferable and is what one is instructed to wear unless it is unavailable." And he permitted a consecrated woman to wear jewelry so long as she does not display it to men. He permitted a person in consecration whose tooth is causing him pain to have it extracted.

And he said:

> "A male pilgrim in consecration does not cover his head, and a woman in consecration does not cover her face, though she may lower part of her garment over it.

The male pilgrim does not cover his ears. There is no harm, if he suffers from headache, in binding his head, nor in placing the strap of a water-skin upon it while drawing water. If a male pilgrim covers his head, or a female pilgrim covers her face, each gives charity." There is no harm in bathing while in consecration, although it is disliked for the pilgrim to immerse his head in water.

On the Compensation for Game Killed by a Person in Consecration

God, Mighty and Exalted, says:

> "O you who believe, do not kill game while you are in consecration. Whoever among you kills it deliberately, then the compensation is the like of what he killed from livestock, judged by one possessed of justice among you."

This is how the People of the Household—peace be upon them—recited it:

> "judged by one possessed of justice among you,"

in the singular. That one is the Imam—peace be upon him—or one appointed by the Imam. There is a lengthy argument concerning this which we have omitted here because this book is an abridgement. Jaʿfar ibn Muḥammad—peace be upon him—said concerning the saying of God, Mighty and Exalted:

> "Whoever repeats it, God will take vengeance upon him."

He—peace be upon him—said:

> "Whoever kills game while in consecration is judged to owe compensation equivalent to it.

If he repeats the offense and kills another animal, no new compensation is imposed upon him; rather, God takes vengeance upon him. The expiation applies only to the first offense."

And he said:

> "Whoever kills game while in consecration owes as compensation an equivalent from livestock, which he offers as a sacrificial animal.

If he is performing pilgrimage, he slaughters or sacrifices the offering at Minā. If he is performing the lesser pilgrimage, he does so in Mecca. If he cannot find a sacrificial animal, he gives its value in charity. If he cannot find anything to give in charity, he fasts."

He—peace be upon him—said:

> "If a sacrificial camel becomes obligatory upon him and he cannot obtain one, he feeds sixty needy people.

If he cannot provide the food, he fasts eighteen days. If a cow becomes obligatory upon him and he cannot obtain one, he feeds thirty needy people. If he cannot do so, he fasts nine days. If a sheep becomes obligatory upon him and he cannot obtain one, he gives food to ten needy people. If he cannot do so, he fasts three days."

And he—peace be upon him—said:

> "Whoever possesses neither an animal to sacrifice nor anything to give in charity and therefore begins fasting, then later acquires the means, may continue his fast if he wishes, and it suffices him."

And he—peace be upon him—said concerning one in consecration who kills an ostrich or a wild ass:

> "For each of them, a sacrificial camel is due.

For a wild cow and animals resembling it, a domestic cow is due. For a gazelle and animals resembling it, and for a pigeon and birds resembling it, a sheep is due for each one." If he destroys ostrich eggs, a male camel is put with female camels equal in number to the eggs. Whatever offspring are born from them are offered as sacrifice. For those that do not produce offspring, nothing is required, because likewise some eggs fail to develop. If he breaks the eggs and finds chicks formed within them, a male camel is put with the female camels until they mate and pregnancy becomes apparent. Whatever offspring are born are offered as sacrifice. Whatever pregnancies miscarry incur nothing further, because some chicks in eggs likewise die before hatching. If the chicks in the eggs had already begun moving and life had entered them, a male camel is put

with female camels equal to their number until they conceive and their young begin moving in their wombs. Whatever is subsequently born is offered as sacrifice.

Whatever is miscarried or dies incurs nothing further, because chicks whose life has already developed in eggs may nevertheless die before hatching. This fundamental ruling concerning eggs destroyed by a person in consecration has been transmitted only through the Imams of the People of the Household—peace be upon them.

The origin of the ruling is that a Bedouin came to ʿUmar during his rule and said:

> "O ʿUmar, I set out intending pilgrimage and entered consecration.
>
> I then passed an ostrich nesting-place"—meaning the place where an ostrich gathers its eggs in order to brood them—"and found eggs there. I roasted them and ate them. What do you judge to be required of me?"

ʿUmar said:

> "Go to those men and see what they judge concerning you."

He pointed toward a group of Companions of the Messenger of God—may God bless him and his family—who were sitting in the mosque. The man went to them and asked them, but they disagreed. He returned to ʿUmar.

ʿUmar said:

> "There is a man here whom we were instructed to consult whenever we differed concerning something.
>
> Go to him and ask him."

The Bedouin asked:

> "Who is he?"

He replied:

> "ʿAlī ibn Abī Ṭālib—God's blessings be upon him."

He went to him and found al-Ḥasan and al-Ḥusayn—God's blessings be upon them both—sitting before him. He told him his story and asked for the ruling.

ʿAlī said:

> "Ask these two,"
>
> and gestured toward al-Ḥasan and al-Ḥusayn—peace be upon them.

The Bedouin said:

> "What have I encountered from you Companions of Muḥammad! Every time I ask one of you, he sends me to another, until now you have sent me back to children!"
>
> He rose to leave. One of those present said to him:
>
> "These two are the sons of the Messenger of God—may God bless him and his family.
>
> Ask them, O Bedouin, for you will find with them what we seek." So he asked them.

They said:

> "Put a male camel with young female camels equal in number to the eggs you destroyed.
>
> Whatever offspring are born from them, offer as sacrifice." The Bedouin asked ʿAlī—peace be upon him:
>
> "Is that truly the ruling?"

He replied:

> "Yes, O Bedouin."

The man departed. ʿUmar followed after him, sent someone to call him back, and asked what had happened. The Bedouin told him.

ʿUmar said:

"Return to him and say: 'The young female camels may fail to conceive or may miscarry.'"

The Bedouin returned and said this.

ʿAlī replied:

"And the eggs too may become corrupted during brooding and produce no chicks."

The Bedouin returned to ʿUmar and informed him.

ʿUmar said:

"It is for this that we were commanded to ask him."

In another version, ʿUmar himself asked ʿAlī directly about the matter.

When ʿAlī informed him, he said:

"It is for this that we were commanded to ask you."

The variation in the rulings concerning eggs containing chicks after they are found alive or dead is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—upon the foundational ruling transmitted from ʿAlī—peace be upon him. And he—peace be upon him—said concerning one in consecration who kills a wild cow:

"He owes a domestic cow."

It is transmitted from ʿAlī, Abū Jaʿfar, and Abū ʿAbd Allāh—peace be upon them—that concerning a wild ass they said:

"A sacrificial camel is due."

They said that whoever cannot obtain it feeds sixty needy people, one *mudd* of food for each. If he cannot do this, he fasts eighteen days. If one who kills a wild cow cannot obtain a domestic cow, he feeds thirty needy people in the same manner. If he cannot do so, he fasts nine days. They said concerning a gazelle killed by a person in consecration:

"A sheep is due."

If he cannot obtain one, he feeds ten needy people. If he cannot do so, he fasts three days. The same applies whenever a sheep becomes obligatory as compensation for hunted game. We shall mention the cases in which this becomes due. Whoever owes compensation but cannot obtain the required animal, cannot provide food, and is unable to fast has nothing further required of him beyond that.

God Most High says:

"God does not burden a soul beyond its capacity."

And:

"God does not burden a soul except according to what He has given it."

Whoever does not possess and is not capable of what he has been charged with owes nothing until he acquires the means or becomes capable of it. If one upon whom such an obligation rests later obtains what had become due, he fulfills it. If he becomes capable of fasting, he fasts according to what we have already explained. They—peace be upon them—said concerning a person in consecration who kills a hyena, fox, or hare that he compensates for each with a sheep, or with whatever substitute takes its place if he cannot find one, namely the food or fasting already mentioned.

They—peace be upon them—said:

> "This compensation was imposed upon him as a punishment so that he would refrain from hunting."

They—peace be upon them—required for a pigeon and birds of its kind, such as turtle-doves, ring-doves, partridges, and similar birds of comparable size, one sheep for each, or the substitute already mentioned of feeding or fasting if the sheep cannot be obtained. If he destroys the eggs of any of these birds, the corresponding procedure is carried out with sheep in the same way as the one who destroys ostrich eggs does with camels, as already explained. They—peace be upon them—said concerning one in consecration who kills a lizard, jerboa, or similar animal that a young goat is due for each. They—peace be upon them—said that if a person in consecration kills game outside the sacred precinct, the compensation is due according to what we have already described.

If he kills it within the sacred precinct, the penalty is increased and made more severe as a magnification of the sacred state, so that a person in consecration does not treat as lawful there what God, Mighty and Exalted, and His Messenger—may God bless him and his family—have forbidden.

They—peace be upon them—said:

> "If a group of consecrated pilgrims jointly kill a single animal, each individual owes the full compensation separately, because each of them has transgressed."

They forbade one in consecration from directing another person toward game, pointing it out, or assisting him in hunting it. They permitted a person in consecration who is compelled by necessity to eat hunted game and pay its compensation rather than eat carrion when hunted game is available.

They—peace be upon them—said:

> "If a person in consecration shoots an animal and wounds it or breaks its foreleg or hindleg, then it escapes and he does not know what became of it, he owes the full compensation.

If he captures it, it recovers, and he releases it, then for breaking a foreleg or hindleg he owes one quarter of the full compensation. For a wound, he gives in charity an amount proportionate to the injury, measured against the value of the corresponding animal due as compensation." If a person in consecration kills game, he pays compensation for it and does not eat from it. Nor may he feed it to anyone else, whether a person outside consecration or another person in consecration. If he does so, he must compensate for it a second time. They—peace be upon them—commanded that the carcass be buried so that it would not be eaten. If someone later digs it up and eats it after he buried it, nothing further is required of the hunter provided he neither ordered this nor directed the person to it. The liability falls upon the one who took it. They—peace be upon them—said concerning a person in consecration who kills game by mistake or through ignorance:

> "He owes the full compensation just as one who kills it deliberately does."

This is close to a consensus among the Muslims, and most of them hold this view.

God, Mighty and Exalted, says:

> "O you who believe, do not kill game while you are in consecration. Whoever among you kills it deliberately, then the compensation is the like of what he killed from livestock…"

The friends of God, Mighty and Exalted, know the interpretation of His Book better. Neither in the Book nor upon the tongue of His Messenger—may God bless him and his family—was the compensation lifted from a person in consecration who kills game by mistake. The saying of the Messenger of God—may God bless him and his family:

> "God has lifted from my community its mistakes, its forgetfulness, and what it is compelled to do"

does not fall under this meaning… Rather, what he—peace be upon him—meant was that the sin is lifted from the community in matters they did not commit deliberately. The Messenger of God—may God bless him and his family—nevertheless imposed blood-money in cases of accidental killing, and likewise in wounds for

which such liability applies, placing it upon the offender's paternal kin-group. He did not abolish that liability. Likewise, he did not place the compensation for game killed by a pilgrim in consecration upon that pilgrim's kin-group, nor did he lift it from the person who killed the animal accidentally. Whatever neither the Book nor the Sunna has removed remains established according to its original ruling.

God, Mighty and Exalted, says:

> "O you who believe, God will surely test you with some game that your hands and spears can reach…"

This concerns those in consecration. Everything that the hand or weapon of a consecrated pilgrim reaches falls within what God, Mighty and Exalted, has tested him with. Furthermore, whatever is firmly established from the Imams—peace be upon them—is a proof for whoever accepts it, because God, Mighty and Exalted, joined obedience to them with obedience to His Messenger—may God bless him and his family. Whatever has been authentically established from the Messenger of God—may God bless him and his family—is, by the consensus of the community, a proof against anyone who rejects it. They are likewise required to say concerning what has come from the Imams—peace be upon them—that it is a proof against whoever rejects it. A full presentation of the argument concerning this would be lengthy. What we have mentioned is sufficient for one who recognizes what is correct, God willing. They—peace be upon them—said that if a person enters consecration while having captured game in his possession, he must release it.

Likewise, whether a person is consecrated or not, if he removes hunted game from the sacred precinct, he must return it there. They—peace be upon them—said that if a person in consecration kills small birds such as larks, sparrows, swallows, and similar birds, he owes one *mudd* of food for each. For a locust or similar creature of comparable kind, such as wasps, bees, and the like, if he deliberately kills it he gives a handful of food. If he steps upon one of these creatures, or his riding animal treads upon it, without deliberate intent, nothing is required of him. They gave the same ruling concerning creeping creatures of the ground and similar small animals. Likewise regarding ants, tiny ants, flies, mosquitoes, fleas, and lice. They—peace be upon them—permitted a person in consecration to kill whatever harms him or whose harm he fears: harmful insects, scorpions, snakes, predatory birds, predatory quadrupeds, mice, rabid dogs, and everything similar that falls into the same category.

Nothing is required of the pilgrim if he kills such creatures. They—peace be upon them—permitted him to throw stones at crows and kites. They also permitted the pilgrim in consecration to hunt sea-game, just as God, Mighty and Exalted, has clearly permitted it in His Book. He may eat from it and take some as provisions. They—peace be upon them—said concerning birds of the water and marshes:

> "Whatever lays its eggs on land belongs to land-game.
>
> Whatever lays its eggs in the water belongs to sea-game."

And they—peace be upon them—said:

> "Among birds, only those capable of independent flight count as hunted game.
>
> As for chickens and similar domesticated birds that live in settlements and houses, such as Indian chickens and the like, they are not game."

They—peace be upon them—said:

> "Whoever becomes liable for game-compensation while performing pilgrimage sacrifices it at Minā.
>
> If he is performing the lesser pilgrimage, he sacrifices it in Mecca."

On the Sacred Precinct, Entering It, and What Is Done There

God, Mighty and Exalted, says:

> "Have they not seen that We made a secure sanctuary?"

It is transmitted from the Messenger of God—may God bless him and his family—that he forbade disturbing the game of the sacred precinct and cutting its trees.

On the day of the conquest of Mecca he stood with his back supported against the House, holding the two sides of the door while the people of Mecca and others gathered densely before him.

He said:

> "There is no god but God alone, without partner.
>
> He fulfilled His promise, gave victory to His servant, and defeated the confederates alone. What do you say, people of Mecca, and what do you expect?"

They replied:

> "We speak good and expect good—from a noble brother and the son of a noble brother. You have gained power."

He said:

> "I say to you what my brother Joseph—peace be upon him—said:
>
> 'There is no reproach upon you today. May God forgive you, and He is the most merciful of the merciful.'

Know that God, Mighty and Exalted, made Mecca sacred on the day He created the heavens and the earth. It remains sacred until the Day of Resurrection. Its game is not to be driven away. Its trees are not to be cut. Its fresh vegetation is not to be uprooted. Its lost property is lawful only for one who announces it publicly."

Al-ʿAbbās said:

> "O Messenger of God, except *idhkhir*, for it is used for graves, houses, and craftsmen."

That is, they used to place it over the dead in graves to protect them from the soil, put it beneath them, use it upon the roofs of their houses, and burn it for craft-work.

The Messenger of God—may God bless him and his family—said:

> "Except *idhkhir*."

He said many other things that day in that place. The Messenger of God—may God bless him and his family—ordered that one who cuts the trees of the sacred precinct or drives away its game while deliberately treating this as lawful should be punished, and he permitted the seizure of his property. They permitted taking from its vegetation what is needed for things such as a shepherd's staff and for repairing a bucket. They likewise permitted fruit, vegetables, plants that enter people's houses, vegetation eaten directly by livestock and camels, and plants personally cultivated by people rather than naturally produced by the sacred precinct. Whoever unlawfully takes any prohibited thing from it must give its value in charity. It is recommended for one entering the sacred precinct to perform a ritual bath before entering. One performing *tamattuʿ* from the lesser pilgrimage into the pilgrimage stops the *talbiya* when he first sees the houses of Mecca. After that he says the *takbīr* and proclaims God's unity.

During pilgrimage he stops the *talbiya* when the sun passes the meridian on the Day of ʿArafa. During an independent lesser pilgrimage he stops it when he enters the sacred precinct. When the pilgrim—whether performing pilgrimage, lesser pilgrimage, *qirān*, or *tamattuʿ*—enters Mecca, he first attends to setting down his luggage and securing his possessions if he has baggage, goods, or an animal. He then goes out before occupying himself with anything else and begins with the Sacred Mosque. He should enter with tranquility and dignity while inwardly holding the House in reverence. The best practice is to walk there barefoot. If he wears sandals or rides, however, there is no harm. It is recommended that he enter through the Gate of Banū Shayba,

which is the gate of the two Iraqs, and supplicate with whatever he is able. Among the supplications transmitted for that moment is what Jaʿfar ibn Muḥammad—peace be upon him—commanded.

He said:

> "When you enter Mecca and have set down your luggage, begin with the Sacred Mosque.
>
> When you reach it, stand at the gate facing the Black Stone and say:
>
> > 'In the name of God, through God, from God, and unto God, as God wills, and upon the religion of the Messenger of God.
>
> The finest names belong to God. Praise be to God. Peace be upon the Messenger of God. Peace be upon Muḥammad ibn ʿAbd Allāh. Peace be upon you, O Prophet, and the mercy and blessings of God. Peace be upon the prophets and messengers of God. Peace be upon Abraham and Ishmael. Peace be upon the messengers and upon the righteous servants of God. O God, bless Muḥammad and the Family of Muḥammad. Have mercy upon Muḥammad and the Family of Muḥammad. Bless Muḥammad and the Family of Muḥammad as You blessed, had mercy upon, and bestowed blessings upon Abraham and the family of Abraham among the worlds. Indeed, You are Praiseworthy, Glorious. O God, bless Muḥammad, Your servant and Messenger. Bless Abraham, Your intimate friend. Bless Your prophets and messengers. Open for me the gates of Your mercy. Employ me in obedience to You and in what pleases You. Preserve me through the preservation of faith for as long as You keep me alive. Majestic is the praise of Your face.
>
> Praise be to God who has made me one of His delegations and one of the visitors to His House. Every one to whom a visitor comes owes a right to the visitor. O God, You are the best One approached and the best One visited. So I ask You, O God, O All-Merciful, because You are God—there is no god but You alone, without partner—and because Muḥammad is Your servant and Messenger, and because You are One, the Eternal Refuge, who neither begets nor is begotten, and none is equal to You:
>
> O Generous, O Glorious, O Noble One, make Your gift to me and the first thing You bestow upon me my release from the Fire. O God, free my neck from the Fire.'" He says this three times.
>
> "'Expand for me lawful and wholesome provision.
>
> Protect me from the evil of the devils among jinn and humankind and from the evil of the wicked among Arabs and non-Arabs.'" Then approach the House, raise your hands, and say:
>
> > "O God, I ask You in this station, at the beginning of my rites, to accept my repentance, overlook my error, and remove my burden from me.
>
> Praise be to God who has brought me to His Sacred House." Then proceed toward the corner. Kiss the Black Stone if you are able and this is possible. Or touch it—that is, place your hands upon it. If you cannot reach it, gesture toward it with your hand. Then begin the circumambulation.

On Circumambulation

God, Mighty and Exalted, says:

> "Let them circumambulate the Ancient House."

And He, blessed and exalted, says:

> "Purify My House for those who circumambulate it, those who remain in devotion, and those who bow and prostrate."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked about the origin of circumambulation.

He said:

> “When God, Mighty and Exalted, created Adam—peace be upon him—and commanded the angels to prostrate to him, and favored him through the knowledge of the names, the angels regarded this as a great matter within themselves.

They said: ‘We did not imagine that God, Mighty and Exalted, would create a creature more honored by Him than we are.’

And when He informed them that He would place Adam upon the earth, they said:

> ‘Will You place therein one who will cause corruption and shed blood?’

By this they objected to God, Mighty and Exalted. He, blessed and exalted, said to them:

> ‘Did I not tell you that I know the unseen of the heavens and the earth, and I know what you disclose’—

meaning what they openly said—

> ‘and what you conceal’—

meaning what they had said inwardly and the greatness they had attributed to themselves concerning the affair of Adam—peace be upon him. They realized that they had fallen into error. They therefore sought refuge at the Throne and circumambulated it seven times, seeking their Lord’s pleasure.

He became pleased with them and said:

> ‘Descend and build for Me a House upon the earth around which those of My servants who disobey Me may circumambulate, so that I may become pleased with them just as I became pleased with you.’

They built a House upon the place of the present House. Adam—peace be upon him—was the first to circumambulate it. It remained there until it was raised during the time of the Flood. God, Mighty and Exalted, later revealed to Abraham—peace be upon him—to rebuild the House upon its foundations.” ʿAbbād ibn Yaʿqūb al-Baṣrī said to Jaʿfar ibn Muḥammad—peace be upon him:

> “Son of the Messenger of God, we have transmitted a report from the Messenger of God—may God bless him and his family—which we would like to present to you.

If it is true according to you, I shall accept it; if false, I shall abandon it.”

He asked:

> “What is it?”

He replied:

> “It has reached us that he—may God bless him and his family—said:
>
> ‘Whoever rises after the first half of the night has passed, performs a complete ablution, touches the Stone, bears witness that there is no god but God and that Muḥammad is the Messenger of God, then circumambulates seven times and performs two cycles of prayer—reciting after the Opening of the Book “Say: O unbelievers” and “Say: He is God, One”—in whatever part of the mosque he wishes;

then stands between the Stone and the door, praises God, Mighty and Exalted, as He deserves, and invokes blessings upon me and upon my Household:

his feet will not move from that place until his request is granted. The eight gates of Paradise will be opened for him and he may enter through whichever he wishes. God will write for him three thousand good deeds, erase one thousand evil deeds, and raise him three thousand degrees.’”

Abū ʿAbd Allāh—peace be upon him—said:

> “All of that is true and sound.

Indeed, that makes six thousand."

He—peace be upon him—said:

> "When the circumambulator begins at the House, he kisses or touches the Black Stone, or gestures toward it.

He then proceeds to his right, keeping the House on his left. He circumambulates seven times, beginning at the Black Stone and ending there. Each time he starts from it, goes around the House, and returns to it, that is counted as one circuit. He continues in this way until he has completed seven circuits. He performs *ramal* during three circuits and walks normally during four." *Ramal* is a form of brisk walking. The Messenger of God—may God bless him and his family—did this and commanded his companions to do likewise. The reason was that he had been informed that Quraysh were saying:

> "The companions of Muḥammad have become weak and the fever of Yathrib has emaciated them."

He—peace be upon him—wished to show them the endurance and strength of his companions. One should follow his example in this. If a person omits *ramal* during those three circuits, or during part of them, nothing is required of him. There is no *ramal* for women. Whenever the circumambulator passes the Black Stone or the Yemeni Corner, he kisses or touches them if he is able, or gestures toward them if he cannot. He circumambulates outside the Ḥijr and does not enter through it. If through ignorance he enters the Ḥijr, he leaves and repeats the circumambulation from outside it. He does not touch the two corners adjacent to the Ḥijr. Whoever is unable to circumambulate on foot may be carried around. If he can perform it quietly and without drawing attention, that is better. There is no harm in speaking during circumambulation. Among the supplications transmitted from Jaʿfar ibn Muḥammad—peace be upon him—for circumambulation, and which he instructed, is the following:

> "When you circumambulate the House and come opposite the water-spout, say:
>
> 'O God, give me good in this world and good in the Hereafter, and protect me from the punishment of the Fire.'

When you are in the seventh circuit and reach the Ḥijr, embrace the House and press your abdomen and face against it, and say:

> 'Praise be to God who honored you, ennobled you, magnified you, and made you a place of return and security for the people.

O God, the House is Your House and the servant is Your servant. This is the station of one seeking refuge in You from the Fire. O God, I am poor before You, fearful of You, and seeking refuge in You. My Lord, do not alter my body and do not change my name. O God, I am weak, so multiply my weakness in Your pleasure, increase my knowledge, and accept it from me. O God, give me good in this world and good in the Hereafter, and protect me from the punishment of the Fire.'"

He—peace be upon him—said:

> "There are angels there who say Āmīn to the supplications of the believers."

The circumambulator should perform circumambulation only while ritually pure and in a state of ablution. If he performs an obligatory circumambulation without ritual purity, he must repeat it. If he performs a voluntary circumambulation without ablution, he performs ablution and then performs the two cycles belonging to his circumambulation; nothing further is required. If he incurs ritual impurity or suffers a nosebleed during circumambulation, he performs ablution or washes away the blood and then continues from where he left off if it was a voluntary circumambulation. If it was obligatory and he had passed the halfway point, he likewise resumes it. If he had completed only half or less, he begins the circumambulation again from the start. For one performing *tamattuʿ* or *qirān*, the obligatory circumambulations are:

the circumambulation of the lesser pilgrimage when first entering Mecca; then the pilgrimage circumambulation upon returning from Minā, which is also called the circumambulation of *ifāḍa*. Each of these is accompanied by *saʿy* between al-Ṣafā and al-Marwa. We shall explain how that is performed. After the circumambulation of *ifāḍa* and its *saʿy* comes the circumambulation of women. This consists only of circumambulation around the House. These are the obligatory circumambulations, and each consists of seven circuits. The farewell circumambulation when leaving Mecca is recommended and strongly encouraged. Any circumambulation beyond these is voluntary. It carries merit, and whoever wishes may perform as many circumambulations as he wishes by night or day, but each circumambulation must consist of seven circuits. He—peace be upon him—said that a menstruating woman performs all the rites after washing and maintaining herself appropriately, except circumambulation. She does not circumambulate until she becomes pure.

A woman experiencing irregular bleeding may circumambulate and perform all the rites so long as she is not actually menstruating. When the menstruating woman becomes pure, she performs the circumambulation and the *saʿy* between al-Ṣafā and al-Marwa. Women who fear the onset of menstruation should hasten the circumambulation and visitation rites. They permitted one who becomes exhausted during circumambulation or *saʿy* to rest and then resume from where he stopped. When the time of an obligatory prayer arrives, whoever is engaged in circumambulation interrupts it. After performing the prayer, he resumes the remainder of his circumambulation. A person should not begin an obligatory circumambulation when the time of the obligatory prayer is so near that he expects the time and the Imam's prayer to begin before he can complete both the circumambulation and *saʿy*. Rather, he should delay the circumambulation until after performing the obligatory prayer.

They—peace be upon them—permitted interrupting a voluntary circumambulation when some righteous need arises. They transmitted that al-Ḥusayn ibn ʿAlī—peace be upon him—was once performing a voluntary circumambulation of the House when a man came and asked him for assistance with a need. He interrupted his circumambulation and went with him.

He was asked about this and replied:

> "How could I not go with him when the Messenger of God—may God bless him and his family—said:
>
> 'Whoever goes with his believing brother concerning a need, even if the need is not fulfilled, one lesser pilgrimage is written for him.

If the need is fulfilled, a pilgrimage and a lesser pilgrimage are written for him.' I went with this man concerning his need and fulfilled it. I thereby gained a pilgrimage and a lesser pilgrimage, and then returned to my circumambulation." They—peace be upon them—said that if someone becomes ill during an obligatory circumambulation or its *saʿy* and is unable to complete it, he may instruct another person to perform the remainder on his behalf if he had already passed the halfway point. If he had not passed the halfway point, the person acting for him begins the rite again from the beginning on his behalf. If he instead waits until he recovers and completes it personally, nothing is required of him. If he becomes uncertain during circumambulation, he builds upon what is certain. If he accidentally adds one circuit and thus circumambulates eight times, he adds another six circuits, making two complete sets of seven.

If this occurred during an obligatory circumambulation, he regards the first seven as obligatory and the second seven as voluntary. He then performs four cycles of prayer, two for each set of seven. He performs seven circuits of *saʿy* between al-Ṣafā and al-Marwa for the obligatory circumambulation. If he wishes, he may perform a second seven voluntarily; if he wishes, he may leave it. A person should not deliberately join two sets of seven circumambulations without separating them by the two cycles of prayer, except in the case of forgetfulness just mentioned. When the circumambulator has completed seven circuits around the House, he moves behind the Station of Abraham—peace be upon him—so that the Station lies between himself and the House. Whoever performs an obligatory circumambulation after the afternoon prayer should perform the two

cycles of circumambulation immediately. If his circumambulation was voluntary, he delays the two cycles until a time when voluntary prayer is permitted.

Likewise, if he performs a voluntary circumambulation after the dawn prayer, he does not perform its two cycles until the time when voluntary prayer becomes lawful, as we have already explained in the chapters on prayer. If, however, the circumambulation was obligatory, he performs the two cycles as soon as he has completed it, regardless of the time. It is recommended in the two cycles of circumambulation to recite, after the Opening of the Book:

"Say: O unbelievers"

in the first cycle, and:

"Say: He is God, One"

in the second. All of this is the doctrine of the People of the Household—God's blessings be upon them. They—peace be upon them—said that after completing the circumambulation and its two cycles, the pilgrim returns to the Black Stone and touches it. He then goes to Zamzam, drinks from its water, and pours some over himself if he is able. He then leaves through the Gate of al-Ṣafā, ascends al-Ṣafā, praises God, proclaims His unity and greatness, and supplicates with whatever is easy for him while standing where he can see the House and facing the Black Stone. Among what has been transmitted is that Jaʿfar ibn Muḥammad—peace be upon him—said that during the Farewell Pilgrimage, upon al-Ṣafā, the following was said:

"There is no god but God alone, without partner.

His is the kingdom and His is the praise. He gives life and causes death, and He is the Living One who does not die. In His hand is all good, and He has power over all things. There is no god but God alone. He fulfilled His promise, gave victory to His servant, and defeated the confederates alone." He said this three times. Abū ʿAbd Allāh—peace be upon him—would then say:

"O God, I ask You for pardon and well-being in this world and the Hereafter.

My Lord, I ask You to bless Muḥammad and the pure and purified members of his Household. Strengthen me to act upon what You have taught me of Your right. Expand for me what You have granted me of Your provision. My Lord, I ask You for good in this world and good in the Hereafter, and I ask You to protect me from the punishment of the Fire."

And he—peace be upon him—said:

"When you have finished your supplication upon al-Ṣafā, descend walking with tranquility.

When you reach the bottom of the valley, opposite the marker that marks the beginning of the running-place, then run swiftly until you have passed beyond the floor of the valley and reached the second marker, which likewise marks the end of the running-place." It is because of this that the rite is called *saʿy* between al-Ṣafā and al-Marwa. The first to perform this running was Abraham—peace be upon him. When he descended from al-Ṣafā and reached the bottom of the valley, Iblīs—may God curse him—appeared before him. Abraham ran away from him until he had ascended the opposite side of the valley. When the accursed one departed from him, he resumed walking. And he—peace be upon him—said that among the recommended things to say during the *saʿy* is:

"In the name of God, and God is greater.

May God bless Muḥammad and his Household. O God, forgive, have mercy, and overlook what You know. Indeed, You are the Mightiest, the Most Generous."

When he leaves the running-place and reaches the place where one walks, he raises his hands toward heaven and says:

"O Possessor of favor, bounty, abundance, blessing, and generosity, my deeds are weak, so multiply them for me and accept them from me.

Bless Muḥammad and the Family of Muḥammad as You are worthy, and as they are worthy through You."

And he—peace be upon him—said:

"There is no running for women; rather, they walk. The running is only for men."

He then ascends al-Marwa and says there what he said upon al-Ṣafā. He returns to al-Ṣafā and stands there again, then returns to al-Marwa, continuing until he has completed seven circuits. He begins at al-Ṣafā and concludes at al-Marwa. In each circuit he runs in the designated place and supplicates in the manner already described. If someone mistakenly begins at al-Marwa before al-Ṣafā, he must correct this and ensure that the rite begins at al-Ṣafā and ends at al-Marwa. This is because, when the Messenger of God—may God bless him and his family—ascended al-Ṣafā, he recited the verse:

"Indeed, al-Ṣafā and al-Marwa are among the symbols of God."

Then he said:

"Begin with that with which God began."

Likewise, after circumambulating the House, a person should proceed directly to the *saʿy*. The Messenger of God—may God bless him and his family—did this. If an excuse separates the two rites, there is no harm—for example, if a person is exhausted and rests, if time becomes constricted, or if some unavoidable matter arises. They should not, however, be separated without an excuse.

And he—peace be upon him—said:

"Whoever begins with the *saʿy* between al-Ṣafā and al-Marwa and only afterward performs the circumambulation must repeat the *saʿy*."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked whether the *saʿy* between al-Ṣafā and al-Marwa is obligatory.

He replied:

"Yes."

It was said to him:

"Then is shortening the prayer during travel likewise obligatory?"

He replied:

"Yes."

He was asked:

"But did God, Mighty and Exalted, not say:

'When you travel through the land, there is no blame upon you if you shorten the prayer,'

and also:

'Whoever performs pilgrimage to the House or the lesser pilgrimage, there is no blame upon him if he circumambulates the two'?"

He replied:

"God, Mighty and Exalted, mentioned this in His Book, while the Messenger of God—may God bless him and his family—explained it, performed it, and commanded it.

God imposed upon him the duty of clarification, saying:

'We sent down to you the Reminder so that you may make clear to the people what has been sent down to them.'

And He imposed upon the people the duty of accepting from him, saying:

‘Whatever the Messenger gives you, take it, and whatever he forbids you, abstain from it.’”

As for the saying of God, Mighty and Exalted:

“There is no blame upon him if he circumambulates the two,”

this does not indicate that the circumambulation between them is merely optional. Rather, God said this after some people had thought that there was blame in doing so. He therefore informed them that al-Ṣafā and al-Marwa were among the sacred symbols of God whose observance He had imposed, and that there was no blame upon one who went between them. It is said that the Anṣār used to enter consecration in the name of Manāt, while Manāt stood at Qudayd, and they therefore felt scruples about going between al-Ṣafā and al-Marwa. God, Mighty and Exalted, informed them that there was no blame in it and that the two were among His sacred symbols. Likewise, when the Messenger of God—may God bless him and his family—commanded the shortening of prayer and breaking of the fast during travel, some Muslims regarded this as a grave matter and found it difficult to do what God had permitted them. So God, Mighty and Exalted, informed them that there was no blame upon them.

Jaʿfar ibn Muḥammad—peace be upon him—said:

“Whoever deliberately abandons the *saʿy* must perform the pilgrimage again the following year.

If he forgets it, he should appoint someone to perform it on his behalf. If he forgets the two cycles of circumambulation, he should appoint someone to perform them on his behalf.”

On Tamattuʿ: Performing the Lesser Pilgrimage before the Pilgrimage

Jaʿfar ibn Muḥammad—peace be upon him—explained what is done by one who performs *tamattuʿ* by joining the lesser pilgrimage to the pilgrimage—that is, performing both in a single journey and entering consecration for them in the manner already described in the chapter on consecration.

He—peace be upon him—said:

> “When one performing *tamattuʿ* has circumambulated the House and performed the *saʿy* between al-Ṣafā and al-Marwa, intending these as the circumambulation and *saʿy* of the lesser pilgrimage, he has completed it.

He should then leave consecration, trim something from his hair and nails, and leave some of them for his pilgrimage.” This is also what the Messenger of God—may God bless him and his family—commanded during the Farewell Pilgrimage. Those with him who had not brought sacrificial animals were commanded to leave consecration after they had circumambulated and performed the *saʿy*. The Messenger of God—may God bless him and his family—had brought sacrificial animals and therefore did not leave consecration. He combined the lesser pilgrimage with the pilgrimage because of the saying of God, Mighty and Exalted:

> “Do not shave your heads until the sacrificial offering reaches its destination.”

This refers to one who has brought the sacrificial offering. It was at that time that God, Mighty and Exalted, revealed the command concerning *tamattuʿ*.

The Messenger of God—may God bless him and his family—said:

> “Had I known beforehand what I now know, I would not have brought the sacrificial offering and would have made it *tamattuʿ*.”

Before this, the people had not known this practice and did not understand the independent lesser pilgrimage in this form. The Commander of the Faithful ʿAlī ibn Abī Ṭālib—peace be upon him—arrived that day from Yemen after bringing sacrificial animals with him. He found Fāṭima—peace be upon her—who had

been among those performing pilgrimage with the Messenger of God—may God bless him and his family—wearing dyed clothing and having left consecration. He objected to this.

She said:

> "The Messenger of God—may God bless him and his family—commanded us to do this."

ʿAlī—peace be upon him—went to him and informed him.

He replied:

> "Yes. And you, O ʿAlī, with what formula did you enter consecration?"

He said:

> "I said: 'O God, I enter consecration for whatever the Messenger of God—may God bless him and his family—has entered consecration for.'"

The Prophet said:

> "Then do not leave consecration until you sacrifice the offering.

Perform the circumambulation and *saʿy* of your lesser pilgrimage and remain as you are in consecration until you leave consecration from the pilgrimage." The Messenger of God—may God bless him and his family—then made him a partner in his sacrificial animals and combined the animals ʿAlī had brought from Yemen with those he himself had brought, making ʿAlī a partner in them. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked how one performing *tamattuʿ* should deal with the hair.

He said:

> "He should not shave his head"—meaning with a razor—"but should trim it, taking from its ends and leaving some for his pilgrimage."

He was asked:

> "What if he shaves it?"

He replied:

> "If he shaves it and his hair does not grow back before the Day of Sacrifice, he owes a blood-offering"—meaning a sheep, which he slaughters and gives in charity.

He said:

> "On the Day of Sacrifice he passes the razor over his head whether the hair has grown or not."

A bald person does the same: he passes the razor over his head in place of shaving.

He said:

> "If one performing *tamattuʿ* forgets to trim his hair until after he has entered consecration for pilgrimage, then remembers, he should seek God's forgiveness and nothing further is required."

He said:

> "One who has left consecration after the lesser pilgrimage may perform as much voluntary circumambulation as he wishes before entering consecration for pilgrimage.

But he should not perform a voluntary circumambulation after the circumambulation of *tamattuʿ* until he has first left consecration by trimming his hair."

And he said:

> "When one performing *tamattuʿ* has left consecration after the lesser pilgrimage, it is preferable that he not dress himself in a shirt and that he continue to resemble those in consecration."

Likewise, the adherents of the religion should during the days of pilgrimage, even if they are not themselves performing pilgrimage, remain somewhat disheveled and dusty. If the person in consecration

approaches his wife before trimming his hair, he owes a camel. If he kisses her, he owes a sheep. Once he has trimmed his hair, he may approach her if he wishes, and nothing is required. Everything that had been forbidden to him during consecration has now become lawful. If the person performing *tamattuʿ* reaches Mecca on the Day of Tarwiya, he performs the circumambulation and *saʿy* of his lesser pilgrimage, leaves consecration, and then enters consecration for pilgrimage on that same day. A woman who fears menstruation was permitted to perform the circumambulation and *saʿy* of pilgrimage before setting out for the pilgrimage rites.

If she is performing *tamattuʿ* and menstruates before performing the circumambulation of the lesser pilgrimage, she postpones it until she becomes pure and then performs it before the pilgrimage circumambulation.

He said:

> "There is no *tamattuʿ* for the people of Mecca.

God, Mighty and Exalted, granted this concession only to the people of other lands." This is His saying, Mighty and Exalted:

> "That is for one whose family is not present at the Sacred Mosque."

The people of Mecca may perform the lesser pilgrimage whenever they wish.

He said:

> "Whoever enters Mecca for a lesser pilgrimage during the pilgrimage months and remains there until performing pilgrimage is considered one performing *tamattuʿ*."

He said that one performing *tamattuʿ* by the lesser pilgrimage before pilgrimage owes, as God, Mighty and Exalted, says:

> "Whatever sacrificial offering is easy to obtain."

This means one sheep or something greater. He slaughters it during the days at Minā, gives it in charity, and does not eat from it. If he cannot find a sheep, he may share in a sacrificial camel. We shall explain how many persons a camel suffices for in the section on sacrificial offerings.

If he cannot obtain that, then he fasts as God, Mighty and Exalted, says:

> "Three days during the pilgrimage…"

He fasts one day before the Day of Tarwiya, the Day of Tarwiya itself, and the Day of ʿArafa,

> "…and seven when you return."

If he fasts those seven while still on the road, that suffices him. If he did not fast the three days during the pilgrimage, he may fast them on the road. If through ignorance or forgetfulness he leaves them entirely, he fasts ten days after returning to his family. It is preferable that he fast them consecutively. If he separates them, that suffices. When the Day of Tarwiya arrives, the person performing *tamattuʿ* enters consecration for pilgrimage from the Sacred Mosque, just as he entered consecration from the station when coming to Mecca. A resident of Mecca enters consecration from his home. Likewise, one who is not originally from Mecca but has taken up residence there enters consecration from Mecca.

On Going Out to Minā and Standing at ʿArafa

Jaʿfar ibn Muḥammad—peace be upon him—said to one whom he was teaching the rites, concerning one performing *tamattuʿ* by the lesser pilgrimage before pilgrimage:

> "When the Day of Tarwiya arrives, if you wish, perform a ritual bath, put on your two garments, and enter the Sacred Mosque barefoot, with tranquility and dignity.

If you wish, perform seven voluntary circuits and the two cycles belonging to your circumambulation. When the sun passes the meridian, perform the obligatory prayer. Then enter consecration for pilgrimage and do as you did at Dhū al-Ḥulayfa. Then go out to Minā." He said that people may leave Mecca for Minā on the Day of Tarwiya at any time from the beginning to the end of the day. It is called the Day of Tarwiya because people used to supply themselves with water on that day, since at that time there was no water at Minā. It is the eighth day of Dhū al-Ḥijja. When the people leave Mecca for Minā and ʿArafa intending pilgrimage, whoever wishes may ride and whoever wishes may walk. There is reward in walking for one who has no mount.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "For one who possesses a mount, riding is preferable to walking, because the Messenger of God—may God bless him and his family—went out riding."

Jābir ibn ʿAbd Allāh said:

> "That day I looked before the Messenger of God—may God bless him and his family—and as far as the eye could see there were people walking and riding.

To his right and left, and behind him as far as the eye could see, there were likewise riders and walkers." When they reached Kurāʿ al-Ghamīm, the people traveling on foot formed themselves in two lines before him, seeking the blessing of his supplication.

When he passed them, they said:

> "O Messenger of God, the journey has become long for us and the walking has become difficult."

He said:

> "O God, reward them and strengthen them."

Then he said:

> "If you make use of a quickened pace"—meaning a light, rapid walk—"your bodies will become lighter and you will cross the ground more easily."

They did so, and it helped them. The rider is stronger for standing at ʿArafa and supplicating than the person exhausted by walking. For this reason, riding is recommended for one who possesses and is able to use a mount.

He—peace be upon him—said:

> "When the Imam is present for the pilgrimage season, he should perform the noon prayer on the Day of Tarwiya only at Minā.

He spends that night there, and the people spend the night there as well. Then, on the morning of the Day of ʿArafa, after the sun has risen, he departs from Minā for ʿArafa, and the people depart with him." He said that performing a ritual bath on that day is recommended. Breaking the fast is recommended for one who fears that fasting will weaken him for the standing and supplication at ʿArafa. When they reach ʿArafa, they stop there. It is recommended to camp and stand close to the mountains. He forbade camping or standing in the area of al-Arāk.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Those who remain beneath the arāk trees and stand there have no valid pilgrimage.
>
> All of ʿArafa is a place of standing."

He said:

> "When the sun passes the meridian, the *talbiya* is stopped.

The Imam comes to the floor of the valley and addresses the people. The caller to prayer then gives the call, and the *iqāma* is pronounced. The Imam performs the noon prayer with the people. Then the *iqāma* is pronounced again and he performs the afternoon prayer, and the people pray with him. The two prayers are

combined with one call to prayer and two *iqāmas*." This is how the Messenger of God—may God bless him and his family—performed them. Then the Imam stands, and the people stand with him. They remain standing, facing the sun, supplicating to God, Mighty and Exalted, earnestly turning toward Him and asking Him for their needs of this world and the Hereafter until the sun sets. Whoever wishes may recite the Qurʾān. Whoever wishes may say the *takbīr*, proclaim God's unity, glorify Him, and seek His forgiveness. It is transmitted from Muḥammad ibn ʿAlī ibn al-Ḥusayn—peace be upon him—that when he stood at ʿArafa he would begin with Sūrat al-Baqara.

After reciting ten verses, he would magnify God, proclaim His unity, glorify Him, seek forgiveness, and supplicate. Then he would begin the next ten verses and do the same until completing the sūra.

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

> "When you stand at the station of ʿArafa, praise God, extol Him, and invoke blessings upon the Prophet Muḥammad and his family.

Then say:

> 'O God, I ask You by Your power, strength, generosity, nobility, and bounty.

O You who hear all who hear, O You who see all who see, O swiftest of reckoners, O wisest of judges, O most merciful of the merciful:

bless Muḥammad and the Family of Muḥammad, and deal with me as You are worthy to deal.'" Then raise your hands and face toward heaven and say:

> "O God, my need is such that if You grant it to me, whatever else You withhold will not harm me; and if You withhold it, whatever else You give me will not benefit me.

I ask You for the release of my neck from the Fire. O God, I ask You—for I am Your servant, my forelock is in Your hand and my appointed term is within Your knowledge—to grant me success in what pleases You with me and to make me among those whose deeds You are pleased with and whose striving You accept." Then say:

> "Praise be to God for His forbearance despite His knowledge.

Praise be to God for His pardon despite His power. Praise be to God for His mercy which precedes His wrath. Praise be to God with all His praises for all His blessings, until praise reaches that which You love and with which You are pleased, our Lord. Praise be to God for His blessings which cannot be counted and which never cease. O God, I ask You by Your most beautiful names, by Your strength and power, by Your might, by everything encompassed by Your knowledge, by the right of Your Messenger, and by Your greatest, supreme Name—the Name by which, when one calls upon You, it is incumbent upon Your generosity to answer him and not reject him, and to grant him his request—that You forgive me all my sins…" Then ask God for the needs of your worldly life and your Hereafter. Repeat frequently:

> "O God, I ask You for the release of my neck from the Fire."

Repeat this supplication and any other that is easy and opened for you. Continue saying the *takbīr*, proclaiming God's unity, and seeking forgiveness until the sun sets. When the sun has set, say:

> "O God, do not make this my final visit to this station.

Grant me the ability to return to it for as long as You keep me alive. Cause me to depart from it successful, prosperous, with my supplication answered, forgiven, returning with the best return ever granted to any of Your delegations and pilgrims to Your Sacred House. Make me today among the most honored of Your delegations before You. Grant me the best of what You have granted any of them: goodness, blessing, mercy, good pleasure, forgiveness, and well-being. Bless what I return to of family, property, little or much, and bless them through me. O God, expand for us lawful and wholesome provision. Do not plot against me or lead me

gradually toward ruin. Repel from me the evil of the wicked among humankind and jinn. Bless Muḥammad and the Family of Muḥammad as You are worthy, and as they are worthy through You."

And he said:

> "Whoever becomes ill or loses consciousness should be brought to the station at ʿArafa."

And he said:

> "Standing at ʿArafa is not proper except in a state of ritual purity."

They transmitted from the Messenger of God—may God bless him and his family—that he said:

> "The greatest sinner at ʿArafa is the one who departs from it thinking that he has not been forgiven."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "He means the one who despairs of the mercy of God."

Jaʿfar ibn Muḥammad ibn ʿAlī—peace be upon him—said one day while standing at ʿArafa:

> "God is Possessor of generosity.
>
> By God, this evening neither a righteous person nor a wicked one leaves this station without receiving something from God. As for the righteous person, his supplication is answered for both his Hereafter and his worldly life. As for the wicked person, his share is hastened to him and he is protected concerning whatever worldly matter he asked for."

Al-Ḥusayn ibn ʿAlī—peace be upon him—saw a man asking people for charity on the Day of ʿArafa and said:

> "Woe to you! Do you ask someone other than God on this day?
>
> Indeed, on this day mercy is hoped for even for those still within the wombs of pregnant women." Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—would never turn away a beggar on the Day of ʿArafa. Jaʿfar ibn Muḥammad—peace be upon him—would increase greatly on that day in supplication, prayer, charity, and seeking forgiveness.

On Departing from ʿArafa to al-Muzdalifa

God, Mighty and Exalted, says:

> "Then depart from where the people depart."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "In the Age of Ignorance, Quraysh used to depart from al-Muzdalifa, saying: 'We have a greater right to the House than the rest of the people.'

God, Mighty and Exalted, therefore commanded them to depart from ʿArafāt from where the people departed. Before this, they did not stand at ʿArafāt. Rather, they stood at al-Mashʿar al-Ḥarām. They were therefore commanded to stand at ʿArafa and depart from it." One does not depart from ʿArafa until the sun has set and its disk has disappeared. When that occurs, the people depart toward al-Muzdalifa. They do not perform the sunset prayer until reaching it. At al-Muzdalifa they combine the sunset and final evening prayers with the Imam, with one call to prayer and two *iqāmas*. They spend the night at al-Muzdalifa on the eve of the Day of Sacrifice. The best place is that which is closest to al-Mashʿar al-Ḥarām. Whoever departs from ʿArafa before the sun has set owes…

> "…a sacrificial camel, which he must slaughter, or else give its value in charity.

When departing from ʿArafa, he should increase in remembrance of God, Mighty and Exalted, and in seeking forgiveness, for God, Mighty and Exalted, says:

> "Then depart from where the people depart and seek forgiveness from God. Indeed, God is Forgiving, Merciful."

He should proceed at a moderate pace. When the Messenger of God—may God bless him and his family—departed from ʿArafa during the Farewell Pilgrimage, he was riding al-Qaṣwāʾ and held her reins so tightly that her head nearly touched the front of the saddle. He was saying, while gesturing with his right hand:

"O people, tranquility, tranquility."

Whenever he came to a hill, he loosened the reins slightly so that the camel could ascend. He continued in this way until he reached al-Muzdalifa, where he combined the sunset and final evening prayers. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about performing the sunset and final evening prayers before reaching al-Muzdalifa.

He said:

"No, even if two thirds of the night have passed."

Whoever deliberately does so owes a blood-offering.

And he—peace be upon him—said:

"Spending the night at al-Muzdalifa on the eve of the Day of Sacrifice is part of the Sunna.

Whoever does not spend the night there owes a sacrificial camel, unless he returns during what remains of the night and stands there. If someone was ignorant of the ruling but had passed through al-Muzdalifa or stood there, nothing is required of him." It is recommended for the Imam to stand at the designated station of al-Muzdalifa.

The Messenger of God—may God bless him and his family—said:

"All of ʿArafa is a place of standing.

All of al-Muzdalifa is a place of standing. All of Minā is a place of sacrifice." The Messenger of God—may God bless him and his family—permitted women and the weak to depart from al-Muzdalifa during the night, to stone the pillars at night, and to perform the dawn prayer at Minā. As for the Imam and the rest of the people, they do not depart from al-Muzdalifa until after performing the dawn prayer and until the morning has become fully light.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—remained at al-Muzdalifa until the sunlight appeared upon Thabīr, which is the first mountain in the world upon which the sun rises.

When he saw it, he said:

> 'Shine, Thabīr! Shine, Thabīr!

I say as my brother Moses said:

> "My Lord, expand my breast for me, make my task easy for me, and appoint for me a minister from my family—ʿAlī my brother. Strengthen my back through him and make him a partner in my affair."""

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "When you stand at al-Mashʿar al-Ḥarām, praise God, extol Him, recite whatever verses you are able, invoke blessings upon the Prophet and his Household, and then supplicate for yourself with whatever you are able."

When the Messenger of God—may God bless him and his family—performed the dawn prayer on the Day of Sacrifice, he mounted al-Qaṣwāʾ and came to al-Mashʿar al-Ḥarām. He ascended it, faced the *qibla*, magnified God, proclaimed His unity and oneness, and remained standing in this way until the morning had become fully light. He then departed from al-Muzdalifa toward Minā. When he reached al-Muḥassir—the valley between al-Muzdalifa and Minā—he quickened his pace slightly. He took the middle road that brought

him to the greater pillar. He came to the pillar near the tree and threw seven pebbles at it. He then went to Minā, sacrificed, and shaved.

And he—peace be upon him—said:

> "Quickening one's pace in al-Muḥassir is a Sunna which should be observed, just as the Messenger of God—may God bless him and his family—did.

On that day, one stones the Pillar of al-ʿAqaba before sacrificing.

Then one sacrifices and shaves. It does not matter whether shaving or sacrifice is performed first."

On Stoning the Pillars

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The pebbles for the pillars may be taken from al-Muzdalifa or from elsewhere in the direction of Minā.

One should not pick up pebbles from one pillar in order to throw them at another. Rather, all the pebbles should be collected from one place." It is recommended to pick them up individually. They should be dark-colored, separate stones approximately the size of a fingertip. Breaking stones to make pebbles was disliked. A ritual bath before stoning the pillars is recommended. The person throwing should have Minā on his right and the House on his left. When he stones a pillar, he should throw from the floor of the valley and not from above it.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "When you stone the pillars, say a *takbīr* with every pebble you throw."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "On the Day of Sacrifice, the pillar that is stoned is the Pillar of al-ʿAqaba, before sacrificing.

Then the pilgrim goes to Minā, sacrifices, and shaves. He then proceeds to the House and circumambulates it seven times. He performs the *saʿy* between al-Ṣafā and al-Marwa seven times. This is the circumambulation of pilgrimage. He then returns to the House and performs the circumambulation of women. When he has done this, everything that had been forbidden to him because of consecration becomes lawful." He then returns to Minā and remains there during the Days of Tashrīq, stoning the pillars each day after the sun has passed the meridian. He throws seven pebbles at each pillar. He begins with the small pillar, then the middle pillar, then the large pillar. There is latitude for him to perform the stoning at whatever time of the day he wishes. It is recommended that he be in a state of ritual purity. The Messenger of God—may God bless him and his family—used to walk to the pillars and stone them on foot. ʿAlī—peace be upon him—would stone them sometimes walking and sometimes riding. There is no fixed requirement concerning this.

The Messenger of God—may God bless him and his family—permitted the weak to perform the stoning at night. Whoever misses stoning during the day may perform it at night. Whoever stones one pillar out of order before another must repeat the sequence until he begins with the smallest and ends with the largest, which is the Pillar of al-ʿAqaba. The pillars may be stoned on behalf of a sick person. Whoever misses any of the stoning makes it up when he remembers, or instructs someone to make it up on his behalf. Whoever hastens his departure after two days leaves at Minā whatever pebbles remain with him and does not throw them.

On the Sacrificial Offering

God, Mighty and Exalted, says:

> "They are the ones who disbelieved and barred you from the Sacred Mosque, while the sacrificial offering was prevented from reaching its place of sacrifice."

And He, blessed and exalted, says:

> "Do not shave your heads until the sacrificial offering reaches its destination."

The destination of sacrificial offerings belonging to an independent pilgrimage or to *qirān* with a lesser pilgrimage is Minā. The destination of an offering belonging to an independent lesser pilgrimage is Mecca. Each offering is slaughtered at its designated place. When the Messenger of God—may God bless him and his family—brought his sacrificial offering, he slaughtered it at the place of sacrifice in Minā.

He said:

> "This is the place of sacrifice, and all of Minā is a place of sacrifice."

The people therefore slaughtered at their encampments. It is recommended that a man personally undertake the slaughter of his sacrificial offering and festival sacrifice with his own hand. If he is unable, he should at least place his hand together with the hand of the person slaughtering. If he cannot do even that, he should stand over it while the butcher performs the slaughter. He should entrust the slaughter only to a Muslim. The Messenger of God—may God bless him and his family—had made ʿAlī—peace be upon him—a partner in his sacrificial animals. The combined sacrificial offerings brought by the Messenger of God—may God bless him and his family—and by ʿAlī—peace be upon him—numbered one hundred camels. The Messenger of God—may God bless him and his family—slaughtered sixty-three of them himself while they were standing with one leg tied. They would come toward him. He then instructed ʿAlī—peace be upon him—to slaughter the remainder. Afterward, he ordered that a piece be taken from every camel and cooked together in a pot.

The Messenger of God—may God bless him and his family—and ʿAlī ate from the meat and drank from the broth so that they had eaten from every one of the offerings, in accordance with the saying of God, exalted be His mention:

> "When they fall upon their sides, eat from them."

Whenever ʿAlī—peace be upon him—slaughtered his sacrificial offering or sacrifice, he would say:

> "I have turned my face toward Him who created the heavens and the earth, as one inclining purely to truth and submitting, and I am not among the polytheists.

Indeed, my prayer, my sacrifice, my life, and my death are for God, Lord of the worlds. He has no partner. With this I have been commanded, and I am among the Muslims. O God, from You and for You. In the name of God." He then applied the blade. Mentioning the name of God is required. It may be omitted only by one who forgets; when he remembers, he should pronounce it. Whoever cannot afford an offering by himself may share with another person according to what he is able to contribute. The more he contributes, the better. The best sacrificial offerings are female camels, followed by male camels. The term *budn* applies to both camels and cattle. It is transmitted from ʿAlī—peace be upon him—that among cattle, females are likewise preferable to males. Then comes a ram from among sheep. A fertile ram is preferable to one whose testicles have been tied or crushed. Such an animal is preferable to one whose testicles have been completely removed. That in turn is preferable to a ewe. A ewe is preferable to a male goat.

A male goat is preferable to a female goat. None of these animals suffices unless it has reached the required mature age, whether male or female, except sheep, for which a young mature lamb (*jadhaʿ*) suffices. A black-and-white sheep is recommended. The Messenger of God—may God bless him and his family—used to sacrifice two black-and-white rams. Such an animal is one whose white is mixed with black in certain places: the muzzle, around the eyes, the extremities of the forelegs and hindlegs, and the end of the tail are black. It is said that this was the description of the ram sent down for Abraham—peace be upon him. Well-fattened animals are recommended for sacrificial offerings and festival sacrifices. An emaciated animal is disliked unless the owner did not deliberately choose it in that condition—for example, if he purchased it while fat and it later became thin in his possession. They forbade an animal whose horn is completely broken. If only the external portion is broken, it is termed *aqṣam*.

They instructed that the eyes and ears be carefully inspected so that the animal is free of defects. They forbade an animal whose teats have been cut off, as well as one with obvious bodily defects, one that is decrepit, and one whose ear has been cut off. They disliked the *muqābala*, whose ear is cut at the front; the *mudābara*, whose ear is cut at the back; the *sharqāʾ*, whose ear has been split into two; and the *kharqāʾ*, whose ear contains a large perforation. If a defect develops in the sacrificial animal while it is in the owner's possession after he has purchased it and formally designated it as an offering, nothing further is required. The animal still suffices. It becomes formally designated by marking it or placing a garland upon it. Marking applies to camels and cattle: an incision is made on the right side of the hump with a blade until blood flows upon it, so that if it becomes lost it is recognized as a sacrificial offering. Leather straps are placed as garlands around them.

Sheep may likewise be garlanded when designated as offerings. Sacrificial camels may also be covered with cloth. That cloth is given in charity after the animal is slaughtered. If a sacrificial camel becomes incapacitated before reaching its destination, it is slaughtered. A sandal from its garland is dipped in its blood and left upon it so that whoever passes by and is legally permitted to eat sacrificial meat will know that it is an offering and may cut from it and eat if he wishes. If the offering was voluntary, its owner may eat from it and feed whomever he wishes. If it was obligatory—and an obligatory offering is one resulting from a vow, compensation for game, or violation of some aspect of pilgrimage—he must not eat any of it. No sacrificial offering may be sold, whether obligatory or voluntary. If an offering becomes incapacitated before reaching its destination and its owner has no other animal, nothing further is required of him.

If it becomes lost and he purchases a replacement, then later finds the original, the ruling depends upon whether he had already formally designated the replacement. If he had marked or garlanded the replacement and thereby made it obligatory, he must slaughter both. If he had not formally designated it, he may choose what to do with it. If someone finds his lost offering in the possession of another person who purchased and slaughtered it, he may take it if he wishes, and it suffices for the original owner. It does not suffice for the one who slaughtered it, and the latter may, if he wishes, reclaim the purchase price from the seller. Whoever finds a lost sacrificial animal should announce it. If no claimant appears, he slaughters it during the Days of Tashrīq on behalf of its owner. If someone slaughters his sacrificial offering and it is then stolen, the obligation has been discharged.

They—peace be upon them—required *taʿrīf* with the sacrificial offering—that is, bringing it from Minā to ʿArafa so that it stands there, and then taking it to al-Muzdalifa and through all the pilgrimage rites. Whoever offers a voluntary sacrificial animal may eat from it, give some in charity, and feed whomever he wishes. There is no fixed division. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about the saying of God, Mighty and Exalted:

"Eat from them and feed the miserable poor,"

and His saying:

"Eat from them and feed the contented poor person and the one who asks."

He said:

"The poor person is the one who does not ask people.

The miserable one is in even greater hardship. The contented person is one who accepts what he is given, does not resent it, does not grimace, and does not twist his mouth angrily. The one who asks is the person who comes by seeking something." Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—used to test people in this matter in order to distinguish the contented person from the other. When a beggar stood before him, he would order that the head of the festival sacrifice or sacrificial offering be given to him. If the man took it and went away pleased, without showing displeasure, he would have him called back and give him additional meat. If the man showed resentment at what he had been given, he left him and knew that he was not among the contented poor. They—peace be upon them—disliked taking anything of the sacrificial offering out of

Minā except a small amount for practical benefit—for example, part of the hump for medicine, or some skin, wool, hair, sinew, or similar material needed during travel.

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The first of them is called the Day of Resting, because people remain settled at Minā on it and do not depart from Minā except to visit the House and perform circumambulation.

The second is the Day of the First Departure, as God, Mighty and Exalted, says:

> "Whoever hastens to leave in two days, there is no sin upon him."

That is, whoever hastens his departure from Minā. The third is the final Day of Departure.

On Shaving and Trimming at Minā

God, Mighty and Exalted, says:

> "God has certainly fulfilled His Messenger's vision in truth: you will surely enter the Sacred Mosque, if God wills, in safety, with your heads shaved and your hair shortened."

Shaving means removing the hair with a razor. Trimming means cutting some of the ends of the hair with scissors while leaving the rest. It is transmitted from the People of the Household—peace be upon them—that shaving is preferable to trimming. The Messenger of God—may God bless him and his family—shaved during the Farewell Pilgrimage. Some of the people shaved and others trimmed.

The Messenger of God—may God bless him and his family—said:

> "O God, have mercy upon those who shave."

Those among the trimmers who heard him said:

> "And the trimmers, O Messenger of God?"

He said:

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They said again:

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He then said:

> "O God, have mercy upon those who shave and those who trim."

They—peace be upon them—instructed that together with shaving, one should take something from the sides of the beard and moustache and trim the nails. They defined the extent of shaving as reaching to the two prominent bones beneath the temples in line with the ears. We have already mentioned that a bald man and one who has very little hair should each pass the razor over his head. A woman, when leaving consecration, trims her hair by cutting something from its ends. She does not shave her head or any part of it. Whoever forgets shaving, or is ignorant of the requirement until he has left Minā, shaves wherever he remembers or learns of it. If he is still near Minā, he returns and shaves there. If he shaves after having gone far away, he sends his hair

back to Minā to be placed there if he is able. They—peace be upon them—commanded that whatever hair falls should be buried.

We transmit from ʿAlī—peace be upon him—that he said:

> "Bury this hair, for everything that falls from a living son of Adam is dead matter and should be buried."

ʿAlī ibn al-Ḥusayn—peace be upon him—used to bury his hair at his tent in Minā when he shaved and would say:

> "O God, make for me, in place of every hair, a light on the Day of Resurrection."

On What the Pilgrim Does at Minā

God, Mighty and Exalted, says:

> "Then let them complete their prescribed rites, fulfill their vows, and circumambulate the Ancient House."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "'Completing their prescribed rites' means stoning and shaving.
>
> 'Fulfilling their vows' means walking and sacrifices.
>
> 'Circumambulating the Ancient House' means the circumambulation of visitation."

This is the circumambulation of *ifāḍa*, which is also the pilgrimage circumambulation. I have already described it in the chapter on circumambulation. It is performed on the Day of Sacrifice. After shaving and sacrificing at Minā, the people visit the House and circumambulate it, then return to Minā. At that point they have become free of everything from which they had been prohibited because of consecration. I have also mentioned that it does not matter whether one begins with shaving or sacrifice. Afterward, it is recommended for one performing *tamattuʿ* to hasten the circumambulation of *ifāḍa* on the Day of Sacrifice. They permitted one performing *qirān* or an independent pilgrimage to delay it. There is no harm in stoning the pillars before shaving and sacrifice or afterward. One should not perform the visitation of the House before shaving, sacrificing, and stoning, unless he does so forgetfully or through ignorance. If he forgets or is ignorant, nothing is required of him.

When he returns, he performs the shaving, sacrifice, and stoning. He should not spend the nights of Minā away from Minā. Whoever deliberately spends a night away from Minā owes a blood-offering for every night. If he did so through ignorance or forgetfulness, he seeks God's forgiveness. They—peace be upon them—transmitted that the Messenger of God—may God bless him and his family—shortened the prayer at Minā. They instructed people to increase in remembrance of God, Mighty and Exalted, during the Days of Minā. Jaʿfar ibn Muḥammad—peace be upon him—said concerning the saying of God, Mighty and Exalted:

> "When you have completed your rites, remember God as you remember your fathers, or with even greater remembrance":
>
> "When the polytheists had settled at Minā, they used to boast about their fathers and recount the nobility of their ancestors.

God, Mighty and Exalted, commanded the Muslims to replace that with remembrance of Him." They—peace be upon them—said that once the pilgrim has stoned the great Pillar of al-ʿAqaba on the Day of Sacrifice, he has become free of everything that had been forbidden to him…

> "…a sacrificial camel, which he must slaughter, or else give its value in charity.

When departing from ʿArafa, he should increase in remembrance of God, Mighty and Exalted, and in seeking forgiveness, for God, Mighty and Exalted, says:

"Then depart from where the people depart and seek forgiveness from God. Indeed, God is Forgiving, Merciful."

He should proceed at a moderate pace. When the Messenger of God—may God bless him and his family—departed from ʿArafa during the Farewell Pilgrimage, he was riding al-Qaṣwāʾ and held her reins so tightly that her head nearly touched the front of the saddle. He was saying, while gesturing with his right hand:

"O people, tranquility, tranquility."

Whenever he came to a hill, he loosened the reins slightly so that the camel could ascend. He continued in this way until he reached al-Muzdalifa, where he combined the sunset and final evening prayers. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about performing the sunset and final evening prayers before reaching al-Muzdalifa.

He said:

"No, even if two thirds of the night have passed."

Whoever deliberately does so owes a blood-offering.

And he—peace be upon him—said:

"Spending the night at al-Muzdalifa on the eve of the Day of Sacrifice is part of the Sunna.

Whoever does not spend the night there owes a sacrificial camel, unless he returns during what remains of the night and stands there. If someone was ignorant of the ruling but had passed through al-Muzdalifa or stood there, nothing is required of him." It is recommended for the Imam to stand at the designated station of al-Muzdalifa.

The Messenger of God—may God bless him and his family—said:

"All of ʿArafa is a place of standing.

All of al-Muzdalifa is a place of standing. All of Minā is a place of sacrifice." The Messenger of God—may God bless him and his family—permitted women and the weak to depart from al-Muzdalifa during the night, to stone the pillars at night, and to perform the dawn prayer at Minā. As for the Imam and the rest of the people, they do not depart from al-Muzdalifa until after performing the dawn prayer and until the morning has become fully light.

Jaʿfar ibn Muḥammad—peace be upon him—said:

"The Messenger of God—may God bless him and his family—remained at al-Muzdalifa until the sunlight appeared upon Thabīr, which is the first mountain in the world upon which the sun rises.

When he saw it, he said:

'Shine, Thabīr! Shine, Thabīr!

I say as my brother Moses said:

"My Lord, expand my breast for me, make my task easy for me, and appoint for me a minister from my family—ʿAlī my brother. Strengthen my back through him and make him a partner in my affair."'"

Jaʿfar ibn Muḥammad—peace be upon him—said:

"When you stand at al-Mashʿar al-Ḥarām, praise God, extol Him, recite whatever verses you are able, invoke blessings upon the Prophet and his Household, and then supplicate for yourself with whatever you are able."

When the Messenger of God—may God bless him and his family—performed the dawn prayer on the Day of Sacrifice, he mounted al-Qaṣwāʾ and came to al-Mashʿar al-Ḥarām. He ascended it, faced the *qibla*, magnified God, proclaimed His unity and oneness, and remained standing in this way until the morning had

become fully light. He then departed from al-Muzdalifa toward Minā. When he reached al-Muḥassir—the valley between al-Muzdalifa and Minā—he quickened his pace slightly. He took the middle road that brought him to the greater pillar. He came to the pillar near the tree and threw seven pebbles at it. He then went to Minā, sacrificed, and shaved.

And he—peace be upon him—said:

> "Quickening one's pace in al-Muḥassir is a Sunna which should be observed, just as the Messenger of God—may God bless him and his family—did.

On that day, one stones the Pillar of al-ʿAqaba before sacrificing.

Then one sacrifices and shaves. It does not matter whether shaving or sacrifice is performed first."

On Stoning the Pillars

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The pebbles for the pillars may be taken from al-Muzdalifa or from elsewhere in the direction of Minā.

One should not pick up pebbles from one pillar in order to throw them at another. Rather, all the pebbles should be collected from one place." It is recommended to pick them up individually. They should be dark-colored, separate stones approximately the size of a fingertip. Breaking stones to make pebbles was disliked. A ritual bath before stoning the pillars is recommended. The person throwing should have Minā on his right and the House on his left. When he stones a pillar, he should throw from the floor of the valley and not from above it.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "When you stone the pillars, say a *takbīr* with every pebble you throw."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "On the Day of Sacrifice, the pillar that is stoned is the Pillar of al-ʿAqaba, before sacrificing.

Then the pilgrim goes to Minā, sacrifices, and shaves. He then proceeds to the House and circumambulates it seven times. He performs the *saʿy* between al-Ṣafā and al-Marwa seven times. This is the circumambulation of pilgrimage. He then returns to the House and performs the circumambulation of women. When he has done this, everything that had been forbidden to him because of consecration becomes lawful." He then returns to Minā and remains there during the Days of Tashrīq, stoning the pillars each day after the sun has passed the meridian. He throws seven pebbles at each pillar. He begins with the small pillar, then the middle pillar, then the large pillar. There is latitude for him to perform the stoning at whatever time of the day he wishes. It is recommended that he be in a state of ritual purity. The Messenger of God—may God bless him and his family—used to walk to the pillars and stone them on foot. ʿAlī—peace be upon him—would stone them sometimes walking and sometimes riding. There is no fixed requirement concerning this.

The Messenger of God—may God bless him and his family—permitted the weak to perform the stoning at night. Whoever misses stoning during the day may perform it at night. Whoever stones one pillar out of order before another must repeat the sequence until he begins with the smallest and ends with the largest, which is the Pillar of al-ʿAqaba. The pillars may be stoned on behalf of a sick person. Whoever misses any of the stoning makes it up when he remembers, or instructs someone to make it up on his behalf. Whoever hastens his departure after two days leaves at Minā whatever pebbles remain with him and does not throw them.

On the Sacrificial Offering

God, Mighty and Exalted, says:

> "They are the ones who disbelieved and barred you from the Sacred Mosque, while the sacrificial offering was prevented from reaching its place of sacrifice."

And He, blessed and exalted, says:

> "Do not shave your heads until the sacrificial offering reaches its destination."

The destination of sacrificial offerings belonging to an independent pilgrimage or to *qirān* with a lesser pilgrimage is Minā. The destination of an offering belonging to an independent lesser pilgrimage is Mecca. Each offering is slaughtered at its designated place. When the Messenger of God—may God bless him and his family—brought his sacrificial offering, he slaughtered it at the place of sacrifice in Minā.

He said:

> "This is the place of sacrifice, and all of Minā is a place of sacrifice."

The people therefore slaughtered at their encampments. It is recommended that a man personally undertake the slaughter of his sacrificial offering and festival sacrifice with his own hand. If he is unable, he should at least place his hand together with the hand of the person slaughtering. If he cannot do even that, he should stand over it while the butcher performs the slaughter. He should entrust the slaughter only to a Muslim. The Messenger of God—may God bless him and his family—had made ʿAlī—peace be upon him—a partner in his sacrificial animals. The combined sacrificial offerings brought by the Messenger of God—may God bless him and his family—and by ʿAlī—peace be upon him—numbered one hundred camels. The Messenger of God—may God bless him and his family—slaughtered sixty-three of them himself while they were standing with one leg tied. They would come toward him. He then instructed ʿAlī—peace be upon him—to slaughter the remainder. Afterward, he ordered that a piece be taken from every camel and cooked together in a pot.

The Messenger of God—may God bless him and his family—and ʿAlī ate from the meat and drank from the broth so that they had eaten from every one of the offerings, in accordance with the saying of God, exalted be His mention:

> "When they fall upon their sides, eat from them."

Whenever ʿAlī—peace be upon him—slaughtered his sacrificial offering or sacrifice, he would say:

> "I have turned my face toward Him who created the heavens and the earth, as one inclining purely to truth and submitting, and I am not among the polytheists.

Indeed, my prayer, my sacrifice, my life, and my death are for God, Lord of the worlds. He has no partner. With this I have been commanded, and I am among the Muslims. O God, from You and for You. In the name of God." He then applied the blade. Mentioning the name of God is required. It may be omitted only by one who forgets; when he remembers, he should pronounce it. Whoever cannot afford an offering by himself may share with another person according to what he is able to contribute. The more he contributes, the better. The best sacrificial offerings are female camels, followed by male camels. The term *budn* applies to both camels and cattle. It is transmitted from ʿAlī—peace be upon him—that among cattle, females are likewise preferable to males. Then comes a ram from among sheep. A fertile ram is preferable to one whose testicles have been tied or crushed. Such an animal is preferable to one whose testicles have been completely removed. That in turn is preferable to a ewe. A ewe is preferable to a male goat.

A male goat is preferable to a female goat. None of these animals suffices unless it has reached the required mature age, whether male or female, except sheep, for which a young mature lamb (*jadhaʿ*) suffices. A black-and-white sheep is recommended. The Messenger of God—may God bless him and his family—used to sacrifice two black-and-white rams. Such an animal is one whose white is mixed with black in certain places: the muzzle, around the eyes, the extremities of the forelegs and hindlegs, and the end of the tail are black. It is

said that this was the description of the ram sent down for Abraham—peace be upon him. Well-fattened animals are recommended for sacrificial offerings and festival sacrifices. An emaciated animal is disliked unless the owner did not deliberately choose it in that condition—for example, if he purchased it while fat and it later became thin in his possession. They forbade an animal whose horn is completely broken. If only the external portion is broken, it is termed *aqṣam*.

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> 'Circumambulating the Ancient House' means the circumambulation of visitation."

This is the circumambulation of *ifāḍa*, which is also the pilgrimage circumambulation. I have already described it in the chapter on circumambulation. It is performed on the Day of Sacrifice. After shaving and sacrificing at Minā, the people visit the House and circumambulate it, then return to Minā. At that point they have become free of everything from which they had been prohibited because of consecration. I have also mentioned that it does not matter whether one begins with shaving or sacrifice. Afterward, it is recommended for one performing *tamattuʿ* to hasten the circumambulation of *ifāḍa* on the Day of Sacrifice. They permitted one performing *qirān* or an independent pilgrimage to delay it. There is no harm in stoning the pillars before shaving and sacrifice or afterward. One should not perform the visitation of the House before shaving, sacrificing, and stoning, unless he does so forgetfully or through ignorance. If he forgets or is ignorant, nothing is required of him.

When he returns, he performs the shaving, sacrifice, and stoning. He should not spend the nights of Minā away from Minā. Whoever deliberately spends a night away from Minā owes a blood-offering for every night. If he did so through ignorance or forgetfulness, he seeks God's forgiveness. They—peace be upon them—transmitted that the Messenger of God—may God bless him and his family—shortened the prayer at Minā. They instructed people to increase in remembrance of God, Mighty and Exalted, during the Days of Minā. Jaʿfar ibn Muḥammad—peace be upon him—said concerning the saying of God, Mighty and Exalted:

> "When you have completed your rites, remember God as you remember your fathers, or with even greater remembrance":
>
> "When the polytheists had settled at Minā, they used to boast about their fathers and recount the nobility of their ancestors.

God, Mighty and Exalted, commanded the Muslims to replace that with remembrance of Him." They—peace be upon them—said that once the pilgrim has stoned the great Pillar of al-ʿAqaba on the Day of Sacrifice, he has become free of everything that had been forbidden to him…

> "…while in consecration, except hunting, women, spending the nights at Minā, and perfume.

Once he has circumambulated the House and performed the *saʿy* between al-Ṣafā and al-Marwa, everything that had been forbidden to him because of consecration becomes lawful except women. Once he has performed the circumambulation of women, everything becomes lawful to him. They said that during the Days of Minā the *takbīr* is said after every obligatory prayer.

After giving the salutation, the worshipper says:

> "God is greater, God is greater. There is no god but God, and God is greater. God is greater, and praise be to God.

God is greater for having guided us, and God is greater for having provided us with grazing livestock." During the Days of Minā, the pilgrim may visit the House every day if he wishes and perform as much voluntary circumambulation during the day as he wishes. He then returns to spend the night at Minā.

On Departing from Minā

God, Mighty and Exalted, says:

> "Remember God during the numbered days. Whoever hastens in two days, there is no sin upon him; and whoever remains longer, there is no sin upon him—for one who is God-fearing."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said concerning departure from Minā:

> "If you wish to remain there, you may do so.

If you wish to hasten your departure after two days, that too is yours, just as God, Mighty and Exalted, has said." I have already explained the Days of Tashrīq and the two departures.

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever hastens his departure on the second of the Days of Tashrīq—which is the third day counting from the Day of Sacrifice—does not depart until after performing the noon prayer and stoning the pillars.

He may then depart at any time before sunset. If the sun sets while he is still there, he must spend the night. Whoever delays departure until the third day may depart whenever he wishes from the beginning of the day onward, after performing the dawn prayer, but he does not depart before stoning the pillars." Departure means removing one's belongings and leaving Minā. He—peace be upon him—disliked sending one's baggage ahead to Mecca before departing. He said that it is recommended for one departing from Minā to stop at al-Muḥaṣṣab, namely al-Baṭḥāʾ, remain there briefly, and then continue his journey. The Messenger of God—may God bless him and his family—did this: when he reached al-Muḥaṣṣab he stopped there for a short while and then departed.

And he—peace be upon him—said:

> "There is no harm if one who departs at the first departure remains in Mecca until the rest of the people catch up."

When the people depart for Mecca, whoever wishes to enter the House may do so if he is able. Whoever does not enter it has nothing required of him.

Abū ʿAbd Allāh Muḥammad ibn ʿAlī—peace be upon him—said:

> "If you are able to enter the House, enter it if you wish.

If you fear the crowding, do not expose yourself to danger." He mentioned the story of a group who had perished because of the crowding inside it. And he—peace be upon him—said that it is recommended for one intending to enter the Kaʿba to perform a ritual bath.

He said:

> "When you enter the Kaʿba, after praising God as He deserves and invoking blessings upon the Prophet and his Household, say:
>
> 'O God, You have said: "Whoever enters it shall be secure."

So grant me security from Your punishment. Purify my heart from pride, ostentation, desire for reputation, doubt concerning Your religion, and fear of the Fire on the Day of Resurrection. O God, whoever prepares himself, undergoes hardship, makes arrangements, and readies himself to visit a created being seeks that person's hospitality and gift. But it is to You, my Master, that my preparation, hardship, arranging, and readiness have been directed, in hope of Your hospitality and Your gift. Do not disappoint my hope today. Do not turn me away disappointed from Your House after I have entered it. You are more generous than anyone whose house is visited. O Magnificent One, there is no god but You.'"

He said:

> "Whoever wishes to perform voluntary prayer inside the House may do so."

It is recommended to pray between the two pillars upon the red marble. There is no spot upon the earth more excellent than it. The Messenger of God—may God bless him and his family—performed prayer there. During his prayer, he faced the rear wall of the House. He then stood facing each corner of the House and supplicated there. Afterward, he returned to the red marble and performed prayer upon it.

He said:

> "An obligatory prayer should not be performed inside the Kaʿba, nor is prayer permissible upon its roof."

And he—peace be upon him—said:

> "Whoever intends to leave Mecca should make his final act there the House.

He should circumambulate it seven times, then bid it farewell by placing his hand between the Black Stone and the door."

Then he says:

> "O God, I am Your servant, the son of Your male servant and Your female servant.

You carried me upon Your riding animal and caused me to travel through Your lands until You brought me into Your sanctuary. O God, this is Your House, and I have entered it. In my good opinion of You I hoped that You would forgive my sins. If You have forgiven me, then increase Your good pleasure toward me and grant me nearness to You. If You have not forgiven me, then forgive me now before I depart from Your House. This is the time of my departure, if You have permitted me to leave—not because I turn away from You or from Your House, nor because I seek a substitute for You or for Your House. Protect me on my right and on my left, behind me and before me, until You return me safely to my family. When You have returned me to them, do not abandon me. Cause me to die upon the state upon which You caused Your righteous servants to die. You are more entitled to do this for me than any of Your creatures, and more entitled than I am myself."

Then he embraces the House and says:

> "O God, do not make this my final visit to Your House."

When he leaves, he stands at the gate of the mosque, turns his face toward the House, fills his eyes with the sight of it, raises his hands toward heaven, and says:

> "O God, return me successful, shown mercy, and forgiven.

O God, if You cause me to die, forgive me. If You keep me alive, grant me pilgrimage again next year. Do not make this my final visit to Your Sacred House." And he—peace be upon him—said that it is recommended for one intending to leave Mecca to purchase dates with a few dirhams, or according to whatever he is able, and give them in charity, intending thereby compensation for any deficiency that may have occurred during his consecration and pilgrimage.

And he—peace be upon him—said:

> "One returning from pilgrimage should not drive himself hard upon the journey as though he were fleeing something disliked toward something he loves.

Rather, he should return with tranquility." ʿAlī—peace be upon him—would not accept the testimony of a person who drove pilgrims excessively hard. One day he went out toward al-Raḥba and saw a group.

He asked:

> "What is this?"

They replied:

> "A driver of pilgrims."

He said:

> "No welcome and no ease for him!
>
> He caused the prayer to be shortened and exhausted the backs of the animals."

On the Independent Lesser Pilgrimage

God, Mighty and Exalted, says:

> "Complete the pilgrimage and the lesser pilgrimage for God."

The People of the Household—peace be upon them—and those jurists who agree with them construe "the lesser pilgrimage" in the accusative, giving the sense:

> "Complete the pilgrimage, and complete the lesser pilgrimage."

They therefore hold that it is obligatory. Some among the generality who disagree with them read "the lesser pilgrimage" in the nominative, as though the statement ended after:

> "Complete the pilgrimage,"

and "the lesser pilgrimage belongs to God" began as a separate statement. But what is obligatory is what God, Mighty and Exalted, has made obligatory.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The lesser pilgrimage is an obligation on the same level as pilgrimage, because God, Mighty and Exalted, says:
>
> 'Complete the pilgrimage and the lesser pilgrimage for God.'"

It is transmitted from ʿAlī—peace be upon him—that he said:

> "The lesser pilgrimage is obligatory."

And from al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—that he said:

> "One lesser pilgrimage to the next expiates what lies between them."

The Messenger of God—may God bless him and his family—said:

> "A lesser pilgrimage in the month of Ramadan is equivalent to a pilgrimage."

One who performs an independent lesser pilgrimage enters consecration for it from the station. He avoids everything that a consecrated pilgrim avoids and forms the intention for it. When he reaches the House, he circumambulates it seven times, performs the *saʿy* between al-Ṣafā and al-Marwa, performs the two cycles belonging to his circumambulation, and then leaves consecration. This is the lesser pilgrimage. If he has brought a sacrificial offering, he slaughters it in Mecca.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Perform the lesser pilgrimage in whichever month you wish.

The best of them is a lesser pilgrimage in Rajab. If you perform the lesser pilgrimage during one of the pilgrimage months and then leave, it remains an independent lesser pilgrimage. If you perform pilgrimage during that same year, then you are one performing *qirān*."

On Being Prevented and Being Confined

God, Mighty and Exalted, says:

> "They are the ones who disbelieved and barred you from the Sacred Mosque while the sacrificial offering was prevented from reaching its destination…"

And He, blessed and exalted, says:

> "If you are confined, then whatever sacrificial offering is easy to obtain."

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Being barred (*ṣadd*) means being prevented, while being confined (*iḥṣār*) means illness."

And he—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—departed from Medina in the year of al-Ḥudaybiyya with more than one thousand of his companions intending the lesser pilgrimage.

He entered consecration at Dhū al-Ḥulayfa, and they entered consecration. He brought sacrificial animals, garlanded them, and marked them. News of this reached Quraysh before the conquest of Mecca. They gathered their forces and came out to prevent him. When the Messenger of God—may God bless him and his family—reached the vicinity of ʿUsfān, news of them reached him.

He said:

> 'We did not come to fight anyone. We have come only to perform the lesser pilgrimage.

If Quraysh wishes, I will make a truce with them for a period and they may leave me with the people. If I prevail, then if they wish to enter what the people have entered, they may do so. If they refuse, I shall fight them until God judges between us, and He is the best of judges.'" Messengers went back and forth between him and Quraysh. There is a lengthy account concerning this which would take too long to recount here. Its conclusion was that the Messenger of God—may God bless him and his family—made a truce with them for a period on the condition that he return that year and perform the lesser pilgrimage the following year if he wished. He therefore slaughtered the camels he had brought at the place where he was, trimmed his hair, and returned. The Muslims returned with him. This is the ruling concerning one who is barred from the House and what he must do if he has already undertaken pilgrimage, lesser pilgrimage, or both. This applies only when he has passed the station.

If he is prevented before reaching the station, he simply returns, whether or not he had attempted to enter consecration. If he had brought a sacrificial animal, he may return with it if he wishes or dispose of it however he wishes, because he had not yet formally designated it. I have already explained that a sacrificial offering becomes binding through marking or garlanding, and that this occurs only after entering consecration at the station. One who enters consecration before the station is not truly in consecration. He has acted wrongly and opposed the Sunna. As for confinement, it is illness, as al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—

explained concerning the saying of God, Mighty and Exalted. He was asked concerning a man confined by illness while having a sacrificial offering, who sends it onward.

He said:

"He should agree with his companions upon an appointed time.

If he is performing pilgrimage, the destination of the sacrificial offering is the Day of Sacrifice. If he is performing the lesser pilgrimage, he should estimate when his companions will reach Mecca and agree with them upon an hour. When that hour arrives, he trims his hair and leaves consecration." This too applies only if he had entered consecration at the station and then became ill afterward. If he had not yet reached the station, he may return or remain where he is, because he had not yet undertaken the pilgrimage. It is transmitted that al-Ḥusayn ibn ʿAlī—God's blessings be upon him—left Medina intending the lesser pilgrimage. When he reached al-Suqyā, he became ill. News reached ʿAlī—peace be upon him—while he was in Medina, so he joined him.

He said:

"My son, what is troubling you?"

He replied:

"My head is hurting."

ʿAlī—peace be upon him—called for a sacrificial camel, slaughtered it on his behalf, shaved his head, and returned him to Medina. When he recovered, he went out and performed the lesser pilgrimage. Thus, whoever is confined by illness after entering consecration for pilgrimage, lesser pilgrimage, or both together must spill blood, as God, Mighty and Exalted, says:

"If you are confined, then whatever sacrificial offering is easy to obtain."

That means a sheep or anything greater. He then returns. When he recovers from his illness, he goes out and makes up whatever he had been prevented from completing—pilgrimage, lesser pilgrimage, or both together. The person confined by illness does not approach women until he has made up the rite from which he was confined. The person who was barred by an enemy may approach women if he wishes and is not required to make up what he was barred from. All of this is the doctrine of the People of the Household—peace be upon them. Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—was asked about one who had been confined and then recovered:

"Do women become lawful to him?"

He replied:

"No, not until he circumambulates the House."

He was asked:

"Then why were women lawful to the Messenger of God—may God bless him and his family—when he returned from al-Ḥudaybiyya without circumambulating the House?"

He replied:

"The two cases are not the same.

One who is barred becomes free to do so. One who is confined by illness does not."

On Performing Pilgrimage on Behalf of the Chronically Incapacitated and the Dead

A woman from Khathʿam came to the Messenger of God—may God bless him and his family—and said:

> "O Messenger of God, my father is an elderly man who has become too weak to move, and the obligation of pilgrimage has reached him.
>
> May I perform pilgrimage on his behalf?"

The Messenger of God—may God bless him and his family—said:

> "Yes, do so.
>
> If your father owed a debt and you paid it for him, that would discharge it on his behalf."

Jaʿfar ibn Muḥammad—peace be upon him—was asked about a similar case. He permitted it and mentioned the report of the Khathʿamī woman. An elderly man or woman who has despaired of ever becoming capable of performing pilgrimage may have it performed on their behalf. But one who still has a realistic prospect of being able to perform pilgrimage personally must go and perform it himself if that becomes possible. The same applies to one prevented by fear of an enemy, because such a person remains in a condition in which he may hope that the fear will pass and a route to pilgrimage become available. There is no fixed deadline for pilgrimage. Rather, it is obligatory once in a person's lifetime. As long as he still hopes to perform it, the obligation remains upon him. If he delays it while possessing the means to perform it, he has acted wrongly.

Pilgrimage may be performed on behalf of the dead if the deceased instructed that it be done, or if his guardian voluntarily arranges it. If the deceased instructed that pilgrimage be performed from one third of his estate, the expense is taken from that third. If he did not specify one third and the pilgrimage was the obligatory pilgrimage of Islam, its cost is taken from the entire estate. Any additional bequests he made afterward are then limited to the remaining one third. Whoever accepts payment to perform pilgrimage on behalf of another and has something left from that payment after his expenses may keep the surplus. A person who has not yet performed pilgrimage for himself may nevertheless perform it for another, because he is merely acting as a hired agent. It is preferable, however, that he have already performed his own pilgrimage. A man may perform pilgrimage on behalf of a man, and a woman on behalf of a woman.

If a woman performs pilgrimage on behalf of a man, it suffices him when no suitable man is available, or when she is more excellent and more knowledgeable in the rites than the available men. Whoever performs pilgrimage on behalf of another should strive to complete the pilgrimage perfectly and fulfill all its rites. It is transmitted that Jaʿfar ibn Muḥammad—peace be upon him—arranged pilgrimage on behalf of his son Ismāʿīl—peace be upon him—after his death. He hired a man for this purpose, explained to him what he was to do during pilgrimage, and stipulated those duties upon him. Then he said to him:

> "Know that if you fulfill what we have stipulated upon you, the one on whose behalf you perform the pilgrimage receives a pilgrimage, while you receive reward for fulfilling your obligation and for the exertion of your body."

The Messenger of God—may God bless him and his family—said:

> "Through a single pilgrimage God, Mighty and Exalted, admits three people into Paradise:
>
> the person who bequeathed that pilgrimage be performed on his behalf, the executor who carried out his bequest after him, and the person who performs the pilgrimage on his behalf, if he strives and fulfills what is required of him."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "There is no harm, after one hired to perform pilgrimage for another has fulfilled what he was hired to perform, in his voluntarily performing for himself whatever circumambulation or lesser pilgrimage he wishes."

And he—peace be upon him—said:

> "Whoever performs pilgrimage for another should say when entering consecration:
>
> 'O God, I intend pilgrimage on behalf of so-and-so. Accept it from him and reward me for fulfilling it on his behalf.'"

He should form this intention and pronounce it at every station, sacred site, and rite of pilgrimage, whether obligatory or prescribed.

On Missing the Pilgrimage or Lesser Pilgrimage

Whoever performs *tamattuʿ* by combining the lesser pilgrimage with pilgrimage, but reaches Mecca only at such a late time that he fears that if he performs the circumambulation and *saʿy* of the lesser pilgrimage he will miss the pilgrimage, should hasten to the standing-place and complete the pilgrimage. He converts it into an independent pilgrimage and performs the lesser pilgrimage afterward. Whoever reaches the people after they have left Minā and stood at ʿArafa, but reaches the standing at ʿArafa before sunset, has attained the pilgrimage even though he did not spend the preceding night at Minā.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Likewise, even if he reaches the people only after they have departed from ʿArafāt, if he stands there during the night, remembers God there, and then reaches Jamʿ before the people depart from al-Muzdalifa, he has attained the pilgrimage.

But if he reaches al-Muzdalifa only after the people have departed and the sun has risen, he has missed the pilgrimage. He should convert what he is doing into a lesser pilgrimage, and pilgrimage becomes obligatory upon him the following year, unless when entering consecration he stipulated that his release from consecration would occur wherever he was prevented. In that case, pilgrimage is not required of him the following year unless the pilgrimage was originally his obligatory pilgrimage of Islam, meaning that he had not previously performed it, in which case he must perform it when he becomes capable." Likewise, if he reaches the people only after that point, he circumambulates the House and converts what he had entered into an independent lesser pilgrimage if he had been performing *qirān* or *tamattuʿ*.

If he had entered consecration only for an independent pilgrimage, then he is not required to perform a lesser pilgrimage, because he had neither entered consecration for it nor intended it, unless he returns to the station and enters consecration for the lesser pilgrimage there.

On Vowing Pilgrimage

God, Mighty and Exalted, says:

> "A spring from which the servants of God drink, causing it to gush forth abundantly. They fulfill their vows and fear a day whose evil will be widespread."

We shall explain in the chapters on vows, God willing, which vows are binding and which are not. Whoever makes a binding vow to perform pilgrimage and then performs pilgrimage in fulfillment of that vow, while the obligatory pilgrimage of Islam was still due from him, that pilgrimage suffices for the pilgrimage of Islam as well. This is transmitted from Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—meaning when he forms the intention accordingly.

He said:

> "Likewise, if he performs pilgrimage on behalf of another person while having previously vowed pilgrimage, that performance suffices for his vow."

God's blessings be upon him.

And he said:

> "Whoever vows to perform pilgrimage but is unable to do so should send a sacrificial camel and enter consecration, remaining in the state of consecration among his family until the animal is slaughtered on his behalf."

It is transmitted from Jaʿfar ibn Muḥammad—God's blessings be upon him—that concerning one who made a binding vow to walk to pilgrimage but became unable to continue, he said:

> "Let him ride and offer a sacrificial camel.

God does not burden a soul beyond its capacity. Once he has reached the limit of his ability, nothing further is required." A binding vow is one made concerning an act of obedience. Whoever vows to commit an act of disobedience has nothing binding upon him.

Collection of the Chapters on Jihād

On the Obligation of Jihād and Its Merits

God, Mighty and Exalted, says:

> "Fighting has been prescribed for you, though it is hateful to you. Perhaps you dislike a thing while it is good for you…"

And He, exalted is He who speaks, says:

> "Permission is given to those who are fought because they have been wronged, and God is surely able to give them victory—those who were expelled from their homes without right merely for saying, 'Our Lord is God.'"

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The earth and all that is in it belong to God, to His friends, and to the believers among His servants.

Whatever of it is in the hands of unbelief and misguidance is held by them through wrongful domination." It is because of this that what the believers gain control over and recover from the hands of the polytheists is called *fayʾ*. *Fayʾ* means returning. One says that the shadow *fāʾa*, meaning that it returned.

God, Mighty and Exalted, says:

> "If they return, then God is Forgiving, Merciful,"

meaning, if they return to their wives. Likewise, whatever the people of truth obtain from what had been in the hands of the people of falsehood is something God has caused to return to them. Thus His saying, Mighty and Exalted:

> "Whatever God has restored to His Messenger…"

means whatever He has returned to him.

For this reason God, Mighty and Exalted, says:

> "Permission is given to those who are fought because they have been wronged,"

meaning the people of truth. Those who wrong them are the people of falsehood, who overpower them and seize what God has assigned to them. God imposed upon the Muslims the obligation of fighting the polytheists among those who reject faith, and the People of the Book, until they either embrace Islam or pay the poll-tax with their own hands while humbled.

He, exalted is He who speaks, says:

> “Fight those who do not believe in God or the Last Day, who do not forbid what God and His Messenger have forbidden, and who do not follow the religion of truth among those who were given the Book, until they pay the poll-tax with their own hands while humbled.”

God, Mighty and Exalted, imposed upon them the obligation of fighting those polytheists who are not among the People of the Book until they embrace Islam.

He, exalted is He who speaks, says:

> “Fight the polytheists altogether just as they fight you altogether.”

And He says:

> “When the sacred months have passed, kill the polytheists wherever you find them, seize them, besiege them, and lie in wait for them at every place of ambush. But if they repent, establish prayer, and give alms, then let them go their way.”

Thus, from the polytheists other than the People of the Book, nothing is accepted except Islam or death. From the People of the Book, the poll-tax is accepted upon condition of their submission and their remaining under the judgment of the Muslims, until God, Mighty and Exalted, guides whichever of them He wills to guide and they turn to Him. Whoever among them perishes upon his misguidance does so after the proof has been established against him. God, Mighty and Exalted, has encouraged jihād in His Book and upon the tongue of His Messenger, urged it, and commanded it.

He said:

> “Go forth, light and heavy, and strive with your wealth and your lives in the path of God.”

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said concerning the saying of God, Mighty and Exalted:

> “Go forth, light and heavy”:
>
> “It means young and old.”

And He, blessed and exalted, says:

> “Indeed, God has purchased from the believers their lives and their wealth in exchange for Paradise. They fight in the path of God, killing and being killed—a true promise binding upon Him in the Torah, the Gospel, and the Qurʾān. Who is more faithful to his covenant than God? So rejoice in the bargain you have made. That is the supreme triumph.”

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about this verse. It was said to him:

> “Is everyone who fights in the path of God among those included in this verse?”

He said:

> “God, Mighty and Exalted, first said:
>
> ‘Indeed, God has purchased from the believers their lives and their wealth…’

Then, after promising them what He promised them, He described them by their qualities in the verses that follow, saying:

> ‘Those who repent, worship, praise, journey, bow, prostrate, command what is right, forbid what is wrong, and guard the limits of God—and give glad tidings to the believers.’

Whoever possesses these qualities is among those to whom God, Mighty and Exalted, has promised what He promised in the verse. But whoever does not possess these qualities and fights seeking this world, its pride, or its deceit, or is compelled into fighting while failing to preserve his religion and not being among those

whom God described in His Book, is among those concerning whom the Messenger of God—may God bless him and his family—said:

> ‘God, Mighty and Exalted, may give victory to this religion through people who have no share in the Hereafter.’”

The Messenger of God—may God bless him and his family—said:

> “Those who strive in the path of God are the leaders of the people of Paradise.”

And he said:

> “Every delight will be questioned about except what was expended in the path of God.”

And he—may God bless him and his family—said:

> “Above every act of righteousness there is another act of righteousness until a man is killed in the path of God.”

Meaning that there is no act of righteousness beyond that.

And he said:

> “There is no drop more beloved to God than a drop of blood shed in the path of God and a tear shed out of fear of God.”

And he—may God bless him and his family—said:

> “God and His angels invoke blessings upon those who keep horses which they have acquired and prepared for His path.”

And he said:

> “Expenditure upon horses tethered for the path of God is the expenditure concerning which God, Mighty and Exalted, says:
>
> ‘Those who spend their wealth by night and day, secretly and openly…’”

ʿAlī—peace be upon him—said:

> “Strive in the path of God with your hands.

If you cannot, strive with your tongues. If you cannot, strive with your hearts.”

And he—may God bless him and his family—said:

> “Jihād in the path of God is one of the gates of Paradise.”

And concerning the saying of God, Mighty and Exalted:

> “The garment of God-fearingness—that is better,”

he said:

> “It is the wearing of armor in the path of God.”

He said:

> “Jihād in the path of God is an obligation imposed upon all Muslims by the saying of God, Mighty and Exalted:
>
> ‘Fighting has been prescribed for you.’

If one group of Muslims undertakes the jihād, the rest may remain behind so long as those engaged in it do not need reinforcements. If they need reinforcements, it becomes obligatory upon all Muslims to support them until they are sufficient.” He then recited the saying of God, Mighty and Exalted:

> “It is not for the believers to go forth all together,”

meaning when some of them are already undertaking the jihād.

The Messenger of God—may God bless him and his family—said:

> "There is no obligation of jihād upon the Bedouins among the Muslims unless they are needed.

Nor do they have a share in the *fayʾ* so long as they do not fight." The equivalent of the Bedouins today are those living in distant deserts and provincial regions who neither know how to fight nor desire jihād.

The Messenger of God—may God bless him and his family—permitted a coward to remain behind from jihād and said:

> "It is not lawful for a coward to go out on campaign, for he may quickly flee.

Rather, whatever he intended to equip himself with for the expedition, let him equip another person with it. He will receive a reward equal to that person's without diminishing anything from that person's reward." Those whom we have mentioned as being incapable of fighting and unfamiliar with it are in the position of the Bedouins. If they possess wealth, they are required to spend from it in the path of God. For God, Mighty and Exalted, imposed jihād upon the Muslims with both their lives and their wealth. Whoever cannot strive with his person must strive with his wealth, just as the Messenger of God—may God bless him and his family—said concerning the coward. If, God forbid, a severe emergency suddenly descends upon the Muslims, then all the people are required to go forth in the path of God.

It is concerning this that God, Mighty and Exalted, says:

> "Go forth, light and heavy,"

and:

> "Fight the polytheists altogether just as they fight you altogether."

At such a time all the people go forth: free and enslaved, old and young, until God, Mighty and Exalted, repels from them whatever has overtaken them. Outside such a circumstance, there is no obligation of jihād upon slaves unless their masters take them to fight. Nor is it obligatory upon women or children. If a woman wishes to accompany her husband or an unmarriageable male relative in order to tend the sick and wounded, prepare things for those fighting, and assist in whatever she is able and capable of, there is no harm in this. If she is married, she does not go out except with her husband's permission. Likewise, a slave does not go out except with the permission of his master.

On Supplications and Practices of Travel for Jihād

God, Mighty and Exalted, says:

> "When they came forth against Goliath and his soldiers, they said: 'Our Lord, pour patience upon us, make our feet firm, and give us victory over the unbelieving people.'"

And He, exalted is He who speaks, says:

> "The Messenger believes in what has been sent down to him from his Lord…"

through His words:

> "You are our Protector, so give us victory over the unbelieving people."

The Messenger of God—may God bless him and his family—said:

> "No man intending a journey leaves behind for his household a better successor than two cycles of prayer which he performs when setting out."

Then he says:

> "O God, I entrust to You myself, my family, my property, my offspring, my religion, my worldly life, my Hereafter, my trust, and the conclusion of my deeds."

No believer does this except that God grants him what he asks.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "When you intend a journey, perform two cycles and say these words."

Then say:

> "O God, preserve me and preserve whatever accompanies me.

Bring me and whatever accompanies me safely to the best destination." Then ask whatever needs you have concerning the purpose of your journey, concerning those of your family whom you leave behind, and concerning anything else.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "My father ʿAlī ibn al-Ḥusayn—peace be upon him—when intending travel or setting out to one of his properties, would perform two cycles and supplicate with whatever was easy for him.

When he was about to depart and placed his foot in the stirrup, he would purchase his safety from God with whatever he was able"—meaning that he would give an amount in charity on his own behalf. When God returned him safely, he would praise and thank Him and again give whatever he could in charity. The Commander of the Faithful ʿAlī—peace be upon him—went out upon one of his journeys.

When he had settled upon his riding animal he said:

> "Praise be to God who has bestowed upon us blessings beyond our ability to count.

May God bless Muḥammad His Prophet and his family. Glory be to Him who subjected this to us, though we ourselves could never have mastered it, and indeed to our Lord we shall return." This is taken from the Book of God, exalted be His mention:

> "So that you may remember the blessing of your Lord when you have mounted them…"

Then ʿAlī—peace be upon him—said:

> "I bear witness that there is no god but God alone, without partner.

I bear witness that Muḥammad is His servant and Messenger. O God, I seek refuge in You from the hardship of travel, the sorrow of return, and an evil sight concerning family, property, and children. O God, You are the Companion on the journey, the Successor over the family, and the One whose aid is sought in every affair. Fold up the distance for us, make the rough ground easy for us, and suffice us concerning what concerns us. Indeed, You have power over all things." He—peace be upon him—used to say:

> "Among the practices of travel is that when a group sets out, gathers together, and accompanies one another, they should combine their provisions and spend from them jointly.

This is better for them individually and better for the affection among them."

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Noble conduct is of two kinds: noble conduct while resident and noble conduct while traveling.

Noble conduct while resident consists in reciting the Qurʾān, attending the mosques, keeping company with people of goodness, and studying jurisprudence. Noble conduct while traveling consists in generously sharing provisions, avoiding disagreement with one's companions, and refraining from speaking badly of them after they separate." The Messenger of God—may God bless him and his family—forbade driving animals until they perish, loading them beyond what they can bear, and remaining mounted upon them without need.

He said:

> "Many a ridden animal is better than its rider, more obedient, and more abundant in remembrance of God."

And he said:

"An animal has six rights over its owner:

that he begins by feeding it when he dismounts; that he offers it water whenever he passes water; that he does not strike it except with right; that he does not load it with what it cannot bear; that he does not compel it to travel farther than it is capable of; and that he does not remain mounted upon it unnecessarily."

It is transmitted from ʿAlī—God's blessings be upon him—that one day he said:

"By Him who sent Muḥammad with the truth and honored through him the people of his Household, there is nothing that befalls you except that it is found in the Qurʾān.

So whoever wishes to ask me, let him ask."

A man stood and said:

"Commander of the Faithful, my riding animal has become extremely difficult for me, and I fear it."

He said:

"Recite into its right ear:

'To Him submits whoever is in the heavens and the earth, willingly or unwillingly, and to Him they shall be returned.'"

The man did so and the animal became submissive to him. During one of the campaigns with the Messenger of God—may God bless him and his family—the people crowded upon the road. He ordered a herald to announce:

"Whoever constricts the road has no mount."

And he—may God bless him and his family—said:

"God, Mighty and Exalted, loves gentleness and assists in it.

When you ride these dumb animals, if the land is barren then hasten across it while they still possess strength"—meaning, travel swiftly with them while they still have marrow and vigor, so that you leave the barren land before they become emaciated.

"But if the land is fertile, allow them their share of grazing.

Travel by night, for the earth is folded up by night in a way it is not by day. Do not camp in the middle of roads, for they are pathways of beasts of prey and refuges of snakes." The Messenger of God—may God bless him and his family—commanded pedestrians to use *nasalān* while walking, meaning a light jog.

He said:

"It removes fatigue."

And the Messenger of God—may God bless him and his family—said:

"The safeguard for my community from drowning, when they board a ship, is that they recite upon boarding:

'In the name of God, the All-Merciful, the Compassionate.

They have not measured God with His true measure. The whole earth will be in His grasp on the Day of Resurrection, and the heavens will be folded in His right hand. Glory be to Him and exalted is He above what they associate with Him. In the name of God is its sailing and its anchoring. Indeed, my Lord is Forgiving, Merciful.'" It is transmitted from ʿAlī—peace be upon him—that he added to this supplication:

"O God, bless us in the best course of our journey and protect us from the evil of our sea."

On What Those Accompanying Army Commanders Owe Them

God, Mighty and Exalted, says:

> "O you who believe, obey God, obey the Messenger, and those vested with authority among you."

Those vested with authority are the Imams—God's blessings be upon them—to whom the entire authority belongs. Whoever they appoint over any particular matter becomes the possessor of authority over that matter because of their appointment of him. Obedience to him is obligatory in whatever they have entrusted to him that is right. If he commands wrongdoing, opposes the command of his Imam, or rebels against him, then no obedience is due to him. It is transmitted from the Messenger of God—may God bless him and his family—that he sent out a detachment and appointed a man from the Anṣār over them, commanding them to obey him. The man was hot-tempered.

He became angry with them over some matter and said:

> "Gather firewood for me."

They did so. Then he instructed them to bring more until they had gathered a large amount. He ordered them to set it alight.

When the fire was blazing, he said:

> "Did not the Messenger of God—may God bless him and his family—command you to obey me?"

They replied:

> "Yes."

He said:

> "Then enter this fire."

Some of them were about to do so out of obedience.

Others held them back and said:

> "We fled to the Messenger of God—may God bless him and his family—from the Fire."

They remained in this state until the fire went out and the man's anger subsided.

When the matter reached the Messenger of God—may God bless him and his family—he said:

> "Had they entered it, they would not have emerged from it until the Day of Resurrection.

Obedience is only in what is right." Thus, when the Imam appoints a commander or official over people, they should obey him, follow his commands, refrain from what he forbids, and not precede him in any matter. For obedience to him is part of obedience to God, obedience to His Messenger, and obedience to the Imam who appointed and commanded him. If they disapprove of some aspect of his conduct and believe that he has exceeded what he was commanded to do, they should raise the matter to the Imam. Once the matter reaches him, nothing more is required of them concerning it. The Imam—peace be upon him—will then examine his conduct according to what God, Mighty and Exalted, shows him. If the commander openly departs from obedience to the Imam and opposes him, the obligation to obey him ceases and it becomes obligatory to fight him together with whoever the Imam appoints for that purpose.

Whoever is summoned by the just Imam—or by one appointed by the just Imam—to undertake some work on his behalf is required to respond and assume whatever part of it he is capable of carrying out. He should not work for or assist any of the unjust rulers, usurpers, or their officials.

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

> "Accepting the authority of the Imams of justice, working with them, assisting them in their authority, and earning through dealings with them and from them are lawful and permitted.

Accepting the authority of unjust and usurping rulers, working with them, assisting them in their rule, and earning through dealings with them and from them are forbidden and unlawful."

And he said:

> "The Messenger of God—may God bless him and his family—forbade assisting oppressors."

And he said:

> "The oppressor, the one who assists him, and the one who is pleased with his action are partners in the sin."

On What Commanders Owe Those Whose Affairs They Govern

God, Mighty and Exalted, says:

> "Indeed, God commands justice and excellence."

And He, blessed and exalted, says:

> "God commands you to return trusts to their owners, and when you judge between people, to judge with justice."

The Messenger of God—may God bless him and his family—gave a covenant to one of those whom he appointed over an army. Among what it contained was:

> "Make your heart feel mercy toward those under your authority, affection for them, and goodness toward them.

Do not become a predatory beast against them, seizing upon their slips and shortcomings. They are your brothers in lineage and your equals in creation. Slips may come from them, defects may arise in them, and deliberate and accidental wrongs may occur at their hands. So grant them your pardon and forgiveness in those matters where pardon and forgiveness are appropriate, just as you yourself would wish to receive pardon and forgiveness. Deal justly on your own behalf and on behalf of your close associates, just as you deal justly concerning everyone else. Do not expose the faults and defects of people which have been concealed from you. Let the most detested person before you be the one who exposes such things concerning them. Attach yourself to people of scrupulousness, truthfulness, and sound judgment. Do not allow abundant flattery to impress you, for it is a summons to vanity. Recognize the goodness of those who do good. Overlook from those who do wrong whatever is appropriate to overlook.

Give every person his due according to his standing, whether noble or humble. Judge among them with justice, for judgment with justice is the balanced scale of God which He has placed upon the earth. Establish the prescribed penalties according to their proper Sunna. Give everyone possessing a right his right. Preserve your covenant and fulfill your obligations. Beware of hastening to shed blood without verification and clear proof."

And he—peace be upon him—said:

> "No one should command what is right and forbid what is wrong unless he possesses three qualities:

gentleness in what he commands, knowledge of what he forbids, and justice in what he commands and in what he forbids."

On Calling before Fighting

God, Mighty and Exalted, says:

> "Call to the path of your Lord with wisdom and good exhortation."

Whenever the Messenger of God—may God bless him and his family—sent out an army or a detachment, he would instruct their commander to fear God concerning himself personally and to treat well the Muslims accompanying him. He would say:

> "Go forth in the name of God, the All-Merciful, the Compassionate, in the path of God, and upon the religion of the Messenger of God.

Do not fight the people until you have established the proof against them. Call them to testify that there is no god but God and that I, Muḥammad, am the Messenger of God, and to acknowledge what I have brought from God. If they answer you, then they are your brothers in religion. Then call them to leave their abode and move to the abode of the Emigrants. If they do so, then they share what the Emigrants share. If they refuse, inform them that they are like the Bedouin Muslims: the rulings applying to the Muslims apply to them, but they have no share in the *fayʾ* or booty. If they refuse Islam, call them to pay the poll-tax with their own hands while humbled. If they agree to this, accept it from them and refrain from fighting them. If they refuse, seek God's aid against them and fight them. Do not kill a child, an elderly man, or a woman"—meaning provided they do not fight you.

> "Do not mutilate, do not steal from the booty, and do not betray."

This is what the Messenger of God—may God bless him and his family—commanded concerning what the polytheists were to be called to before fighting. The same principle applies to rebels. If it is appropriate to call them first to return to the truth, enter into obedience to the just Imam, and submit to right judgment, then doing so is good. If, however, they already know what they are being called to and what the fighting concerns, then there is no harm if those fighting them begin the battle without first renewing the call. The Messenger of God—may God bless him and his family—once attacked Banū al-Muṣṭaliq and fought them without calling them at that moment. He killed their fighting men, took their offspring captive, and came upon them while they were unaware. This was because the call had already reached them.

ʿAlī—God's blessings be upon him—said:

> "There is no harm in fighting before renewing the call, for today the people already know what they are being called to."

On What Is Recommended before and during Battle

It is firmly established that when the Messenger of God—may God bless him and his family—intended the lesser pilgrimage in the year of al-Ḥudaybiyya, he sent a man from Khuzāʿa ahead as a scout to investigate the news of Quraysh and bring it back to him. He likewise used to send advance scouts ahead of his armies to uncover ambushes and gather information concerning the enemy. It is also established that the Messenger of God—may God bless him and his family—dug the trench around the encampment of his army. He would command his companions to establish a battle-cry among themselves by which they could call to one another and recognize one another when the fighting became confused. He commanded them to remain patient, reminded them of the Hereafter, spoke severely against fleeing, and encouraged them to stand firm. When the Messenger of God—may God bless him and his family—met the enemy, he would say:

> "O God, You are my protection, my Helper, and my Defender.
>
> O God, through You I charge, through You I maneuver, and through You I fight."

ʿAlī—God's blessings be upon him—said:

> "Seize the opportunity for supplication in five situations:

when the Qurʾān is being recited; at the call to prayer; when rain descends; when the two battle-lines meet; and at the supplication of one who has been wronged. For there is no veil between it and the Throne." When the Messenger of God—may God bless him and his family—met the enemy, he would arrange the infantry, arrange the cavalry, and place the camels and baggage behind them so that their numbers would appear

greater. In arranging the army he separated the tribes, assigning each tribe to a particular sector together with its standard, by which its members recognized their place. Whoever became separated from his tribe would look for its standard and rejoin it.

ʿAlī—peace be upon him—said:

> "When I went out to single combat against Marḥab on the day of Khaybar, I said what the Messenger of God—may God bless him and his family—had taught me to say when facing an opponent:
>
> 'O God, give me victory and do not give victory over me.

O God, cause me to prevail and do not let me be overcome. O God, take me into Your protection and do not place another over me. O God, make me one who remembers You, gives thanks to You, turns to You, and obeys You, and who kills Your enemies in Your path.'"

He said:

> "I killed Marḥab that day and left his spoils.

I used to kill without taking the spoils of the one I had slain."

On the Day of the Confederates, the Messenger of God—may God bless him and his family—supplicated:

> "O Rescuer of those in distress, O Answerer of those compelled by necessity, remove from me my grief, anguish, and concern.

You know my condition and the condition of my companions. Suffice me against the terror of my enemy." Whenever ʿAlī—peace be upon him—put on his armor for battle, he would say:

> "O God, You are my protection."

ʿAlī—peace be upon him—said:

> "When the Muslims have confronted their enemy and arranged themselves in their ranks, each man should remain at his position.

If he sees an opportunity against the enemy, let him make his attack and then return to his place. If the enemy begins the charge, let them hold their positions and remain firm."

Just as God, Mighty and Exalted, says:

> "O you who believe, when you meet a force, stand firm and remember God abundantly, that perhaps you may prosper."

And He says:

> "Indeed, God loves those who fight in His path in ranks as though they were a solid structure."

And he—peace be upon him—said:

> "If the enemy is defeated, the whole army should not immediately rush in pursuit until the defeat has become complete and there is no fear of a renewed counterattack.

Then all may advance against them and press the killing heavily. But if—God forbid—the Muslims are defeated, the commander or Imam, if present, should stand firm. The people should call one another back to return, remind one another of God, of what He has promised to those who remain firm, and of what He has threatened against one who turns his back." He—peace be upon him—then recalled the steadfastness of the Messenger of God—may God bless him and his family—on the Day of Uḥud, when most of the people had dispersed from around him.

He said:

> "I remained with the Messenger of God—may God bless him and his family—upon the rock.

I defended him with myself, warding blows sometimes with my hand and sometimes with my face. The Messenger of God—may God bless him and his family—was wounded, while many of the people fled toward Medina saying, 'The Messenger of God has been killed.' I remained steadfast until God, Mighty and Exalted, drove the polytheists away from him."

And he—peace be upon him—said:

> "There is no harm in a single man charging against an entire battalion if he trusts in his own ability.

Nor is there harm in advancing along the shaft of a spear after being thrust at, so that he may reach its wielder with his sword, spear, or whatever weapon he has. This is not considered assisting the enemy." He then mentioned the saying of God, Mighty and Exalted:

> "Do not turn your backs to them. Whoever turns his back to them on that day—unless maneuvering for battle or withdrawing toward another force—has incurred wrath from God, and his refuge is Hell. What an evil destination."

And he—peace be upon him—said:

> "Fleeing from the battlefield is among the major sins.

There is no harm in turning one's back in the manner God has mentioned when maneuvering for battle or returning to one's own force. The prohibition concerns flight and defeat." God, Mighty and Exalted, had originally imposed upon the Muslims that they stand firm against ten times their number, saying:

> "If there are twenty patient ones among you, they will overcome two hundred; and if there are one hundred of you, they will overcome one thousand."

This became difficult for the Muslims, so God lightened it for them, saying:

> "Now God has lightened your burden, knowing that there is weakness among you. If there are one hundred patient ones among you, they will overcome two hundred; and if there are one thousand, they will overcome two thousand by God's permission."

Thus, if one man flees from two polytheists or fewer, or a group flees from a force no greater than twice its own number, they have fled from the battlefield, entered under the threat, and committed a major sin. If they flee from a force larger than that after exerting their utmost effort and reaching the limit of their ability, nothing is required of them. When withdrawing from battle, they should withdraw in organized formation. They should likewise maintain formation during their march in order to guard against ambushes and stratagems of the enemy. If they drive the enemy back into their fortresses or trenches, they should not withdraw until they have exerted their utmost effort and exhausted their capacity. If the enemy emerges against them, they should fight them.

On Fighting the Polytheists

God, Mighty and Exalted, says:

> "Kill the polytheists wherever you find them, seize them, and besiege them."

And He, blessed and exalted, says:

> "Kill them wherever you encounter them and expel them from where they expelled you."

It is transmitted from the Imams—peace be upon them—that they permitted fighting the polytheists with weapons, fire, stones, water, and anything else by which they can be killed. Siege-engines and other engines of war may be set up against them when they have fortified themselves in strongholds, even if Muslims, protected non-Muslims, or others who ought not to be killed are among them, such as the children, women, and incapacitated elderly already mentioned who do not fight. These people, however, should not be deliberately targeted. Care should be taken to avoid striking them. If children, women, incapacitated elderly persons among the polytheists, or monks themselves participate in fighting, then they may be killed and

deliberately targeted. If Muslims who happen to be among the polytheists are unintentionally killed, there is no liability concerning them. Whoever among the enemy is known to have good intentions toward the Muslims or to have assisted them in some beneficial way should be spared.

The Messenger of God—may God bless him and his family—said to the Muslims on the Day of Badr:

> "Whoever among you is able to capture one of the Banū ʿAbd al-Muṭṭalib should not kill him, for they were brought out against you only under compulsion."

Likewise, someone who outwardly manifests some sign of Islam should not be killed when this can be avoided. The Messenger of God—may God bless him and his family—sent an army against Khathʿam. When those people became aware of the army, some of them sought protection by prostrating. Some were nevertheless killed while prostrating. The Messenger of God—may God bless him and his family—condemned this and ordered that half the blood-money be paid for them.

Then he—may God bless him and his family—said:

> "I am free of responsibility for every Muslim who resides together with polytheists in their abode."

The Messenger of God—may God bless him and his family—forbade killing envoys. Thus, if it is established that a polytheist has entered the territory of Islam without a covenant or protected status, but is an envoy, he is not to be killed. If he claims this without bringing proof and his mission is not established, the Imam has discretion: if he wishes, he may kill him, and if he wishes, he may release him. There is no harm in detaining an envoy if there is concern about his conduct or fear arising from his mission, until that concern has passed. The Imam exercises his judgment concerning this.

On Captives and Muslims

God, Mighty and Exalted, says:

> "When you meet those who disbelieve, strike their necks until, when you have subdued them thoroughly, bind them firmly. Thereafter either release them graciously or ransom them until the war lays down its burdens."

On the Day of Badr, the Messenger of God—may God bless him and his family—captured a group from Quraysh.

He released some without payment, accepted ransom for others, and killed others. The Imam likewise has discretion concerning captives. If he wishes, he may exchange them for Muslim captives. If he wishes, he may take wealth in ransom from the polytheists, or from the captives themselves if they possess wealth in enemy territory. As for whatever is found in their hands, it is *fayʾ*. The Imam examines the matter and seeks whatever most pleases God, Mighty and Exalted. Among those captured on the Day of Badr was al-ʿAbbās, the uncle of the Messenger of God—may God bless him and his family. The Prophet knew his good disposition toward him and knew that he, together with a group from Banū ʿAbd al-Muṭṭalib, had been forced to come out.

After al-ʿAbbās had been taken captive, he said:

> "O Messenger of God, I had already embraced Islam."

The Prophet replied:

> "God knows best concerning that.

But your outward position was against us. So ransom yourself if you wish." He had him bound in chains together with the other captives. Whenever the Messenger of God—may God bless him and his family—heard him groaning because of the bonds, he felt compassion for him. Yet he did not consider himself permitted to treat him differently from what he had done. ʿAqīl ibn Abī Ṭālib was also captured that day. He occupied a very close place in the affection of the Messenger of God—may God bless him and his family. The Prophet used to say to him:

"I love you with two loves: a love because of your kinship and standing, and a love because Abū Ṭālib loved you."

ʿAlī ibn Abī Ṭālib—peace be upon him—passed by him that day while he was among the captives and turned away from him. ʿAqīl called:

"My brother, why do you turn away from me while you see me?"

ʿAlī gave him no reply. The Messenger of God—may God bless him and his family—was informed of this, so he walked over to him.

When ʿAqīl saw them both, he said:

"O Messenger of God, may the sinner Abū Jahl not escape you if you have not already killed him.

Search for him while the rout continues."

The Messenger of God—may God bless him and his family—smiled and said:

"Rather, God Most High has killed him."

He then said to al-ʿAbbās:

"Ransom ʿAqīl along with yourself, for he has no wealth and you are a man of means."

Al-ʿAbbās said:

"O Messenger of God, vessels of gold were taken from me. Count them toward my ransom."

He replied:

"No. That is part of the *fayʾ* God has bestowed upon the Muslims.

Instead, send someone to bring you some of the wealth you left behind in Mecca."

Al-ʿAbbās said:

"I left no wealth there."

The Prophet said:

"Glory be to God! Then where is the wealth you handed to Umm al-Faḍl when you left, saying to her: 'Keep this until I return to you. If death overtakes me, then give such-and-such to so-and-so and such-and-such to so-and-so'?"

Al-ʿAbbās looked at him and said:

"I bear witness that you are truly the Messenger of God.

By God, no one knew of this except her. None could have informed you of it except your Lord." He sent for the money and ransomed himself and ʿAqīl. Thus the Imam, or one whom the Imam appoints, considers those among the polytheists who have been taken captive. If killing the fighting men among them is better for the Muslims, he kills them. If releasing them or ransoming them is better, he does whichever is better, exercising the judgment God, Mighty and Exalted, grants him. If polytheists seek security and surrender themselves to the judgment of the Muslims, or to the judgment of one particular Muslim, then if the appointed judge rules concerning them with a judgment permitted by law—such as killing the fighting men and enslaving the offspring, enslaving them all, or making them protected subjects if they refuse Islam—his judgment is valid and is carried out.

If, however, he judges contrary to this by guaranteeing that they will neither be enslaved nor killed nor required to pay the poll-tax, or gives some comparable judgment contrary to the Book of God, exalted be His mention, and the Sunna of His Prophet—may God bless him and his family—his judgment is rejected and is not valid. They are then returned to their previous status and fought until they either embrace Islam or pay the poll-tax. If they surrendered to the judgment of the commander of the armies and he refers judgment concerning them to someone else, this is not permissible without their consent. If they surrendered specifically

to the judgment of another person, no one but that person may judge concerning them. The Messenger of God—may God bless him and his family—caused Banū Qurayẓa to surrender to the judgment of Saʿd ibn Muʿādh, and they accepted him as judge. Saʿd judged that their fighting men should be killed, their offspring and women taken captive, and their wealth divided.

The Messenger of God—may God bless him and his family—approved his judgment concerning them and said:

> "You have judged concerning them according to God's judgment above seven heavens."

If they surrender to the judgment of a man and he dies before judging them, they are given the choice either to accept another person as judge or to return to their previous position and be fought. Captives should be fed even if there is an intention to kill them.

God, Mighty and Exalted, says:

> "They give food, despite loving it, to the needy, the orphan, and the captive."

If Muslims are taken captive, the Muslims are required to ransom them whenever they are able.

Al-Ḥusayn ibn ʿAlī—peace be upon him—was asked:

> "Upon whom does the obligation to ransom a captive fall?"

He said:

> "Upon the land and people on whose behalf he fought."

Whoever allowed himself to be captured without first being overcome in battle does not impose a binding obligation of ransom upon the Muslims. Whoever voluntarily ransoms him is rewarded, God willing. If a Muslim man grants security to a group of polytheists and they surrender themselves under his guarantee, that guarantee should not be violated.

The Messenger of God—may God bless him and his family—said:

> "The blood of the Muslims is equal in value, and the lowest among them may extend their protection on behalf of them all."

The commander of the army nevertheless presents to them the rule of Islam. If they accept it, well and good. Otherwise they are returned to their previous status and fought. Likewise, if security is granted by a Muslim slave or by a woman, their guarantee is valid for the Muslims because of the saying of the Messenger of God—may God bless him and his family:

> "The lowest among them may extend their protection on behalf of them all."

If, however, security is granted by one of the protected non-Muslims, by a captive, by a child, or by a Muslim man who himself is living among the polytheists in enemy territory, their guarantee is not valid. A gesture that is clearly understood as granting security has the same force as verbally granting it. Security is valid in any language in which it is given, provided its meaning is known and understood. If a polytheist enters Muslim territory under safe-conduct while carrying wealth and merchandise, one tenth is taken from what exceeds two hundred dirhams or its equivalent value. When he wishes to return, he is not permitted to take out weapons or anything else acquired in Muslim territory that would strengthen the polytheists in warfare. Whatever weaponry or equipment of that kind he originally brought in with him is not prevented from returning with him. If a polytheist woman receives safe-conduct and enters Muslim territory, her marital bond with her polytheist husband is severed.

Whatever property or children remain with him become *fayʾ* if the Muslims gain control over them. But if a man embraces Islam while in polytheist territory and then enters Muslim territory as a Muslim, his minor children become Muslims through his Islam and his property remains his. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

On Treaties, Truces, and the Poll-Tax

God, Mighty and Exalted, says:

> "Except those among the polytheists with whom you made a treaty and who thereafter did not fail you in anything nor support anyone against you—fulfill your treaty with them until its term. Indeed, God loves the God-fearing."

The Messenger of God—may God bless him and his family—made a truce with the polytheists of Quraysh in the year of al-Ḥudaybiyya. The Imam, or whoever the Imam appoints, considers the matter of peace and truce between the Muslims and the polytheists. If he judges such an arrangement to be in the Muslims' interest, he may conclude a truce with them for a known period. The longest period for which they should be granted a truce is ten consecutive years. Their agreement must be faithfully observed for as long as they faithfully observe it. If the Imam later sees that dissolving the truce would be more beneficial to the Muslims, he formally renounces the covenant to them, informs them that he intends to fight them, and grants them a specified period of warning so that they may inform their outlying people. This is as the Messenger of God—may God bless him and his family—did when God, Mighty and Exalted, revealed to him:

> "A declaration of disassociation from God and His Messenger to those among the polytheists with whom you made treaties: travel freely through the land for four months."

He sent ʿAlī—God's blessings be upon him—with this proclamation to recite it to them during the pilgrimage season and thereby give them warning. If the Muslims had taken wealth from them in return for the truce, and the Imam then wishes to terminate it before the agreed term, he returns to them whatever had been taken from them. If polytheists from among the People of the Book offer to pay the poll-tax, it is accepted from them and fighting against them ceases. The poll-tax is not accepted from the polytheists of the Arabs, but…

> "…rather, they are fought until they embrace Islam or are killed.

When the protected non-Muslims have concluded a treaty upon payment of the poll-tax, it is not permissible to transgress against them or against what is in their hands of property or lands. A known annual payment is taken from them concerning it. The poll-tax is also taken from the Magians, for they are people of an ancient scripture. If one of those liable for the poll-tax embraces Islam, the poll-tax falls from him, while the land-tax remains upon his land. He is also liable for the tenth upon what the land produces. If that land passes into the possession of a Muslim, it remains land subject to land-tax wherever ownership of it may pass. The poll-tax is imposed upon free, adult males among the protected non-Muslims. There is no poll-tax upon children, slaves, or women. They are divided into three classes. Every year, forty-eight dirhams are taken from each man belonging to the highest class—those possessing wealth and abundance. From each man in the lowest class, twelve dirhams are taken.

If one of them becomes poor, chronically incapacitated, and unable to work, the poll-tax is lifted from him, in accordance with the saying of God, Mighty and Exalted:

> "God does not burden a soul except according to what He has given it."

The land-tax upon their lands and trees applies to whoever among them owns such property, whether adult or child, man or woman. The poll-tax is not lifted from any of their adult men who is capable of paying it unless he possesses some usefulness for Islam and the Imam chooses to waive it for that reason, or unless assistance is obtained from him in fighting the polytheists. The poll-tax may be taken from them from the proceeds of things whose sale is unlawful for Muslims, such as wine, swine, and similar things. This is because much of their wealth consists of unlawful gain and usury. There is no harm in taking wealth from them for the poll-tax and for whatever other obligations fall upon them. It is disliked to lodge in their churches and to initiate the greeting of peace toward them. Their conduct is restrained by authority. They are prevented

from constructing new churches in the territory of Islam. They are left in possession of churches that existed previously and may restore and repair whatever has decayed or fallen into ruin.

They are prevented from entering the Sacred Precinct. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

On the Ruling concerning Spoils

God, Mighty and Exalted, says:

> "Eat from what you have taken as spoils, lawful and wholesome."

And He, blessed and exalted, says:

> "Know that whatever thing you take as spoils, one fifth of it belongs to God, the Messenger, and the near relative…"

And He, exalted is His praise, says:

> "Whoever misappropriates will bring what he misappropriated on the Day of Resurrection; then every soul will be paid in full for what it earned, and they will not be wronged."

The Messenger of God—may God bless him and his family—said:

> "I saw in the Fire the owner of a cloak which he had misappropriated from the spoils."

The Messenger of God—may God bless him and his family—once returned from a military expedition, and ʿAqīl ibn Abī Ṭālib—peace be upon him—was with him.

When ʿAqīl entered upon his wife, she said:

> "I know that you have been fighting. Have you brought us any spoils?"

He replied:

> "No, by God, except that I found this needle."

He took it from the edge of his garment and gave it to her. She began expressing surprise at what he had said. While they were still speaking, they heard the herald of the Messenger of God—may God bless him and his family—calling:

> "O people, return even the thread and the needle!

Let no one misappropriate even a single needle or anything greater than it." ʿAqīl said to his wife:

> "It seems your needle has escaped you."

He took it from her and threw it back among the spoils. There is no harm in making use of captured property before it is divided when this is for the purposes of jihād, such as weapons, riding animals, and similar things, or fodder and food from it before division. Nothing from the spoils may be sold before it is divided. The commander of the army may select for himself one valuable item from it, whatever he wishes, but he does not take more than one. The Messenger of God—may God bless him and his family—sent ʿAlī—peace be upon him—to Yemen, and sent Khālid ibn al-Walīd with another expedition.

He said:

> "If the two forces join, ʿAlī is commander over all of you. If they separate, each one is commander over his own force."

They joined together, with ʿAlī—God's blessings be upon him—as their commander. They met the enemy, defeated them, killed their fighting men, and took their offspring captive. ʿAlī—peace be upon him—selected a slave-girl for himself from the spoils. Khālid ibn al-Walīd wrote to the Messenger of God—may God bless him and his family—concerning this and sent the letter with Burayda.

When the Prophet—may God bless him and his family—received it, he said:

> "What has ʿAlī selected?

ʿAlī is from me and I am from him, and he is your guardian after me." Thus the Imam, and the commander of a detachment, may select for himself before division one item from the spoils, whatever he wishes. Whatever captured property the Muslims cannot carry away, they destroy. They burn goods and weapons in fire. They slaughter riding animals and livestock and burn them as well. They do not hamstring or mutilate them. Nothing from the spoils which they cannot carry should be left behind for the enemy to make use of after them. Whatever property belonging to a Muslim is found in the hands of the polytheists after the polytheists had seized it does not become the property of the polytheists. The Muslim's ownership does not cease unless he willingly relinquishes it. The polytheists once raided the camels of the Messenger of God—may God bless him and his family—and among them was al-ʿAḍbāʾ. They drove them away and also took an old woman who happened to be among the camels.

During the night the old woman rose, mounted al-ʿAḍbāʾ, and rode until she reached Medina. The people recognized the camel of the Messenger of God—may God bless him and his family—and brought both the camel and the woman to him.

She told him what had happened and said:

> "O Messenger of God, during my journey I vowed that if God delivered me safely, I would slaughter this camel."

He—may God bless him and his family—said to her:

> "What an evil reward you have given her!

A person cannot make a binding vow concerning what he does not own." The Messenger of God—may God bless him and his family—then took back the camel. If the Imam or army commander promises a reward to whoever kills an enemy—for example, the slain man's equipment—or promises some other specified reward, he gives him what was promised from the total spoils before division. The Messenger of God—may God bless him and his family—did this on the Day of Badr.

He said:

> "Whoever kills an enemy will receive such-and-such, and whoever captures a prisoner will receive such-and-such."

When God defeated the polytheists, some were killed and some captured. Those through whose hands such things had occurred then demanded what the Messenger of God—may God bless him and his family—had promised them.

Saʿd ibn ʿUbāda, who had remained among those guarding the Messenger of God—may God bless him and his family—stood and said:

> "O Messenger of God, it was not cowardice before the enemy that prevented us from obtaining what these men obtained, nor lack of desire for reward and spoils.

Rather, we feared that your position might be left exposed and that the polytheists might rush upon you. If you give these men what they are asking, some of the Muslims who remained with you may return with nothing from the spoils." God, Mighty and Exalted, then revealed:

> "They ask you about the spoils. Say: the spoils belong to God and the Messenger. So fear God, set right what is between you, and obey God and His Messenger if you are believers."

The Messenger of God—may God bless him and his family—ordered that what he had promised should be given from the total spoils before division. He may also grant an additional reward, from what he judges appropriate, to one whose conduct in battle was especially good, provided this does not become an unjust preference. One fifth of the spoils is taken out for the Imam. The remaining four fifths are divided equally

among those who fought for them with their persons and wealth. A mounted fighter receives two shares, while a foot-soldier receives one share. Whatever is taken without fighting and without marching against an enemy belongs to the Imam.

God, exalted be His mention, says:

> "Whatever God restored to His Messenger from the people of the towns belongs to God, the Messenger, and the near relative…"

after His saying:

> "You did not spur against it any horse or riding camel, but God gives His messengers authority over whomever He wills, and God has power over all things."

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "When the Imam sends out a detachment or an army, or is himself among them, and they encounter the polytheists and fight them, then of whatever they take as spoils, one fifth belongs to the Imam.

The remaining four fifths are divided among the fighters: two shares to the mounted fighter and one share to the foot-soldier. This applies when they have carried out jihād as God, Mighty and Exalted, imposed it upon them—with their wealth and their persons. But if they went out for payment given to them in return for their participation, then their position is that of hired workers. The spoils belong to the one who hired them for this purpose, whether that is the Imam or one whom the Imam appointed. They have no share in the *fayʾ*. If the Imam, or the one appointed by him, later chooses to give them some additional reward according to what he considers appropriate, that is for him to decide. God, Mighty and Exalted, imposed jihād upon the Muslims with their wealth and their persons and assigned to them what He assigned of the *fayʾ*. If they do not do this, then everything they take as spoils belongs to the Imam, who may dispose of it wherever he wishes, because it is among what God has restored to him.

Likewise, whatever they did not march toward and did not fight for belongs to him."

Al-Ṣādiq Jaʿfar ibn Muḥammad—God's blessings be upon him—said:

> "Fadak belonged to the Messenger of God—may God bless him and his family—and was among what God restored to him without fighting."

God, Mighty and Exalted, says:

> "You did not spur against it any horse or riding camel."

When the verse:

> "Give the near relative his due"

was revealed, the Messenger of God—may God bless him and his family—called Fāṭima—peace be upon her—and gave Fadak to her. This is the statement of al-Ṣādiq—God's blessings be upon him. When the Messenger of God—may God bless him and his family—died, Abū Bakr seized it from her and claimed that it had belonged to the Messenger of God—may God bless him and his family—and that prophets do not leave inheritance, and that whatever had belonged to him passed to public authority. ʿAlī—peace be upon him—and Umm Ayman testified for Fāṭima concerning it, but their testimony was rejected. She then demanded it as inheritance.

He said:

> "The prophets do not leave inheritance."

Yet God, Mighty and Exalted, says:

> "Solomon inherited from David."

And He relates concerning Zechariah:

"Grant me from Yourself an heir who will inherit from me and inherit from the family of Jacob, and make him, my Lord, pleasing."

Fāṭima—God's blessings be upon her—disputed with him concerning this, went out to him, and presented her proof, but he did not give it to her. It remained in his possession until he died. It then passed to ʿUmar. When ʿUthmān assumed power, he granted it to Marwān. It remained in his possession until later rulers divided it: two thirds were assigned to ʿAbd al-Malik and one third to Sulaymān. When ʿAbd al-Malik became ruler, he divided his two thirds between ʿAbd al-ʿAzīz and Sulaymān. When Sulaymān became ruler, he granted his two thirds to ʿUmar ibn ʿAbd al-ʿAzīz. When ʿUmar assumed power and displayed what he displayed of scrupulousness concerning the injustices of his predecessors, and learned of the origin of its wrongful seizure from Fāṭima—God's blessings be upon her—he returned it to her descendants. The Banū Umayya gathered around him and objected, saying:

"You are accusing your predecessors, Abū Bakr and ʿUmar, of wrongdoing."

They continued pressing him until he took it back again. Its annual revenue at that time was six thousand dinars. He would add an equal amount from his own wealth and distribute it among the descendants of al-Ḥasan and al-Ḥusayn—God's blessings be upon them both. After this, according to what Jaʿfar ibn Muḥammad—God's blessings be upon him—related, Fadak continued to pass among the House of Marwān until their rule ended. It then passed among the Banū al-ʿAbbās until the one called al-Maʾmūn became ruler. He investigated the true circumstances concerning it. He feared that if he returned it, the same objection made against ʿUmar ibn ʿAbd al-ʿAzīz would be made against him. So he gathered jurists from every region and had them debate the matter until the proof was established that Fadak belonged to Fāṭima. He returned it to her descendants after issuing a formal judgment concerning it in the presence of scholars from among the generality and having them testify to it.

Their arguments and the account of the matter were recorded in a well-known book. If the Imam conquers one of the towns of the polytheists by force, he may, if he wishes, divide it among the Muslims. Or, if he wishes, he may retain it as an endowment for them and their descendants and impose land-tax upon it. The Messenger of God—may God bless him and his family—divided some of what he conquered and retained some of it. When ʿUmar conquered al-Sawād, he wished to divide it.

ʿAlī—peace be upon him—said:

"Leave it, so that it may remain a continuing resource for the Muslims."

He did so and accepted his judgment. Every free Muslim man who was present at the fighting or counted among the army receives a share of the spoils, whether he personally fought or not, and even if he was ill and unable to fight. Whoever was absent and had remained behind receives no share unless he reaches the army before the spoils have been secured. If a Muslim is captured and his companions then take spoils, and he returns before the spoils are divided, he receives his share. If he arrives only after they have been divided and each person has taken possession of his allotted share, he receives nothing. If the commander sends out a detachment and both the main army and the detachment acquire spoils, all the spoils are combined and divided among them together. If one group obtains spoils while the other obtains nothing, those who did not obtain anything still receive their shares together with the others. Whoever dies in enemy territory before the spoils are secured has no share in them.

Whoever dies after they have been secured has his share passed to his heirs. Slaves receive no fixed share in the spoils. Nor do the merchants accompanying the army merely for trade, the craftsmen who came only to work with their hands, or the women present with the army. If any of these actually fight, the Imam may grant them an additional reward from the total spoils according to what he considers appropriate. If one of the slaves belonging to the polytheists flees to the Muslims, seeks security from them, and abandons his master, he becomes free. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

On Fighting the People of Rebellion

God, Mighty and Exalted, says:

> "If two groups of believers fight one another, make peace between them. But if one of them rebels against the other, fight the one that rebels until it returns to the command of God."

Thus God, Mighty and Exalted, imposed upon the Muslims the obligation of fighting the people of rebellion just as He imposed upon them the obligation of fighting the polytheists. This occurs only together with the Imam or one appointed by the Imam. It is through this that the people of rebellion are identified. It is not for the people to decide the matter according to their own opinions and fight whomever they themselves judge to be rebellious. Rather, the rebel is the one who sets himself in opposition to the Imam or to one appointed by the Imam, refuses his authority, or departs from his judgment, and the Imam commands that he be fought. The people are then required to fight him together with the Imam. If the Imam ceases fighting him for some reason he judges appropriate, they too must cease and may not fight him unless the Imam gives them permission.

ʿAlī—God's blessings be upon him—said:

> "I was commanded to fight the oath-breakers, the unjust, and the renegades.

The Messenger of God—may God bless him and his family—commanded me concerning them. As for the oath-breakers, they are the people of Basra"—or he said, "the companions of the Camel."

> "As for the renegades, they are the Khārijites.

As for the unjust, they are the people of Syria. I examined their matter from every side—its back, its front, its head, and its eye—and found no course except fighting them or disbelieving in what God, Mighty and Exalted, revealed to Muḥammad—may God bless him and his family."

Al-Ṣādiq Jaʿfar ibn Muḥammad—God's blessings be upon him—said:

> "I heard my father Muḥammad ibn ʿAlī—God's blessings be upon him—say, when these groups whom ʿAlī—peace be upon him—fought were mentioned:
>
> 'They were more grievous in guilt than those who fought the Messenger of God—may God bless him and his family.'"

He was asked:

> "How is that, son of the Messenger of God?"

He replied:

> "Those people belonged to the Age of Ignorance.

These people had recited the Qurʾān and knew the excellence of those possessing excellence. They did what they did after possessing clear knowledge." It has been transmitted from the Messenger of God—may God bless him and his family—that he said to ʿAlī—peace be upon him:

> "Your war is my war, and your peace is my peace."

Thus whoever fought him fought the Messenger of God—may God bless him and his family. The Prophet described the Khārijites, saying:

> "They recite the Qurʾān, but it does not pass beyond their throats.

They pass out of the religion just as an arrow passes through the game. The best of people are those who kill them, and the best of people are those whom they kill." And he—may God bless him and his family—said to ʿAmmār:

> "The rebellious group will kill you."

Muʿāwiya and his companions killed him. They had heard the report, and when this happened their hands fell powerless and the people of Syria became disturbed around Muʿāwiya. ʿAmr ibn al-ʿĀṣ said to them:

"You did not kill him.

Rather, ʿAlī and his companions killed him, because they brought him here and were therefore the cause of his death."

When this statement reached ʿAlī—God's blessings be upon him—he said:

"May God curse ʿAmr!

What deficient reasoning he has uttered. If we killed ʿAmmār because we brought him, then the Messenger of God—may God bless him and his family—killed all those Muslims who were martyred while fighting with him." It is transmitted concerning ʿAmmār—may God be pleased with him—that at Ṣiffīn he did not take any path except that people followed him, because of what they had heard from the Messenger of God—may God bless him and his family.

On the day he was killed he was heard saying, while pointing toward the people of Syria:

"O God, You know that I have fought them only by command of Your Messenger.

I know that I will be killed by their hands, just as he told me. If I knew that Your pleasure with me lay in my lighting a fire and throwing myself into it, I would do so. If I knew that it lay in throwing myself from this mount and breaking my neck, I would do so. O God, You know that I have fought them only seeking Your face. So do not disappoint my striving and do not make my hope false." Then the two sides met. ʿAmmār looked toward ʿAlī's standard in the hand of Hāshim ibn ʿUtba, who was one-eyed. ʿAmmār said to him, urging him forward while looking at him:

"Plant the standard!

One-eyedness or cowardice? There is no good in a one-eyed man who does not plunge into battle. Charge with us!"

Hāshim pulled the standard from the ground and said:

"A one-eyed man seeks for his people an opening;
he has wrestled with life until he has wearied of it.
Inevitably he must strike or be struck down."

He then charged, and ʿAmmār charged with him, saying:

"Charge, Hāshim!

Death lies at the points of the spears, and Paradise lies beneath the flashing blades. You shall see the wide-eyed maidens together with Muḥammad and his party in the Highest Company." They continued striking and thrusting, plunging into the people of Syria, and did not return until both were martyred—may God have mercy upon them. Two men later disputed before Muʿāwiya over which of them had killed ʿAmmār.

Each one said:

"I killed him."

ʿAbd Allāh ibn ʿAmr ibn al-ʿĀṣ, who was present there with his father, said:

"How astonishing—two men disputing over which of them will enter the Fire!

I heard the Messenger of God—may God bless him and his family—say:

'The rebellious group will kill him, and the killer of ʿAmmār and the one who strips him of his possessions are in the Fire.'"

ʿAlī—God's blessings be upon him—mentioned those killed among his companions and among the companions of Muʿāwiya and said:

> "Muʿāwiya and I will be brought on the Day of Resurrection and will dispute before the Possessor of the Throne concerning those among us who were victorious and whose companions were victorious."

It is good to call the people of rebellion before fighting. ʿAlī—God's blessings be upon him—called the people of the Camel and the people of al-Nahrawān. But if they are not called and they already know what they are being called to, while the banner of guidance has been raised before them, nothing is required of the one who fights them before renewing the call. We have already mentioned the saying of ʿAlī—peace be upon him—concerning this. The people of rebellion may be killed in the same manner as the polytheists, by whatever means makes it possible to fight and kill them. Any of their women and children who themselves participate in fighting may be killed. Those among them who do not fight are not killed. Whoever among the rebels is killed is inherited from by his heirs. Whatever property belonging to them is captured becomes spoils. One fifth is taken from it and the remainder is divided just as the *fayʾ* of the polytheists is divided. Their offspring and women remain free and are not enslaved.

There is no harm in seeking assistance against the people of rebellion from other rebels like them, from sinful Muslims, or from protected non-Muslims. If such people join the people of justice in fighting the polytheists, they receive shares from the four fifths of the spoils. The one fifth belongs to the Imam of the people of justice, not to the Imam of rebellion. If the latter demands it, he is fought over it. As for captives from among the people of rebellion, the Imam may, if he wishes, kill them; if he wishes, release them without payment; if he wishes, ransom them; and if he wishes, take compensation from them. Their free persons are not enslaved. Any slaves among them whom their masters brought out to fight become *fayʾ* if captured. If the rebels are defeated and they have no organized force to which they can return, they are left to disperse. They are not pursued, and their wounded are not finished off. This is what ʿAlī—God's blessings be upon him—did after Ṭalḥa and al-Zubayr were killed and ʿĀʾisha was surrounded.

They had no organized force to which they could retreat. When they fled, he ordered that a proclamation be made among his companions:

> "Do not pursue one who turns away.

Whoever throws down his weapon, do not kill him. Do not finish off a wounded man." But if they have an organized force to which they can retreat and are defeated, then they are pursued in battle and struck heavily. This is how ʿAlī—peace be upon him—commanded concerning the people of Syria when they were defeated on the Day of Ṣiffīn while Muʿāwiya still remained as their leader. He ordered that they be pursued and struck heavily until they raised copies of the Qurʾān. At that point what occurred among his companions occurred: they faltered because of it while he continued ordering them to pursue. He found no way around what they did. They refused to continue pursuing them once they had called them to the Qurʾān. That was the stratagem and deception which ʿAmr ibn al-ʿĀṣ devised for Muʿāwiya. When the people of justice prevail over the people of rebellion, they return whatever those rebels had seized and whatever was in their possession…

> "…of what they had wrongfully seized, appropriated for themselves, taken, or betrayed, to those to whom it must properly be returned.

Whatever is found in the military camp of the people of rebellion—whether their property, their women, or their offspring, if these accompanied them—is spoil, because it was something they brought with them for fighting the people of justice. If their property remains in their towns, then whatever of it they used in fighting the people of justice, or whatever was brought for use in that fighting, becomes spoil for the people of justice when they gain control over it. The ruling concerning its division is like the ruling concerning the *fayʾ* of the polytheists. Whatever members of the people of rebellion are killed by the people of justice during battle, night attacks, or raids, so long as they remain people of rebellion, entails no liability upon the people of justice. Nor is there liability concerning whatever they take from their property as spoils, even if the rebels later return to obedience, come back to the truth, and enter beneath the judgment of the Imam of the people of justice.

For everything the people of justice acquired from them was acquired with right, through a right that made it lawful for them; God, Mighty and Exalted, permitted it to them and commanded them concerning it. But whatever property belonging to the people of justice was taken by the people of rebellion during their rebellion must, if they later return to obedience, be restored to its owners. They are compelled to return it when the taking of it is established and known, because they took it without right. Where the person who took it is not known, nothing is required beyond an oath from the one against whom the claim is made. If they killed someone from among the people of justice and his killer is known, the heirs of the slain person have the right to kill the killer in retaliation, because he killed him wrongfully and without right. If the rebels return, true return consists in repentance and freeing oneself from liabilities for injustices.

As for whatever occurred among the people of rebellion themselves while the authority of the people of justice did not apply over them, it is not investigated after their return unless one of them brings a specific claim concerning a particular thing that he can identify. If he establishes it, judgment is given for him concerning it. If the people of rebellion request peace or a truce, the Imam of the people of justice considers the matter and acts according to what he judges best for himself and for the Muslims among his followers, until he is able to fight them. If he makes a covenant with them, he must fulfill it. If he later wishes to fight them, he must formally renounce their covenant to them, just as we explained concerning truces with the polytheists. They should not be granted peace or a truce upon the condition that anything from the limits established by God or His prohibitions be violated, that any of His rights be abandoned, or that anything contrary to the judgments of religion be done.

It is disliked for a man to kill his father or an unmarriageable relative who belongs to the people of rebellion unless he fears him or cannot avoid killing him. If someone else can undertake that fighting in his place, he should leave it to that person. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

On Those among the People of the Qibla Whom It Is Obligatory to Fight and Kill

Whoever denies one of the obligatory duties of Islam, or refuses one of its established rights while denying that it is obligatory, must be fought if he takes up arms over this and refuses to return to the truth. Whoever stands between the Muslims and such a person, or assists him, has the same ruling. He is fought and may be killed until he returns to the command of God. When robbers attack people intending to seize their property, those attacked are permitted to fight them and kill them in defense of it and in defense of anything else that the robbers attempt to violate among what is lawful to them, as well as in defense of the Muslims and protected persons accompanying them. They are not, however, obligated to fight the robbers as an absolute duty in the manner that jihād is obligatory. Jaʿfar ibn Muḥammad ibn ʿAlī—God's blessings be upon him—was asked about a case of this kind.

He said:

> "The Messenger of God—may God bless him and his family—said:
>
> 'Whoever is killed defending his property is a martyr.'

But if it were I, I would leave the property and would not fight over it." He meant—God's blessings be upon him—that when a person fears being killed, abandoning the property is easier than exposing oneself to destruction. Whoever nevertheless stands in defense of it receives the reward of doing so and has acted correctly and meritoriously, because the Messenger of God—may God bless him and his family—declared one killed in such circumstances a martyr.

Jaʿfar ibn Muḥammad—God's blessings be upon him—said that a man came to ʿAlī—peace be upon him—and said:

> "Commander of the Faithful, a man entered upon my wife and stole her jewelry while I watched him, but I left him alone because I feared his evil."

He—peace be upon him—said:

> "Had the son of Ṣafiyya entered, he would not have been content until he had struck him down with the sword."

Whatever property is found in the hands of robbers and is recognized by its owners is returned to them. Whatever cannot be identified by its owners belongs to those who fought the robbers for it.

The Messenger of God—may God bless him and his family—said:

> "The spoils taken from robbers are lawful."

A scout or spy, whichever of the two is captured, may be killed. If the Imam judges it preferable to imprison him, make an example of him, punish him in whatever manner he judges appropriate, or release him, he may do whichever of these he considers proper. His status is like that of a captive. If he is one of the polytheists and had not been granted a covenant or security, he may be enslaved. Whoever was born into Islam and then becomes a Jew, Christian, Magian, or otherwise abandons the religion of Islam is killed and is not asked to repent, unless he repents before he is captured. This is because of the saying of the Messenger of God—may God bless him and his family:

> "Whoever changes his religion, kill him,"

meaning one who was a Muslim. As for a Jew who becomes a Christian, a Christian who becomes a Jew, or someone who passes from one form of unbelief to another equivalent form of unbelief, he is not interfered with on that account, because unbelief is all one thing. Such a person is not called an apostate. Rather, an apostate is one who leaves the religion he had entered and turns back from it. If a polytheist embraces Islam and then returns to polytheism, and his case is brought before the ruler, the ruler asks him to repent for three days. If he has not repented by the third day, he is killed. This is what ʿAlī—God's blessings be upon him—did with an apostate who was brought before him. If apostates resist by force, they are fought in the same manner as the polytheists are fought. An apostate woman is imprisoned until she repents or dies in prison. An enslaved woman who apostatizes is beaten and is given only enough food to sustain her body. She is clothed only with what covers her nakedness.

Her masters are instructed to impose the hardest service upon her until she repents or dies in that condition. She is not imprisoned in such a way as to prevent her masters from benefiting from her labor. If the wives of apostates apostatize together with them, or if they had never embraced Islam, and they resist together in a fortress or region, they are fought as the polytheists are fought. They may be killed if captured before they repent. Their women and offspring are enslaved. The women are compelled to embrace Islam in the same manner as enslaved apostate women are compelled. They are not to be approached sexually or married, because marriage to an apostate woman is not lawful. When their children reach maturity, Islam is presented to them. Their ruling then becomes the same as that of apostates among women and men. Heretics are killed if, after being called to repent, they refuse to repent. After being killed, their bodies are burned with fire.

This is what ʿAlī—peace be upon him—did with a group who were brought before him after having gone to excess concerning him and claimed that he was a god—exalted is God; there is no god but He. He questioned them concerning this and called them to repent.

They persisted and said:

> "If you kill us, then you will bring us back to life."

He—may God bless him and his family—became intensely angry. He ordered a pit to be dug for them and a fire to be kindled in it.

He said:

> "Today I shall fill it for you with flesh and fat."

He then ordered his client Qanbar to strike off their heads and cast them into the pit. They were burned there.

And he said:

> "When today I saw a matter abominable,
> I kindled a fire and called Qanbar."

Collection of the Chapters on Sales

On Seeking Provision and the Command to Be Moderate in Pursuit of It

In the name of God, the All-Merciful, the Compassionate.

God Most High says:

> "Ask God from His bounty."

And He says:

> "When the prayer has been completed, disperse through the land and seek from the bounty of God."

A man came to the Prophet—may God bless him and his family—and said:

> "O Messenger of God, I have a soul that is never content with anything of this world and is never satisfied by it."

The Messenger of God—may God bless him and his family—said:

> "Say:
>
> 'O God, make me content with Your decree, bless for me what You give me, and make me satisfied with what You have apportioned for me, so that I do not desire the hastening of what You have delayed nor the delaying of what You have hastened.'"

Al-Ṣādiq transmitted from his father, from his forefathers, from the Messenger of God—may God bless him and his family—that he said:

> "The Trustworthy Spirit breathed into my heart that no soul will die until it has received its provision in full.
>
> Therefore be moderate in seeking it. There is no servant of God except that between him and his provision there is a veil. If he is patient, God brings it to him lawfully. If he is not patient, he tears through the veil and consumes it unlawfully."

And he—may God bless him and his family—said:

> "Do not let the slowness of provision drive you to seek it through disobedience to God.
>
> Be moderate in seeking, for what is with God cannot be attained through disobedience."

And he—may God bless him and his family—said:

> "If circumstances become difficult for one of you, let him go out and seek provision.
>
> Let him travel through the land and seek from the bounty of God. He should not sit in his house causing grief to himself and his family and becoming a burden upon people."

And he—may God bless him and his family—said:

> "Under the shade of the Throne on the Day when there will be no shade except His shade is a man who went forth through the land seeking from the bounty of God what would suffice him and allow him to provide for his dependents."

A man came to him and said:

> "O Messenger of God, whenever I turn to any occupation I suffer loss in it."

He said:

> "Look for something in which you have succeeded once and remain with it."

The man said:

> "Tanning with *qaraẓ*."

He replied:

> "Then remain with *qaraẓ*."

The Messenger of God—may God bless him and his family—passed through one of the markets and said:

> "O company of merchants, the merchant is a sinner, and the sinner is in the Fire."

When they heard this, they closed the doors of their shops and abandoned selling. The next day, the Messenger of God—may God bless him and his family—passed through the market and saw no one there.

He asked:

> "What has happened to them?"

He was told:

> "They abandoned selling because of what they heard from you yesterday, O Messenger of God."

He said:

> "And today I say the same thing—except for one who takes what is due and gives what is due."

And he—may God bless him and his family—said:

> "I was sent as a mercy to the people. I was not sent as a merchant or cultivator.
>
> Among the worst of this community are merchants and cultivators, except those among them who guard their religion."

And he—may God bless him and his family—said:

> "God loves the servant who is easygoing in selling, easygoing in buying, easygoing in paying what he owes, and easygoing in collecting what is owed to him."

He—may God bless him and his family—saw a strong young man driving fat camels.

It was said:

> "O Messenger of God, how excellent this man's strength is, and how strong his camels are—if only it were in the path of God."

The Messenger of God—may God bless him and his family—asked him:

> "What do you do with your camels?"

He replied:

> "I work with them and earn by means of them."

He asked:

> "What do you do with what you earn?"

He replied:

> "I have a wife and dependents whom I support with it, I keep them from having to ask other people, and I repay a debt that I owe."

He—may God bless him and his family—said:

> "If he is truthful, then he has a reward like the reward of one who fights in the path of God, performs pilgrimage, and performs the lesser pilgrimage."

And he—may God bless him and his family—said:

> "No morning departure of one of you in the path of God is greater than his morning departure to seek what will properly sustain his children and dependents."

ʿAlī—peace be upon him—said to a man who sought his permission to engage in trade:

> "Have you gained understanding in the religion of God?"

He replied:

> "To some extent."

He said:

> "Woe to you! Understanding first, then trade.
>
> Whoever buys and sells without understanding repeatedly sinks into usury." That is, he becomes mired in it.

Muḥammad ibn al-Mundhir said:

> "I saw Muḥammad ibn ʿAlī ibn al-Ḥusayn—peace be upon them—on an intensely hot day returning from one of his estates.
>
> He was a heavy-bodied man and had become fatigued. I said to myself: 'I shall admonish him.'

So I said:

> 'May I be your ransom. Your rank of nobility is what it is, yet you place yourself in such a condition seeking the things of this world.
>
> What if your appointed time came to you while you were in this condition—what would you say?'"

He replied:

> "If my appointed time came to me while I was in this condition, it would come while I was engaged in one of the acts of obedience to God Most High.
>
> I am striving to earn lawfully so that I may send something ahead for my Hereafter and keep myself from dependence upon people. I would fear only that my appointed time might come while I was engaged in one of the acts of disobedience to God—and I seek refuge in God from that."

Muḥammad ibn al-Mundhir said:

> "I said to him: 'May I be your ransom. I intended to admonish you, but you have admonished me.'"
>
> A man said to Jaʿfar ibn Muḥammad—peace be upon him:
>
> "Son of the Messenger of God, supplicate to God for me that He grant me provision in ease and without exertion."

He said:

> "I will not supplicate for you in that way. Seek as God has commanded you."

And he—peace be upon him—said:

> "A Muslim ought to seek provision until the heat of the sun reaches him."

And he—peace be upon him—said:

> "Among the supplications of us, the People of the Household, is:
>
> 'O God, do not burden me with seeking what You have not apportioned for me, so that my preoccupation with it becomes prolonged and distracts me from obedience to You while I attain nothing of it.

O God, whatever You have apportioned for me of it, bring it to me with chastity and ease. Set me right by that through which You have set Your righteous servants right. For the righteousness of the righteous is through You.'" Abū Jaʿfar Muḥammad ibn ʿAlī—may God's good pleasure and blessings be upon him—said that this was among the supplications of David—peace be upon him. Jaʿfar ibn Muḥammad—peace be upon him—said to Sufyān al-Thawrī when he came to ask him something:

> "O Sufyān, when a blessing of God becomes manifest upon you, praise God.

When some part of your provision is delayed, seek God's forgiveness." Then he recited:

> "Seek forgiveness from your Lord. Indeed, He is ever Forgiving. He will send the sky upon you in abundant rain, increase you in wealth and children, and make for you gardens and rivers."

And he said:

> "When one of the terrors of this world strikes you, say:
>
> 'There is no power and no strength except through God, the Most High, the Magnificent.'

O Sufyān, take these three and hold fast to them." And he—peace be upon him—said to a man while advising him:

> "When you go out in the morning or evening for the purpose of seeking provision and desire success in it, perform two cycles of prayer.

When you have completed the *tashahhud*, say:

> 'O God, I have gone out this morning'—if it is morning—or say, 'I have gone out this evening'—if it is evening—
>
> 'seeking from Your bounty as You commanded me.

So provide me from Your bounty with lawful and wholesome provision, and grant me well-being in what You provide me.'" Say this three times. Then perform two more cycles. After the *tashahhud*, say:

> "I have gone out this morning"—if it is morning—"or this evening"—if it is evening—
>
> "through the power and strength of God, without any power or strength of my own, but through Your power, my Lord, and Your strength.

My Lord, I disavow before You all power and strength of my own. O God, I ask You for the good of this day"—if it is daytime—"or the good of this night"—if it is nighttime—

> "and I ask You to provide me from Your bounty with lawful and wholesome provision, which You drive toward me through Your power and strength, while I remain in chastity and modest restraint."

Say it three times, then rise and proceed toward your purpose.

And he—peace be upon him—said:

> "God Most High apportioned provisions among His servants, and beyond what He apportioned He has abundant bounty which He did not distribute.

So ask God from His bounty."

And he—peace be upon him—said:

> “One who goes forth seeking lawful provision is like one striving in the path of God.”

And he—peace be upon him—said to one of his followers who was occupied with trade:

> “When you seek some worldly matter and it escapes you, remember what God has specially granted you of His religion and what He has bestowed upon you by withholding it from others.
>
> That is more likely to make your soul generous in accepting what you have missed.”

ʿAlī ibn al-Ḥusayn—peace be upon him—said:

> “God Most High made provision into ten parts: nine parts in trade and one part in all other things.”

A man who followed Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said to him:

> “Son of the Messenger of God, I have abandoned trade while waiting for the manifestation of your cause.”

He said:

> “Do not do that.
>
> Open your door, spread out your goods, and seek provision from your Lord. That is better for you. If you cease seeking provision, your wealth will disappear. So seek from the bounty of God, your Lord.”

On What Has Been Forbidden to Sell

The Messenger of God—may God bless him and his family—forbade the sale of free persons and declared such a sale invalid. He also forbade the sale of carrion and wine. It is transmitted from the Imams of his Household—peace be upon them—that everything forbidden is unlawful to sell, earn from, or take payment for, such as excrement, carrion, blood, swine, wine, intoxicants, and all instruments of diversion. They forbade making such things, earning from them, selling them, buying them, learning their use, carrying them, and assisting in them. They—peace be upon them—permitted the sale of grapes, grape juice, raisins, honey, dates, and figs to someone who makes wine or an intoxicating drink from them. The sale itself is lawful; the sin falls upon the person who transforms what is lawful into something unlawful. They—peace be upon them—permitted accepting the proceeds of things whose sale has been prohibited from someone who himself sells such things. The prohibition applies to the person who sells and purchases them.

As for money that has passed lawfully into another person’s possession and is taken from him by a lawful right, there is no harm in accepting it. There is likewise no harm in commercial dealings with polytheists and taking payment from them for what they purchase, even when what is in their hands came from the proceeds of things whose sale is unlawful. Much of their property consists of usury and unlawful gain. Such wealth may be taken from them as poll-tax or as payment for what they purchase from Muslims. It becomes lawful to the person who takes it by right and in the manner in which it is lawful for him to take it. They disliked taking payment for a vicious dog. They—peace be upon them—permitted taking payment for a hunting dog, and selling a livestock dog is permissible. They—peace be upon them—disliked taking payment for a cat. They forbade purchasing anything known to have been stolen or obtained through betrayal until it has been returned to its owner and then purchased from him.

They—peace be upon them—permitted the sale of copies of the Qurʾān. A general prohibition is transmitted from the Messenger of God—may God bless him and his family—against selling water, pasture, and fire. This prohibition applies to selling what is not owned of these things, such as pasture growing in open country, rainwater there, and similar waters that are not privately possessed, and the flame of fire from which a person merely lights a lamp or takes a spark without diminishing its fuel. But if a person owns a well he has dug on his property, a spring that flows there, a river, a reservoir, or the like in which rainwater collects upon his land, or if he has collected water in a vessel, carried it upon his own back, upon his riding animal, or by

whatever other means he transported it, then selling it is permissible. Likewise, if he gathers grass from open country, uproots it, expends effort upon it, waters it, or it grows upon land that he owns, its sale is permissible, because it has become property.

Similarly, if fire is contained in fuel that he owns, such as wood, charcoal, or anything else in which fire burns, then selling it is permissible. There is no harm in buying and selling with a person known for betrayal, theft, or other bad conduct unless one knows that the particular item being purchased is itself stolen or obtained through betrayal. If that is not known, there is no harm in trading with him. We have already explained that buying and selling with polytheists is permissible in things one does not know to have been stolen or betrayed by them. A Muslim is even more entitled not to be avoided merely because of suspicion.

On the Prohibition of Sales Involving Uncertainty

God, Mighty and Exalted, says:

> "Do not consume one another's wealth through falsehood."

According to what the purified Imams of his Household transmitted from him, the Messenger of God—may God bless him and his family—issued a general prohibition against sales involving *gharar*. A sale involving *gharar* is every sale contracted over something unknown. The Prophet—may God bless him and his family—explained several forms of this. Among them is that he forbade the sale known as *ḥabal al-ḥabala*. This was a form of sale practiced by the people of the Age of Ignorance: one of them would sell an item on deferred payment until a she-camel gave birth and then that offspring itself gave birth. Another form was the sale of offspring before they were born. They used to buy and sell the fetus in the wombs of camels and other animals. He—may God bless him and his family—also forbade the sale of *maḍāmīn* and *malāqīḥ*. The *malāqīḥ* are the unborn fetuses we have mentioned as being sold while still in their mothers' wombs. The *maḍāmīn* are what is in the loins of the males.

They used to transact over the offspring produced by a male's mating for a specified period, or for one mating or a fixed number of matings. Among these forms is that he—may God bless him and his family—forbade the sale of *mulāmasa*. This is when a man sells a garment or other item while it remains folded so that its interior cannot be seen, and the buyer's inspection consists only in touching it with his hand, on the condition that he has no option to return it once he has opened it and seen the inside.

Or the seller says:

> "Once you touch this item, the sale between us is binding."

A sale is not made binding merely by such an act. Rather, it is made binding through verbal agreement and the parties separating physically after mutually consenting to its conclusion. The same category includes touching merchandise through a curtain and treating that as the basis of the sale. Among these forms is that he—may God bless him and his family—forbade the sale of *munābadha*.

This is when a man looks at a folded garment in another man's hand and says:

> "I will buy this from you. Once you throw it to me, the sale between us is complete and neither of us has any option."

Or each one throws to the other a garment or some other commodity being exchanged and says:

> "This for that,"

without turning it over, inspecting it, or examining it. Among them is that he—may God bless him and his family—forbade the sale by throwing pebbles. This was a form of sale practiced in the Age of Ignorance in which the two contracting parties would make the sale binding by each throwing a pebble, treating that act itself as the contract. The Messenger of God—may God bless him and his family—invalidated all of these sales.

He—may God bless him and his family—also forbade the sale or gift of *walāʾ* and said:

> "*Walāʾ* is a branch of kinship. It is neither sold nor given away."

He also forbade the sale of a runaway slave while he remains missing, before he is found, and the sale of a stray camel and similar animals until they are recovered.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If, together with such an absent thing or anything comparable to it, there is a present item, and the two are sold together, then their sale is permissible."

Thus, if a runaway slave known to both seller and buyer, or a stray animal likewise known to them, is sold together with a slave, animal, garment, or other present thing whose sale is valid, the transaction is permissible. If the absent item is never found, the price is treated as having been paid for the present item. This does not fall under the saying of God, Mighty and Exalted:

> "Do not consume one another's wealth through falsehood."

ʿAlī—peace be upon him—said that likewise if a man sells the milk still in the udder of his sheep together with some milk already drawn from it and present before them, the sale is permissible. This illustrates what was already explained: the price attaches to the present thing seen by the two contracting parties. Most sales are of this kind. A person sees only some portion of houses, landed properties, garments, animals, and other things, while much of what is within them is concealed. Only what is outwardly visible is seen, yet the sale applies to the outward and inward parts alike, to what was inspected and what was not inspected. He—peace be upon him—permitted purchasing mineral-bearing earth with gold or silver hand-to-hand, even if what is extracted from it later turns out to be more or less than the amount paid. At the time of purchase it is neither silver nor gold; it is merely earth. He disliked selling it on deferred payment.

It is transmitted from ʿAlī—peace be upon him—that he disliked the sale of fish in marshes when they could only be obtained by catching them. As for fish confined and accessible without requiring capture, their sale is permissible. He—peace be upon him—forbade selling wool while it is still upon the backs of sheep, and skins while still upon the animals, until the wool has been shorn and the skins removed. He—peace be upon him—forbade a man from selling his share of spoils before they are divided, because he does not know what will ultimately fall to him. And he—peace be upon him—forbade the sale of written debt instruments, meaning debts.

On the Sale of Fruits

It is transmitted from the purified Imams of the Household of the Messenger of God—may God bless him and his family—that he issued a general prohibition against selling fruit before its soundness becomes apparent.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The beginning of the fruit's soundness is that some part of it begins to color.

Its coloring is that it turns yellow or red," meaning that it begins to ripen. Once some of it has ripened, the sale of all of it becomes permissible, even if the rest has not yet ripened. The sale is treated as resting upon that which has begun to ripen, according to the principle already explained concerning the sale of what is present together with what is hidden. If none of it has begun to ripen, its sale is not valid unless the two contracting parties mutually accept it. If either of them seeks to rescind it, it is rescinded. If some fruit from one variety has begun to ripen, that variety may be sold together with other varieties even if none of those others has yet been seen to ripen, according to the principle already explained, when all are sold in a single transaction.

They—peace be upon them—said:

> "Once the fruit, or some of it, has begun to ripen, it is permissible to sell it together with what those trees will produce of the same fruit in the following year or in subsequent years, provided this is expressly stated."

If nothing grows in the future years, the price is regarded as having attached to what ripened in the present year. The generality do not permit selling fruit for several years, claiming that this constitutes *gharar*. Yet they do permit selling it once the soundness of some of it has become apparent, while including within that sale whatever later develops from fruit that had not yet ripened or even formed at the time of the sale. This is precisely what they themselves rejected and denied. Their objection was that some part of the sale would apply to something not yet in existence. Yet in what they permit, part of what is included was likewise not yet in existence, and another part was itself prohibited from being sold because its soundness had not yet become apparent. They nevertheless permit its sale together with what has already begun to ripen because the price may be treated as attaching to the portion whose soundness has become apparent.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—likewise said:

> "It is permissible to sell fruit once its soundness, or the soundness of some of it, has become apparent, for one year or for years afterward.

If it does not emerge in this year, it may emerge in the next." The same reasoning applies consistently to what we have explained concerning sales. Indeed, some of what those among the generality who oppose this position themselves accept confirms and supports it. Yet what is obligatory upon them is to follow the statements of the Imams—peace be upon them—and abandon opposition to them, for what has come from them…

> "…God's blessings be upon them, is itself a proof, such that one who holds to it has no need of another proof or supporting witness.

Most of what those who reject the sale of fruit for several years rely upon is a general report which they claim to transmit from the Prophet—may God bless him and his family—that he forbade 'the sale of years.' But the report does not mention fruit or anything else. If this report is authentic, it is a general and unspecified report. The interpretation transmitted from the Imams—peace be upon them—makes clear that its meaning is not what the generality have understood it to mean. If they insist upon taking it generally, they would have to apply it to everything that falls within the expression. The expression admits many meanings. Among them is that *sinīn*—'years'—in Arabic speech may mean times of hardship and adversity. People say, 'The years came upon us one after another,' meaning hardship and drought. They say, 'This was a year of affliction,' meaning a year of drought and severity.

According to such an interpretation, the report would entail forbidding sales conducted during times of hardship, so that every sale made during them would be invalid. It is also possible, by figurative usage, that 'the sale of years' means a sale made during years extending into future years. That too permits many interpretations. Following what has been transmitted in explanation from the Imams is more worthy of acceptance, especially when the foundational principles support it and the subsidiary rulings branch from it. If a person sells fruit before its soundness has become apparent, and the buyer accepts it, and neither party seeks to rescind the sale but instead they proceed with it and mutually consent to it, then the sale is valid. It is not unlawful merely because a prohibition has been transmitted concerning it.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—forbade selling fruit before its soundness had become apparent because people used to buy it in that condition.

Sometimes a blight would strike it and destroy it before it matured and ripened. They would then bring their disputes concerning it to the Messenger of God—may God bless him and his family. When such disputes

became frequent, he forbade them from selling it until its soundness became apparent. He did not declare it intrinsically unlawful."

And he—peace be upon him—said:

> "Whoever sells fruit while excluding from the sale a specified and known portion, the sale is valid.
>
> Whoever sells something while excluding an unspecified portion, the sale is not valid, because the transaction has been concluded over something unknown."

And he—peace be upon him—said:

> "If the purchaser of fruit sells it before harvesting it, the sale is valid."

And he—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—forbade the sale called *muzābana*."

Muzābana is the sale of dates still upon the palms in exchange for a measured quantity of dried dates; grapes upon the vines in exchange for raisins; and grain, after it has produced ears and formed kernels, in exchange for wheat.

He said:

> "It is not permissible to sell standing grain before it forms ears in exchange for wheat unless the condition is that it be harvested immediately in its present state.
>
> But it is not permissible if it is to be left until it produces ears and forms grain. If it is purchased for something other than wheat, however, then whether it is harvested or left until it forms ears, there is no harm."

He—peace be upon him—permitted the sale of cuttings or harvests of crops and fresh herbage when the amount is known. For example, a person may purchase one cutting or several cuttings from something that grows back repeatedly while the root remains the property of the seller once the agreed cuttings have been completed.

And he—peace be upon him—said that the Messenger of God—may God bless him and his family—said:

> "Whoever purchases date-palms upon which there is fruit after they have been pollinated—the fruit belongs to the seller unless the contracting parties stipulate that it belongs to the purchaser."

The same ruling applies to the sale of other trees upon which fruit has reached a stage equivalent to that of date-fruit at the time of pollination. Unless the purchaser stipulates that the fruit belongs to him, it belongs to the seller.

On the Prohibition of Fraud and Deception in Sales

The Imams of the Household of the Messenger of God—may God bless him and all of them—transmitted from him that he said:

> "Whoever cheats us is not one of us."

And he—may God bless him and his family—forbade cheating, treachery, deception, fraud, and trickery in buying and selling, marriage, oaths, covenants, and charity. The saying of the Messenger of God—may God bless him and his family—

> "Whoever cheats us is not one of us"

means that he is not among those who follow us in our command and therefore are counted among our party. It does not mean that anyone who cheats us leaves the religion of Islam and becomes an unbelieving apostate. If that were its meaning, the legal consequences imposed upon one who apostasizes from Islam—such as execution—would apply to him. God, Mighty and Exalted, relates concerning Abraham—peace be upon him:

"Whoever follows me is of me; and whoever disobeys me—indeed, You are Forgiving, Merciful."

Likewise, the one who cheats does not follow the command of the Messenger of God—may God bless him and his family—and therefore is not 'of him,' meaning not among those who follow his command. But if he is a Muslim, then he is among those who follow him in some matters and disobey him in others. His judgment belongs to God, exalted be His mention. If He wills, He forgives him; and if He wills, He punishes him, like the rest of the sinful Muslims.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

"Mixing two qualities of food or similar commodities, the good with the inferior, for the purpose of sale is cheating if the good is what is shown to the purchaser while the inferior is concealed.

But if both are visible, or if the good is concealed and the inferior is what appears, then that is not cheating." ʿAlī—peace be upon him—used to walk through the markets of Kūfa warning the people against cheating. He would say:

"Display the inferior part of what you sell just as you display the good part."

And he—peace be upon him—forbade blowing into meat.

He said:

"Blowing is from Satan, so do not blow into food or drink."

He permitted blowing between the skin and flesh when skinning an animal. The prohibition against blowing into meat was because of what has just been mentioned and also because it constitutes deception. The air passes into fine sinews and membranes, making them appear to be fat when they are not fat. And he—peace be upon him—forbade mixing milk with water when one intends to sell it. As for one who intends merely to drink it, there is no harm. The Messenger of God—may God bless him and his family—forbade short measure and short weight. Short measure and weight consist in taking more when receiving and giving less when paying out. But whoever gives a little extra to the person to whom he sells, or takes a little less from the person from whom he receives, has acted well. Whoever takes his full right and gives the full right of the other has acted justly.

Likewise, God Most High says:

"Woe to those who give short measure, those who, when they measure from people, take in full,"

meaning when they take from them,

"but when they measure or weigh for them, they cause loss,"

meaning when they give to them. This concerns sales and exchanges. As for a voluntary gift or charity, whoever gives it in full receives greater reward. If he gives less, nothing is required of him. If, however, the payment is obligatory, he must give it fully. Shaking the measure, striking it, or employing some trick so that it contains more when one receives and less when one gives, in an obligatory exchange of the kind we have mentioned, is included in the short measure which God, Mighty and Exalted, prohibited and threatened concerning in His Book. They—peace be upon them—forbade buying and selling with defective gold dinars and silver dirhams. ʿAlī—peace be upon him—ordered that none of such coins be admitted into the public treasury. This applies to coins whose defect is obscure and is recognized only by experts, while ordinary people are unaware of it and may be deceived by them.

But if the defect is well known and scarcely hidden from anyone, and the coins are taken at their proper value, or if they belong to known coinages whose values differ from one another, then there is no harm in buying and selling with them. The same applies to copper coins made purely from copper and to other forms of currency whose nature and value are known rather than hidden. It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he forbade differing measures and weights within a single city because of the ambiguity and deception that may arise from this. And he said that the Messenger of God—may God

bless him and his family—forbade *taṣriya*. This is when someone intending to sell a milch sheep or she-camel refrains from milking it for a day or several days so that milk accumulates in its udder. He then sells it in that condition so that the purchaser sees its udder enlarged and is thereby induced to desire it. The purchaser of such a *muṣarrāt* animal is granted the option for three days—that is, after milking it.

He said:

"If he wishes, he may keep it.

If he wishes, he may return it and return together with it one *ṣāʿ* of dates in compensation for the milk he consumed. If he consumed none of its milk, he returns the animal and nothing else is required." This option differs from the general option concerning animals. A *muṣarrāt* animal may be returned even if the seller purported to disclaim the three-day option, provided he concealed the *taṣriya*. But if he informed the purchaser before the sale, disclaimed liability for it, and told him how many days he had refrained from milking the animal, and the purchaser accepted this, then he has no right to return it because of the *taṣriya*, unless he discovers some other defect. And he—peace be upon him—said that the Messenger of God—may God bless him and his family—forbade *najsh* in sales.

He said:

"Do not turn away from one another, and do not engage in *najsh*."

Turning away from one another refers to estrangement, hostility, severing ties, and abandonment—as though he meant that one of you should not turn his back upon his brother through estrangement of the sort just mentioned. *Najsh* means that a person who has no intention of buying comes to a commodity and bids up its price without wishing to purchase it, merely so that another person will hear his bid and raise his own offer above it, thereby increasing the seller's return. This is a form of deception, because the genuine bidder follows the sham bidder and raises his price accordingly. For this reason it was prohibited. And he—peace be upon him—forbade a townsman from selling for a Bedouin. The meaning is that a Bedouin comes with merchandise and hands it to a townsman to sell, and the townsman sells it without consulting him. This is the apparent meaning of the prohibition.

But if the townsman markets it for him, calls out its sale, seeks the best price, advises him, then informs him of what price he has reached and the Bedouin instructs him to sell, or the Bedouin is present and sells it himself, then this does not fall within the prohibition. For the act of a person who commands something over which he possesses authority is attributed to him. Thus people say, "The Messenger of God—may God bless him and his family—cut off the hand of a thief," "stoned an adulterer who was married," or "killed one upon whom execution was obligatory," although these acts were performed by others upon his command. Likewise people say, "The commander killed so-and-so," or "the commander struck so-and-so," when he ordered it and it was carried out by his command, even though he did not personally perform the act. Thus, if the Bedouin instructs the townsman to sell his merchandise, it is the Bedouin himself who is legally regarded as having sold it.

But if the townsman or anyone else sells it without consulting the owner and without being granted authority to do so, the sale is not valid unless the owner ratifies it. This is the kind of transaction to which the prohibition applies. It is also transmitted from him—peace be upon him—that he forbade meeting incoming caravans before they reach the market. The meaning is that one goes out beyond the city or destination toward riders and travelers arriving with merchandise, intending to purchase it from them before they arrive. This was prohibited because of the danger that they might be disadvantaged in price and because it deprives those unable to travel out to meet them of the opportunity to purchase from them. It is also a form of deception, because the person who meets them knows the prevailing prices and value while the seller does not. Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—defined the prohibited distance of such meeting as going out to meet the goods within the distance of a morning's or evening's journey.

If one goes farther than this, it is not considered prohibited *talaqqī*. Anything done to the merchandise that increases its price without providing any real benefit to the purchaser is cheating and is forbidden. Jaʿfar ibn

Muḥammad—peace be upon him—was asked about a man who purchases food and finds that wetting it makes it sell more readily.

He said:

> "If doing so does not increase its apparent quantity, there is no harm.

But if his purpose is merely to cheat the Muslims, there is no good in it and it is not proper." He—peace be upon him—was asked about a man who purchases food by measure or weight and afterward finds that there is some excess.

He said:

> "If the excess is of the kind people ordinarily overlook and is the sort of difference that commonly occurs between two measurements, there is no harm.

But if it is excessive, then it is an error and must be returned to the seller unless the seller willingly relinquishes it." It is transmitted from ʿAlī—peace be upon him—that he permitted the purchaser to ask the seller for an additional amount after the seller has fully delivered what is due, such as tipping the scale in his favor or adding something beyond the measured amount. This is merely a request by the purchaser. If the seller willingly gives it, then the purchaser may lawfully take it. If the seller does not willingly give it, the purchaser has no right to compel him. If this extra amount was stipulated in the original contract of sale and was unspecified, the sale is invalid. If it was specified and known, the sale is not invalid, and the known additional amount is treated as part of the agreed measure or weight. Justice and proper measure consist in giving exactly what is due, neither more nor less. This is the full measure that God, Mighty and Exalted, commanded when He says—and He is the truest of speakers:

> "Give full measure and do not be among those who cause loss. Weigh with the straight balance, and do not diminish people's things, nor act corruptly in the earth."

Full measure is justice and what is right, without excess or deficiency. *Bakhs* means diminishing what is due. *Tatfīf* means manipulation through excess when taking and deficiency when giving. As God, Mighty and Exalted, says—and He is the truest of speakers:

> "Woe to those who give short measure, those who when they measure from people take in full, but when they measure or weigh for them cause loss."

We have already discussed this.

On Sales That Have Been Prohibited

It is transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that he forbade two conditions in a single sale.

An example is that a man says:

> "I sell you this commodity for such-and-such if paid in cash, or for such-and-such if payment is deferred,"

leaving the purchaser to choose afterward between the lower cash price and the higher deferred price while the contract itself is concluded in this indeterminate form. Such a sale is not valid. Another example is that he sells something for dinars on condition that he will receive dirhams instead at a specified exchange rate; or sells it for dirhams on condition that he will receive dinars instead at a specified exchange rate; or sells something to another person on condition that the other person make a second sale to him, whether that second transaction is guaranteed or not, immediate or deferred; or sells something for a deferred price and stipulates that if the period is extended, the price will be increased. All of these and similar arrangements constitute two conditions in one sale. If the parties conclude the transaction in this form and separate upon it, the sale is invalid.

But if such matters were merely negotiations between them and they afterward agree upon one of the alternatives, cancel the other, and separate upon the one chosen, then it is valid. The valid sale is the one upon which they finally agreed. They—peace be upon them—also transmitted that the Messenger of God—may God bless him and his family—forbade profit from that for which one has not borne liability. An example is a measured or weighed commodity owed to a seller by a debtor, or a regular allotment due to him, which he sells before actually receiving possession of it. Another example is where a craftsman accepts a job for a certain wage and then passes the job to another worker for a lower wage, keeping the difference as profit, even though he himself neither performed any work nor bore responsibility for it. If he repaired something himself or personally undertook some part of the work, then the surplus is lawful to him. Another example is where someone leases a property and then subleases it for more than the rent he himself pays.

They—peace be upon them—permitted him to sublease part of it for the same amount he himself pays while occupying the remainder. Likewise, if he undertakes some management of the property, provides some supervision, or exerts effort in any aspect of it, the surplus becomes lawful to him. An example is a lodging-house which he rents and then personally attends to by opening it, closing it, sweeping it, inspecting its affairs, and renting out its rooms. There is no harm in his retaining a surplus in such a case because of the labor he has expended upon it. They—peace be upon them—also transmitted that the Messenger of God—may God bless him and his family—forbade combining a sale with a loan. An example is that one person says to another:

> "Sell me such-and-such for such-and-such on condition that you lend me such-and-such,"

or:

> "Lend me a loan on condition that I become liable to you for such-and-such."

If the sale is contracted on this condition, it is invalid. The borrower remains liable for whatever he actually borrowed, while the sale is void. But if the loan is made independently and was not stipulated as a condition in the sale contract, it does not invalidate the sale. They—peace be upon them—also transmitted that he—may God bless him and his family—forbade selling what one does not possess. An example is a man negotiating the sale of something which he does not have. If he nevertheless concludes the sale over it, the transaction becomes binding upon him, but the purchaser has the option once he sees the item. Another form is selling a guaranteed commodity for delivery at a time when things of that kind are not normally available, such as grapes or other fruit during a season in which they do not exist. And they—peace be upon them—forbade *al-kāliʾ bi-l-kāliʾ*, meaning the sale of one debt for another debt. This is not permissible.

An example is where a man advances dinars to another person in return for a specified quantity of food to be delivered at a known time. When the term arrives and the debtor does not have the food, the creditor purchases that food from the debtor in exchange for a new debt deferred to another term. Another example is where a person makes an advance contract for food while the price itself remains merely a debt owed by him. This too is not permissible, because it is a debt in exchange for a debt. Another example is where a man has a matured debt against another person and they agree that the creditor will extend the time in exchange for an increase in the amount owed. This is unlawful. If, however, the creditor reduces some of the amount in return for receiving payment early before the term, there is no harm, because if he wished he could lawfully forgive the entire debt.

They said:

> "Among the forms of *al-kāliʾ bi-l-kāliʾ* is where one man owes another a debt and then performs work for him in settlement of that debt according to an arrangement they make."

Such an arrangement is invalid. If either or both of them have acted upon it, the worker is entitled to the customary wage for equivalent work. Any excess is returned, or any shortfall still due is taken. If the debt is deferred and the creditor accepts early payment of only part of what is owed before the term arrives, there is no harm. Another example is that a person hires a riding animal and then transfers his right to another person. This is not permissible. Another example is a debt owed jointly to a group of people, who divide it among

themselves on the basis that each one will collect the portion assigned to him. This is not permissible. Whatever any one of them actually collects remains jointly owned among them all. All of this, and whatever resembles it in meaning, falls under debt-for-debt transactions and belongs to the category of *al-kāliʾ bi-l-kāliʾ*.

But if two men each owe the other an uncertain debt, whether of food or something else, and neither knows precisely what is owed, and they mutually agree that each will release the other from what he owes in exchange for being released from his own liability, there is no harm. This is merely a settlement concerning an uncertain matter and does not belong to the category of *al-kāliʾ bi-l-kāliʾ*. They—peace be upon them—permitted the exchange of animals of the same general kind in unequal numbers, one animal for more than one. They—peace be upon them—transmitted that ʿAlī—peace be upon him—sold a camel of his called ʿUṣayfīr for twenty camels on deferred payment. This is permissible provided the camels are fully described and specified. They—peace be upon them—forbade the sale of meat in exchange for a live animal. They—peace be upon them—transmitted that the Messenger of God—may God bless him and his family—forbade a man from bargaining over the bargain of his brother.

This means when the seller has already inclined toward selling to the first person, even though the contract has not yet been concluded. As for bidding against others in an auction while the item remains publicly offered for bidding, there is no harm. The Messenger of God—may God bless him and his family—himself sold some things that he ordered to be sold to the highest bidder. They—peace be upon them—permitted transferring food to another purchaser at the same price before taking possession of it. They also permitted one who purchases fruit to resell it while it is still upon the trees. They permitted the sale of food according to the seller's stated measure when the purchaser knows this and trusts him concerning it. They—peace be upon them—forbade hoarding food. They transmitted that the Messenger of God—may God bless him and his family—spoke very severely concerning this.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—spoke severely concerning hoarding because of Ḥakīm ibn Ḥizām.

He was a wealthy man of Quraysh. Whenever food entered Medina, he would purchase all of it, hoard it, and then sell it at whatever price he chose. As for a man who purchases food while it is plentiful among the people, intending to store it and trade in it, there is no harm, so long as people are still able to find food to purchase. But once it becomes unavailable, he has no right to hoard it against them while leaving them to perish. He is compelled to bring it out and sell it." They—peace be upon them—forbade official price-fixing, except in the case of one whose price differs from the prevailing price of the locality. Such a person may be told:

> "Either sell at the market price as the people sell, or remove your food from their market and do not cause prices to rise against them."

ʿAlī—peace be upon him—was asked about an unjust ruler who imposes a financial liability upon a man, thereby forcing him to sell his property. Does the seller afterward have the right to seek cancellation and recovery of what he sold?

He replied:

> "No.

The purchaser did not compel him. Rather, by buying from him he benefited him by relieving him of the harm that threatened him, provided that the purchaser himself did not force him to sell and the unjust ruler did not compel him to sell specifically to that purchaser. A sale by one under compulsion must be rescinded only when he was coerced into the very act of selling and forced into it. In such a case he may seek recovery against the one who compelled him. But if the unjust ruler forced him to obtain money and he feared punishment if he failed, and he therefore sold to someone who did not compel him, while the ruler did not require him to sell to that particular person, the sale is valid and he has no right to revoke it." They—peace be upon them—

transmitted that the Messenger of God—may God bless him and his family—instructed a man who had sold a house to use its price to purchase another house like it.

This was an instruction of discipline and good conduct, because it has been transmitted that when immovable properties are sold and their price is not put into similar property, the proceeds are wiped away. It is also transmitted that he forbade buying and selling in mosques, during the time of the Friday prayer, and before sunrise.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The second call to prayer on Friday"—meaning the call made in front of the Imam while he is upon the pulpit—"is the call after which buying and selling become unlawful until the Friday prayer has been completed."

On Currency Exchange

God Most High says:

> "O you who believe, do not consume usury, doubled and multiplied."

And God, Mighty and Exalted, says:

> "God has permitted sale and forbidden usury."

The Imams of the Household of the Messenger of God—may God bless him and his family—transmitted that he cursed the one who consumes usury, the one who pays it, its seller, its purchaser, its scribe, and its two witnesses.

And he—may God bless him and his family—said:

> "The consumer of usury will be raised on the Day of Resurrection as a madman."

The Commander of the Faithful ʿAlī—peace be upon him—said:

> "Usury is among the major sins."

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning the saying of God Most High:

> "God destroys usury and causes charities to increase."

It was said to him:

> "We have seen some people who engage in usury possessing great wealth."

He—peace be upon him—said:

> "What destruction could be more destructive than a single dirham of usury?

If its owner repents from it, he must return it to its owner and nothing of it remains for him. If he retains it and does not repent from it, it brings him into the Fire." They—peace be upon them—said that the protected non-Muslims are to be prevented from dealing in usury and from openly practicing it. Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said that the Messenger of God—may God bless him and his family—did not accept the poll-tax from the protected non-Muslims except after stipulating upon them that they not consume usury, not engage in it, not eat pork, and not marry sisters, brothers' daughters, or sisters' daughters. Whoever among them does such things today no longer possesses protected status.

God Most High says:

> "Because of wrongdoing on the part of those who became Jews, We forbade them good things that had been made lawful to them, because they often barred others from the path of God, and because they took usury although they had been forbidden from it."

Thus usury is forbidden to them in their own law even if they themselves regard it as lawful. In the Arabic language, *ribā* means increase. One says, "the wealth *rabā*," meaning that it increased. The person who gains an increase through it is called a *murbī*. From the same root, elevated ground is called a *rabwa* because it rises above the land surrounding it. Not every lawful increase in wealth falls into the prohibited category of usury merely because it shares this linguistic meaning. Rather, the prohibited usury, according to what the Imams transmitted from the Messenger of God—may God bless him and his family—is selling commodities that are measured or weighed against their own kind with an unequal excess. This is permissible only equal for equal, hand-to-hand, without any increase or deficiency between the two contracting parties.

The Messenger of God—may God bless him and his family—said:

> "Gold for gold and silver for silver, hand-to-hand and weight for weight.
>
> Whoever gives more or takes more has committed usury. Wheat for wheat, barley for barley, flour for flour, dates for dates, raisins for raisins, millet for millet, *sult* for *sult*, and rice for rice, measure for measure. Whoever gives more or takes more has committed usury."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "When gold is exchanged for gold or silver for silver, copper coins or anything else must not be added so as to increase one side beyond the weight of the other."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "No increase is permissible in such an exchange, even if one of the two qualities is better than the other."

That is, if gold is sold for gold, silver for silver, or any measured or weighed commodity for one of the same kind, it is lawful only weight for weight when sold by weight, or measure for measure when sold by measure. Thus even pure gold of the finest quality may not be exchanged for inferior gold except equal weight for equal weight so long as the name "gold" still applies to both. Once it becomes pure copper, or copper predominates to the point that it is attributed to copper and no longer called gold, it may be purchased with gold in unequal amounts just as copper is purchased. The same principle applies to silver exchanged for silver. And the same applies to every measured or weighed commodity, however great the difference in quality between the two forms. Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said concerning the exchange of gold for gold and silver for silver when some other object accompanies one side, such as an ornamented sword, a ring, or something similar:

> "I prefer that such an item be sold for the opposite metal—gold for silver or silver for gold—unless it is known that the price exceeds the value of the metal itself.
>
> In that case, the gold may correspond to an equal weight of gold, or the silver to an equal weight of silver, and the remainder of the price may be treated as payment for the sword, gemstone, or other accompanying item."

And he—peace be upon him—said:

> "There is no harm in taking dirhams in settlement of dinars or dinars in settlement of dirhams."

He meant a case where one man owes another dinars through a loan, sale, or some other right, and settles the debt by paying dirhams at their value or according to whatever exchange they mutually agree upon. The same applies where he owes dirhams and pays dinars instead.

And he—peace be upon him—said:

> "Currency exchange is not valid except hand-to-hand.
>
> If you purchase dinars for dirhams, dirhams for dinars, silver for gold, gold for silver, or any of these against the other, do not separate from the other party until you have taken possession. If he says to you, 'Send a messenger and he will receive it for you,' do not do so. Rather say, 'Here, take this, and give me that,' or

remain with him without separating. If you send your messenger with him, instruct your messenger to be the one who concludes the exchange at the moment when the two sides take possession. If either of you separates from the other before possession has occurred, the exchange between you is void."

And he—peace be upon him—said:

> "Whoever lends dirhams or dinars and receives back coins better than those he lent, there is no harm, provided that the borrower gives the better amount willingly and this was not stipulated when the loan was made."

On Exchanging Food of One Kind for Another

The purified Imams of the Household of the Messenger of God—may God bless him and his family—transmitted from him that he forbade unequal exchange in things measured or weighed. We have already explained this. Thus whoever purchases something of that kind with another quantity of the same kind may not take an unequal amount. But when the two kinds differ, unequal exchange becomes permissible, just as it is permissible between gold and silver, copper and iron, and other things of differing kinds, even though they are measured or weighed.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "It is not permissible to sell one *qafīz* of almonds for two *qafīzes*, nor one *qafīz* of dates for two *qafīzes*.

But one *ṣāʿ* of wheat may be sold for two *ṣāʿs* of dates, and one *ṣāʿ* of dates for two *ṣāʿs* of raisins." The same rule applies generally to foods and dried fruits. When the two kinds differ, there is no harm in unequal exchange provided it is hand-to-hand. Such an exchange is not proper on deferred payment.

And he—peace be upon him—said:

> "Wheat and barley constitute a single kind, so unequal exchange between them is not permissible.

Likewise, wheat, flour, and *sawīq* may be exchanged only equal measure for equal measure." It was said to him:

> "But there is a loss involved"—meaning from processing the grain.

He replied:

> "Does not the flour also involve labor and expense?"

They said:

> "Yes."

He said:

> "Then this compensates for that."

And he—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—forbade exchanging dried dates for fresh dates because fresh dates decrease in measure when they dry."

He—peace be upon him—permitted exchanging garments for garments in unequal numbers, one for more than one.

And he—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—forbade exchanging food for food by mere estimation without measuring it."

He—peace be upon him—permitted exchanging *kaʿk* for flour, vinegar for vinegar even when their types differ, and sugarcane honey for bee honey, equal for equal and hand-to-hand.

On the Option of the Contracting Parties

The Imams of the Household of the Messenger of God—may God bless him and his family—transmitted from him that he said:

> "The buyer and seller retain the option until they separate from one another by mutual consent."

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The separation meant here is the physical separation of their bodies from the place in which they concluded the sale."

And he said:

> "My father—may God's good pleasure be upon him—once purchased land.
>
> When the purchase became binding, he stood up, walked a few steps, and then returned. He intended by this that the sale become binding."

And he—peace be upon him—said that the Messenger of God—may God bless him and his family—said:

> "The Muslims are bound by their conditions except a condition that contradicts the Book of God, Mighty and Exalted."

He then mentioned the story of Barīra. She was an enslaved woman belonging to some people who had entered into a contract of emancipation with her. She came to one of the wives of the Messenger of God—may God bless him and his family—seeking assistance in paying the contract. The woman said to her:

> "I will pay what you owe and set you free."

Her owners said:

> "We will not sell her to someone who will free her unless her *walāʾ* remains ours."

She informed the Messenger of God—may God bless him and his family.

He said:

> "Purchase her and set her free, for *walāʾ* belongs only to the one who emancipates."

He then addressed the people and said:

> "What is the matter with people who stipulate conditions not found in the Book of God?
>
> Every condition that contradicts the Book of God is rejected." Thus, whoever sells something and includes in the contract a lawful condition, that condition is valid. If he stipulates something unlawful, the condition is invalid. This is just as the Messenger of God—may God bless him and his family—did not accept the condition imposed by those who sold Barīra concerning her *walāʾ*, because he had declared:
>
> "*Walāʾ* belongs to the one who emancipates."

The people have differed concerning sales accompanied by conditions.

Some said:

> "Whoever concludes a sale and stipulates a condition in the contract—the sale and the condition are both invalid."

They relied upon a general report which they claim to transmit from the Messenger of God—may God bless him and his family—that he forbade "a sale and a condition."

Others said:

> "The sale is valid and the condition is valid."

They relied upon the fact that during one of his campaigns the Messenger of God—may God bless him and his family—purchased a camel from Jābir ibn ʿAbd Allāh al-Anṣārī and stipulated for Jābir the right to ride it as far as Medina.

Still others said:

> "The sale is valid but the condition is void."

They relied upon the report of Barīra already mentioned. The position transmitted from the People of the Household—God's blessings be upon them—governs all of these reports, confirms what is sound in them, and clarifies their meaning. The condition imposed by the owners of Barīra was invalid only because they stipulated something impermissible. The Messenger of God—may God bless him and his family—had ruled that *walāʾ* belongs to the one who emancipates, while they stipulated that it should belong to them instead of to the emancipator. As for the Messenger of God—may God bless him and his family—allowing Jābir ibn ʿAbd Allāh to retain the right to ride the camel that he sold, that was lawful and permissible. It involved neither making something lawful unlawful nor making something unlawful lawful. As for what they transmit that he forbade "a sale and a condition," if the report is established, it is a general statement intended to refer to a condition that is unlawful and impermissible.

Accordingly, the People of the Household—peace be upon them—said that a sale accompanied by a condition is examined. If the condition is lawful, it is binding and obligatory. If the condition is unlawful, it is neither binding nor obligatory. The sale itself remains valid in both cases. Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—explained this by saying:

> "If a man sells a slave-girl to another man and stipulates in the sale contract that the purchaser must not sell her or give her away, and that she will not be inherited from him if he dies:

the condition that he not sell or give her away is binding upon him, because he possesses the right to accept such a condition. But the condition that she not pass by inheritance is not binding, because God, Mighty and Exalted, has imposed inheritance for those entitled to it. Whoever stipulates that they are not to receive it has made an invalid condition." The People of the Household—God's blessings be upon them—said that this position differs from the previously mentioned opinions of the generality, and the proof concerning it is clear.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever purchases something subject to an option lasting for a specified period, and the item perishes during that period before the purchaser has chosen to accept it, the loss falls upon the seller's property.

The purchaser must swear that he had neither chosen nor accepted it. If he refuses to swear, liability becomes binding upon him."

And he—peace be upon him—said that the Messenger of God—may God bless him and his family—said:

> "The purchaser of an animal has a three-day option, whether or not he stipulated it.

The seller has no option once the two parties have separated." If the purchaser brings about some new act affecting the animal before the three days have elapsed, the sale becomes binding upon him.

He was asked:

> "What counts as such an act?"

He replied:

> "For example, if it is a slave-girl and he touches her, kisses her, or looks at a part of her body which had been unlawful for him to look at before the purchase.

The same applies if he has intercourse with her." If he offers her for sale, he is made to swear that when he offered her he did not intend merely to take possession of her temporarily and then return her afterward.

And he—peace be upon him—said:

> "If the purchaser sells an item which he himself had purchased subject to an option, then if he had called witnesses before reselling it that he had chosen and accepted it, the surplus of the resale price belongs to him.

If he had not called witnesses, he must swear to that. If he refuses to swear, the surplus belongs to the original seller."

And he—peace be upon him—said:

> "Whoever purchases a commodity and leaves on the understanding that he will return with the price may either complete the purchase or withdraw.

After three days the purchaser no longer has any claim against the seller concerning it."

He said:

> "Whoever purchases something subject to an option for a specified period, then incurs expenses upon it and takes its produce or income, and afterward chooses to return it, must return whatever produce or income he took, while he is entitled to recover what he spent upon it."

And he said:

> "If a purchaser buys a commodity on the condition that the option belongs to some third person, then the option belongs to the person to whom it was assigned."

On the Rulings concerning Defects

We have already cited the saying of the Messenger of God—may God bless him and his family:

> "Whoever cheats us is not one of us,"

together with its explanation and his prohibition of fraud. Thus, whoever knows of a defect in something he sells and conceals it has committed fraud. Likewise, he should not conceal that defect from the purchaser…

> "…from one who knows of it.

For the Messenger of God—may God bless him and his family—said:

> "Sincere counsel is part of religion."

And he said:

> "It is not lawful for a Muslim to sell something to his brother while knowing that it contains a defect unless he makes that defect clear.

Nor is it lawful for anyone who knows of it to conceal it." Whoever disclaims responsibility for a defect to the purchaser must disclose it to him and make it clear. It is not sufficient for him merely to say:

> "I sell it to you with a disclaimer of defects,"

without naming the defect from which he disclaims responsibility, informing the purchaser of it, and showing it to him.

If he does not do this, and merely says:

> "I sell it to you with a disclaimer,"

then the purchaser, if he later discovers a defect which he had neither seen nor accepted, may bring a claim concerning it.

And he—peace be upon him—said:

> “If a group purchases a commodity, values it, and divides it among themselves, and one of them discovers a defect in the portion that fell to him, he is entitled to the value of the defect unless he takes it back to the seller.”

If the commodity remains intact and has not yet been divided, or if it was purchased by a single person and a defect is found in part of it, the purchaser takes the value of the defect unless that defective part constitutes the essential basis of the commodity. In that case, he may return the whole commodity if he wishes. If the commodity is something measured, weighed, or homogeneous, and a defect is found in part of it—such as cotton, flax, silk, food, or similar goods—the seller must replace the defective portion with its equivalent from the same kind of commodity purchased.

If the purchaser finds a defect in the commodity and the seller says:

> “If you wish, take it with its defect; and if you wish, return it,”

then the purchaser has no further claim beyond these two choices. He may take it or return it. If he instead asks for the value of the defect, he has no right to this unless the seller agrees.

And he—peace be upon him—said:

> “Whoever purchases a commodity and then brings about some alteration in it, or a defect arises while it is in his possession, and afterward he discovers an earlier defect for which the seller had not disclaimed responsibility:

he restores to the seller the value of whatever alteration he caused or whatever defect arose while it was in his possession, and may then return the commodity if he wishes. Or he may keep it with its defect.” If, however, the seller had fraudulently concealed the defect from him, he may return it without being liable for the value of what diminished while it was in his possession. But this is established only by evidence proving the concealment. If there is no evidence, the seller swears that he did not know of the defect and did not conceal it. When the purchaser brings a defect claim against the seller, the seller may require him to swear that he did not know of the defect before the purchase, and that once he learned of it he did not continue using the item, benefiting from it, permitting another person to use it, or otherwise acting in a way that signifies acceptance.

If he swears, he has the right to return the item, or to take the value of the defect if the two agree upon that or if it is a case in which compensation for the defect is due. If he refuses the oath, or if he had already discovered the defect and then benefited from the commodity, allowed another to use it, or offered it for sale, then it has become binding upon him and he has no further claim. It is transmitted from the Commander of the Faithful ʿAlī, Muḥammad ibn ʿAlī ibn al-Ḥusayn, and Jaʿfar ibn Muḥammad—God’s blessings be upon them—that if a man purchases a slave-girl, has intercourse with her, and afterward discovers a defect in her, he may not return her. He may, however, take from the seller the value of the defect. The exception is if he discovers that she was pregnant. In that case he returns her and returns with her one half of one tenth of her value.

They—peace be upon them—said:

> “A purchased slave may be returned under the one-year warranty if, within that year, madness, leprosy, vitiligo, or a genital obstruction develops.”

Likewise, if death occurs within the year, the loss falls upon the seller. This ruling applies specifically to slaves and not to other animals.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> “If, at the time the sale is contracted, the seller expressly disclaims to the purchaser both the one-year warranty and the three-day option applicable to animals, and the purchaser accepts that disclaimer, it becomes binding upon him and he has no right afterward to claim under either of them.”

This is why people today write in deeds for the purchase of slaves a disclaimer of the one-year warranty and the three-day option, while in deeds for the purchase of other animals they write a disclaimer of the three-day option. It has reached us concerning al-Mahdī bi-llāh—peace be upon him—that he ordered this to be written so that people would not continually bring claims against one another and prolong disputes concerning them. Whoever accepts such a term is bound by it. Whoever dislikes it is not compelled to accept it. Likewise, if the seller agrees to omit mention of such a disclaimer, he is not compelled to include it, and the rulings previously explained remain binding upon him.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "There is no warranty in a sale made with an express disclaimer, nor in a sale arising through inheritance—neither the one-year warranty nor the three-day option."

On Sale by Murābaḥa

A sale by *murābaḥa* is permissible when the original purchase price and the profit are both expressly stated. The purified Imams of the Household of the Messenger of God—may God bless him and his family—disliked a form of *murābaḥa* in which the profit is made a fractional part of the price. This is because it resembles usury.

For example, if a man says:

> "I sell you this commodity at a profit of one tenth of its price,"

or names some similar fraction, then the additional profit is added proportionally to the price, and this resembles usury. This was a form of sale practiced by the merchants of Iraq. They would say:

> "I sell you this commodity *dah davāzdah*,"

or:

> "*dah yāzdah*."

These are Persian expressions meaning "twelve for ten" and "eleven for ten."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Merchandise once arrived for my father—peace be upon him—from Egypt.
>
> He prepared food and invited the merchants to his house in order to purchase it. He ordered that they be fed. After they had eaten, he had the merchandise displayed to them.
>
> They said:
>
> 'We shall take it from you at twelve for ten.'
>
> He said:
>
> 'No. Rather, this merchandise cost ten thousand dinars.
>
> If you wish it for twelve thousand, take it.'
>
> They said:
>
> 'We have taken it.'
>
> He then made the sale binding upon them."

And he—peace be upon him—said:

> "Whoever purchases merchandise and incurs expenses upon it, such as transport, fulling, or similar costs, may sell it by *murābaḥa* and include what he spent in its cost."

That is, he may say:

> "It stands me at such-and-such."

But he should not say:

"I purchased it for such-and-such,"

while including additional expenses in that figure, because he would thereby be lying and entering into what resembles usury. He must either distinguish the purchase price from the expenses or combine them and say:

"It stands me at such-and-such."

He should not say:

"I bought it for such-and-such,"

except for the amount he actually paid as the purchase price. He—peace be upon him—was asked concerning a man who purchased merchandise in a single lot, then privately assigned separate values to the individual items. Could he then sell each item by *murābaḥa* according to the value he himself assigned to it?

He replied:

"No, unless he makes clear that he himself merely assigned that valuation."

He was asked concerning a man who purchased a commodity on deferred payment, then resold it by *murābaḥa* without informing the purchaser of the deferment. When the purchaser later learned this, he brought a claim concerning it.

He said:

"The purchaser is entitled, if he wishes, to the same period of deferment that the seller had received—

unless at the time the sale was contracted the seller merely said:

'This stands me at such-and-such,' or 'I sell it to you for such-and-such,' without saying, 'at a profit of such-and-such.'"

And he—peace be upon him—said:

"If a man purchases a garment for one dinar and pays for it in dirhams, or purchases it for dirhams and pays with a dinar, he may sell it by *murābaḥa* according to the price for which he originally purchased it without mentioning the different currency in which he subsequently settled the debt."

This follows the principle already stated from the Messenger of God—may God bless him and his family—that a debt in coined gold may be settled with silver and a debt in silver may be settled with coined gold. For once the sale has been concluded for the original price, that price has become a debt in the purchaser's liability. Whatever lawful means he later uses to discharge it does not alter the original basis upon which the sale was contracted. He—peace be upon him—permitted a man who purchased a slave-girl and had intercourse with her to resell her by *murābaḥa*, because that does not diminish her and no financial compensation is due for it. Likewise, if he purchased an animal and rode it, a slave and used his labor, or a garment and wore it, he may resell it by *murābaḥa* unless such use diminished it. Mentioning such use to the purchaser is safer for the seller's religion. But according to the transmitted reports, if he does not mention it, there is no further liability.

On Advance Purchase (*Salam*)

God, Mighty and Exalted, says:

"O you who believe, when you contract a debt for a specified term, write it down…"

The purified Imams of the Household of the Messenger of God—may God bless him and his family—transmitted from him that he said:

> "Whoever makes a sale for a term that is unknown, or for something whose specification is unknown, has not made a valid sale."

They—peace be upon them—said that *salam* has four conditions. If one of them is absent or omitted, the *salam* is invalid. They are:

that the thing to be delivered be described with a known description; that its measure or weight be specified, if it is something measured or weighed; that the place at which it is to be delivered be stated; and that the term at which delivery becomes due be specified.

They—peace be upon them—said:

> "A *salam* transaction is not valid unless the price is paid before the two parties separate from the place in which they contracted."

We have already explained the equivalent principle: if the price is not received, the transaction becomes a debt in exchange for a debt. The Messenger of God—may God bless him and his family—forbade *al-kāliʾ bi-l-kāliʾ*, which is debt for debt.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever makes a *salam* contract specifically for the produce of a particular village or a particular place may not do so until its soundness has become apparent.

If he does not specify that particular source, then *salam* is permissible, and the obligation remains guaranteed in the liability of the person with whom the contract was made." He—peace be upon him—permitted *salam* with a person who does not currently possess the commodity contracted for, provided he guarantees it as a debt in his liability. When the term becomes due, he may purchase the commodity and deliver it. They—peace be upon them—permitted *salam* in animals when the animal is known through a sufficiently precise description. Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who makes *salam* for a known commodity and, upon settlement, accepts something inferior to it or is given something superior.

He said:

> "If this occurs by mutual consent, there is no harm."

They—peace be upon them—permitted *salam* in garments that are known through clear description. They also permitted cancellation of a *salam* contract, in whole or in part, provided the purchaser receives back only his original capital. If he takes any increase, that is not permissible. Jaʿfar ibn Muḥammad—peace be upon him—was asked about a person who owes delivery under a *salam* contract and hands money to the creditor, saying:

> "Purchase the commodity for yourself and take possession of what is due to you."

He disliked this.

He said:

> "I prefer that he appoint someone else to do it and not himself undertake both purchasing for himself and taking delivery from himself."

He—peace be upon him—was asked concerning someone liable under a *salam* contract when the term falls due but he cannot obtain the specified commodity.

If he instead possesses something else, such as animals or merchandise, and gives these at their value in settlement, he said:

> "There is no harm in that."

Likewise, if a man sold food for dirhams and, when the term arrived, said:

> "I do not have dirhams, but take food from me in their place,"

there is no harm in accepting it. The creditor is owed dirhams and may use them to acquire whatever he wishes. They—peace be upon them—disliked *salam* in things that do not keep, such as fresh fruit, meat, and similar goods.

On Conditions and Judgments in Sales

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever purchases a slave and finds property in his possession, that property belongs to the seller unless the purchaser stipulated it for himself in the sale contract.

If he stipulated it, then it no longer belongs to the seller, even if the property is greater in value than the price of the slave." This is because the property is something that belongs to the slave and happens to be in his possession. Even if it exceeds his purchase price, this does not fall under the prohibited category of usury—especially if the property consists of merchandise, or if it consists of gold while the slave is purchased for silver, or silver while the slave is purchased for gold. A sale whose validity is beyond dispute is contracted when one man says to another:

> "Sell me this slave of yours, or this commodity of yours, for such-and-such,"

using something with which sale is lawfully concluded.

The other then says:

> "I have sold it to you."

Or the seller begins by saying:

> "I sell you such-and-such for such-and-such,"

and the purchaser replies:

> "I have bought it,"

or:

> "I accept it at this price."

The sale is thereby contracted between them. They nevertheless retain the option until they physically separate from the place where the contract was concluded, so that each disappears from the other's presence. Whichever of them withdraws before physical separation has the right to do so, and the sale is dissolved. It becomes fully binding only by separation, as has already been explained.

Jaʿfar ibn Muḥammad—peace be upon him—said concerning two contracting parties where the purchaser says:

> "I paid you the price,"

while the commodity remains in his possession, but the seller says:

> "You paid me nothing."

If the transaction is of a kind for which people ordinarily call witnesses, and in which witnessing is customary, the purchaser's assertion that he paid is not accepted without evidence. The seller takes an oath that he did not receive the price and that the purchaser was not otherwise released from liability for it. But if the transaction is of a kind for which people do not ordinarily call witnesses, then the statement of the purchaser, who has possession of the commodity, is accepted together with his oath.

And he—peace be upon him—said:

> "Whoever sells something and afterward claims that he made a mistake concerning it, did not know its true value at the time of sale, or intended another price but erred, then its value is examined."

If the difference between the sale price and its true value is of the sort people commonly tolerate in bargaining, the sale remains valid and no attention is paid to his claim. If the discrepancy is excessive and beyond what people ordinarily tolerate, the sale is returned to him. The purchaser may require him to swear that he truly made the mistake he claims. Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked about a man who appoints an agent to sell an item on his behalf and afterward claims that the agent sold it at an excessively low price and seeks to annul the sale and recover the item.

He said:

> "The matter is examined.

If its value on the day of sale was approximately what the agent sold it for, or higher only by an amount people ordinarily tolerate in bargaining, the sale is valid. If its true value was significantly greater by an amount people do not ordinarily tolerate, the sale is rescinded." If the purchaser wishes to require the owner, who is seeking recovery, to swear that after learning of this loss he neither approved nor ratified his agent's sale, he may do so. If the owner refuses to swear, he has no further claim.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "Whoever appoints two agents to sell something on his behalf, and one of them sells it without the other, the sale is not valid unless the principal had granted authority either to each one independently when acting alone or to the two jointly when acting together."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who bargained over a slave-girl. Her owner sold her to him by entrusting him to determine the price, saying:

> "I have sold her to you for whatever price you choose."

The purchaser accepted the sale and afterward paid a price which the seller considered too little and did not accept.

He said:

> "Her value on the day of sale is examined.

If the amount he paid is below that value, he must add whatever amount is lacking. For although the seller entrusted him to determine the price, he has no right to impose anything other than what is just."

And he—peace be upon him—said:

> "Whatever a judge or ruler sells concerning a debt that has become obligatory, the property of a minor, or anything similar, the person who ordered the sale bears no warranty or liability concerning it.

Any resulting liability is borne by the property of the person on whose behalf it was sold, or remains in his personal liability if he possesses no property."

And he—peace be upon him—said:

> "Whoever trades with the property of an orphan, whether an executor, guardian, or anyone else, then if he makes a profit, the profit belongs to the orphan.

If he suffers a loss, the person who traded with it must restore that loss to the orphan's property, because he transgressed concerning it." And he—peace be upon him—said concerning a slave who gives money to a man, who then purchases him with that money and emancipates him, after which the slave's master learns of it:

> "The master is entitled to the money that was taken, while the slave remains as he was."

This applies where the money had been earned by the slave or otherwise came into his possession without his master's permission. But if the master had permitted him to possess such property, given him something, or the property had come to him through a lawful means by which it properly belonged to him, and he used it to purchase his own freedom, then this is valid. A slave may also enter into a contract of emancipation and pay his master from his own earnings. When he pays what was contracted, he becomes free. It is transmitted from the Imams—peace be upon them—that if a person dies leaving no heir except an enslaved relative, then that slave is purchased from the estate—meaning if his master agrees to sell him—and the remainder of the estate is then given to him as inheritance. If his master refuses to sell him, he does not inherit, and the inheritance goes to the public treasury when there is no other heir.

And he—peace be upon him—said concerning the sale of a house for another house, a share for another share, an estate for another estate, or one such form of property for another:

> "All of this is permissible when the parties know and identify what is being exchanged."

It is transmitted from the Commander of the Faithful ʿAlī—peace be upon him—that he ruled concerning two men who jointly purchased a commodity from another man and then left after concluding the sale on the understanding that they would return with the price. One of them returned with the money. He said that this person may take possession of the commodity from the seller. If the second later comes and pays the first half of the price, he becomes his partner in the commodity. It is transmitted that a group of people dealt with a wealthy woman of Quraysh. Two men came to her with money and deposited it jointly with her.

They said:

> "Do not give it to either one of us without the other."

Later one of them came to her carrying a sign that had existed privately between her and the other man and which the other had disclosed to him.

He said:

> "My companion has instructed me to take the money. This is the sign between you and him."

She handed the money to him, and he left with it.

Then the other man came and said:

> "Give me the money."

She replied:

> "Your companion has already taken it. He brought me your message and the sign of such-and-such that was between you and me."

He said:

> "I did not send him to you, nor did I give him the sign."

He brought the case against her before ʿUmar during his rule, and ʿUmar ruled that she must repay the money. She then came to ʿAlī—peace be upon him—seeking his intervention. He said to ʿUmar:

> "Did not this man himself say that the two of them instructed her not to hand over the money to either one without the other?"

He replied:

> "Yes."

ʿAlī said:

> "Then he has no right to receive it until he brings his companion."

ʿUmar said to the man:

> "That is so. Bring your companion."

The woman was released and the stratagem against her failed. It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that captives from Yemen were once brought to the Messenger of God—may God bless him and his family. When they reached al-Juḥfa, their travel funds ran out. They sold a slave-girl from among the captives who was from Yemen while her mother was still with them. They then brought the mother onward.

When this reached the Messenger of God—may God bless him and his family—he condemned it, ordered that the girl be returned, and said:

> "Do not separate relatives by sale."

Jaʿfar ibn Muḥammad—peace be upon him—said concerning a man who purchased a commodity and afterward asked the seller to rescind the sale. The seller initially refused to cancel it. The purchaser then surrendered part of the price, and the seller agreed to rescind upon that basis.

He said:

> "The seller should take back from him whatever portion he had surrendered if the sale has truly been rescinded."

If instead the original seller buys back the commodity from him for less than the price at which he had sold it, that is permissible. But true rescission (*iqāla*) is not effected by deducting part of the original price.

On Debts

The purified Imams of the Household of the Messenger of God—may God bless him and his family—transmitted from him and from themselves that he said:

> "God remains with the debtor until he repays his debt, provided he sincerely intends to repay it and the debt was not incurred for something God dislikes."

And he—may God bless him and his family—said:

> "Whoever ransoms a captive, releases a debtor from liability, grants respite to one in hardship, or reduces what he owes will be beneath the shade of the Throne on the Day when there is no shade except His shade."

And he—may God bless him and his family—said:

> "Whoever gives a loan receives the reward of a charity."

Then on another occasion he said:

> "Whoever gives a loan receives the reward of a charity for every day."

ʿAlī—peace be upon him—said:

> "O Messenger of God, earlier you said, 'Whoever gives a loan receives the reward of a charity,' and now you say, 'for every day.'"

He—may God bless him and his family—said:

> "If he lends for a fixed term, it is as though he gave the amount in charity once.
>
> But when the term comes due and he grants the debtor further respite, then for every day of that respite he receives the reward of a charity until the debt is paid." A slave under a contract of emancipation once came to ʿAlī—peace be upon him—asking for assistance. ʿAlī had nothing at that moment to give him.

He said:

> "Would you like something better than that?"

The man replied:

> "Yes. What is it?"

He said:

> “Something I heard the Messenger of God—may God bless him and his family—say.
>
> Even if you owed a debt equal to Mount Ṣabīr, God Most High would repay it on your behalf.” Ṣabīr is a mountain in Yemen.

The man asked:

> “What is it?”

He replied:

> “Say:
>
> ‘O God, suffice me through what You have made lawful so that I have no need of what You have forbidden, and enrich me through Your bounty so that I have no need of the bounty of anyone besides You.’”

The Messenger of God—may God bless him and his family—forbade a loan that brings a benefit.

ʿAlī—peace be upon him—said:

> “Let none of you accept the use of a riding animal or the loan of some item from a man to whom he has given a benevolent loan.”

Jaʿfar ibn Muḥammad—peace be upon him—disliked that a creditor stay as a guest with his debtor, eat his food, drink his drink, or have his animal fed by him.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> “Every loan that brings a benefit is usury.”

This—God knows best—applies when the benefit was stipulated or intentionally sought, as in the case of a creditor lodging with his debtor, eating his food, drinking his drink, or having his mount fed, because perhaps the debtor does these things only on account of the loan. But if it occurs voluntarily and was part of the customary relationship between them before the loan, there is no harm. It has already been transmitted from them—peace be upon them—that whoever lends dirhams or dinars and receives back better coins may accept them without harm, provided the better repayment was not stipulated. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who approaches a regular customer or business associate and borrows from him, and the other lends to him because he benefits from the borrower’s continued patronage, purchases, and sales.

He was also asked about a group who employ a broker to sell their agricultural produce, while the broker lends them money until he has sold their produce and then recovers his loan from the proceeds, although he would not otherwise have lent them anything. He permitted this where it was an established and recognized arrangement. He disliked only that which is deliberately structured so that the loan itself procures the benefit, because the Messenger of God—may God bless him and his family—forbade a loan that brings a benefit. It is transmitted from ʿAlī ibn al-Ḥusayn ibn ʿAlī, Muḥammad ibn ʿAlī, and Jaʿfar ibn Muḥammad—peace be upon them—that they permitted *safātij*. A *suftaja* is money which a man borrows in one land on condition that it, or its equivalent, be paid on his behalf in another land. They saw no harm in this because it remains a loan and a debt. It is also transmitted from them—peace be upon them—that they permitted dealings involving a debt in whatever lawful form the contract itself permits.

For example, a man has a matured debt against another person.

The debtor says:

> “I do not have anything with which to repay you, but sell me something on deferred payment and I shall sell it and repay you from its proceeds.”

If they do so, there is no harm. Likewise, if they first discuss the matter using an unlawful formulation, such as:

> "Lend me one hundred dinars in exchange for two hundred,"

or any other increase for a specified term, but afterward they abandon that formulation and instead conclude a genuine and valid sale whose price happens to exceed the commodity's value by an amount equivalent to that increase, with payment deferred to a term, then the preliminary negotiation is disliked. It is safer and more upright to abandon such negotiation entirely and proceed directly to the sale without mentioning an increase. But the sale itself, once validly contracted after those negotiations, is valid. This is like a man and woman who exchange improper words and negotiate concerning fornication, but then abandon that and agree instead upon a valid marriage contract. The previous negotiation and exchange of words concerning fornication are reprehensible and forbidden, but they do not invalidate the marriage that they subsequently contract. Indeed, their turning away from what they had discussed toward lawful marriage is, God willing, repentance from it.

Abū ʿAbd Allāh al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who says to another:

> "Purchase merchandise for me for such-and-such, and I shall purchase it from you on deferred payment for such-and-such more."

He said:

> "There is no harm in that.

He purchases it from him only after the first person has acquired ownership of it." And he—peace be upon him—permitted the case of a creditor whose debt is due at a future term but who needs the money before that term. He may waive part of the debt in exchange for being paid the remainder immediately. Likewise, the debtor may pay part immediately in exchange for the creditor extending the term for the balance. There is no harm in this provided the creditor does not increase the amount beyond the original principal.

On Transfer of Debt and Suretyship

A transfer of debt (*ḥawāla*) is when a man has a debt owed to him by another person and transfers that debt for payment to a third person. Suretyship (*kafāla*) is assuming responsibility for another. The guarantor is called *kafīl*, *qabīl*, *ṣabīr*, *ḍamīn*, or *zaʿīm*. Whoever assumes such a guarantee becomes liable to fulfill what he guaranteed.

The Messenger of God—may God bless him and his family—said:

> "The guarantor is liable."

The *zaʿīm*, as we have mentioned, is the guarantor.

God Most High says:

> "They turned toward them and said, 'What are you missing?'"

through His words:

> "'And I am guarantor for it,'"

meaning: I stand surety for it.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—and Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If a man transfers a debt owed to him onto another person, he may seek payment from whichever of the two he wishes—the original debtor or the person upon whom the debt was transferred—

unless he expressly released the original debtor. If he released him at the time of the transfer, then he may seek payment only from the person upon whom the debt was transferred. He has no remaining claim against the original debtor whom he released."

They both said:

> "If two men jointly guarantee another person, the creditor may pursue whichever one of them he wishes unless they stipulated that the guarantee is divided equally between them.

If they did not stipulate this and each one gave an unrestricted guarantee, he may pursue whichever one he wishes." If they stipulated in the guarantee contract that each of them also guarantees the other, the creditor may again pursue whichever one he wishes. Whichever guarantor pays may then recover from his companion one half of what he paid. If a creditor takes one guarantor and then another, both remain guarantors together. He may pursue whichever one he wishes unless he expressly releases one of them. If the guarantor guaranteed the money itself, or whatever obligation he guaranteed, he must perform that obligation unless the creditor releases him. It does not suffice merely to produce the person on whose behalf he guaranteed. But if the guarantee concerned the person's physical appearance before the creditor, and the guarantor produces him in accordance with what he stipulated and hands him over, then he is released from liability and nothing further is due.

If he undertook an unrestricted personal guarantee to produce him whenever requested, then he must produce him whenever requested. If the guarantee was until a specified term, the creditor has no claim against the guarantor before that term expires. If, after the term, he fails to produce him, he becomes liable for whatever monetary obligation is due upon the guaranteed person, unless that person has died. If the guarantor guaranteed only the man's physical appearance and the man later dies, nothing is due from the guarantor.

If the guaranteed person disappears and the guarantor says:

> "I will pay what he owes,"

and the obligation is a known monetary amount, nothing beyond that payment is required of him. But if the guarantee concerns a matter for which the guaranteed person himself must necessarily be produced—such as an oath he must personally swear, an *īlāʾ* proceeding requiring his presence, or anything similar—then he must be produced unless he dies or the creditor releases the guarantor.

They both—peace be upon them—said:

> "There is no suretyship in a prescribed criminal penalty."

If a person becomes liable to a prescribed punishment, retaliation, execution, or amputation, no guarantor is accepted for him. Rather, the penalty is carried out against him directly. If witnesses testify concerning such a matter and there is a need to delay until their testimony is fully established, the accused is detained. No guarantor is accepted in his place, because if he disappears, the punishment cannot be carried out against the guarantor. A slave is not legally bound by a guarantee he undertakes, even if he has been authorized to engage in trade, unless his master specifically permits him to undertake that guarantee.

On Interdiction and Bankruptcy

Ḥajr means restriction.

God Most High says:

> "Test the orphans…"

meaning: examine them,

> "…until they reach marriageable age,"

meaning puberty,

"then if you perceive sound judgment in them, hand over their property to them."

The Messenger of God—may God bless him and his family—forbade wasting wealth.

And God Most High says:

"Do not squander wastefully. Indeed, the squanderers are brothers of the devils."

Thus a child is legally restricted from controlling his property by the judgment of the Book until he reaches maturity and sound judgment and discernment concerning his property are recognized in him. His property is then handed over to him. The reason it had been withheld from him was foolishness and wastefulness. If he reaches maturity while remaining foolish and wasteful, the restriction continues upon him. Likewise, if such conduct develops in him after adulthood, he is placed under restriction. ʿAlī ibn Abī Ṭālib—peace be upon him—placed ʿAbd Allāh ibn Jaʿfar ibn Abī Ṭālib under restriction when his squandering of his wealth became established before him. He disputed the matter with ʿUthmān during the latter's rule and instructed him concerning it. ʿUthmān hesitated. Later he passed by ʿAbd Allāh after he had purchased salt-marsh land for sixty thousand.

ʿUthmān said:

"By God, I would not be pleased to own it in exchange for these sandals of mine."

He then came to ʿAlī—peace be upon him—and said:

"Will you not place your nephew under restriction?"

A mad person is likewise placed under restriction. Whoever is under restriction is maintained from his own property in a reasonable manner. The ruler appoints someone to safeguard his wealth and spend from it upon him. If the foolish person becomes sound, the squanderer begins to preserve his property, or the mad person regains his reason, and this is testified to by those whose testimony is admissible, the restriction is lifted from them. If they return to their former condition, the restriction is imposed again. So too as their conditions change. Bankruptcy is when a man owes debt, becomes insolvent, and finds nothing with which to pay. If this condition is established and he possesses nothing to sell and no wealth with which to discharge the debt, he is not imprisoned. If he becomes bankrupt while owing debts to several people and possesses property that does not suffice to cover them, whatever he has is divided among the creditors proportionally according to their claims.

Each takes in proportion to his debt and suffers a corresponding reduction. For example, if a man becomes bankrupt owing one person one hundred dinars and another two hundred, and only thirty dinars are found in his possession, the creditor of one hundred receives ten, and the creditor of two hundred receives twenty. The same proportional calculation applies whether the amounts are greater or smaller and whether the creditors are few or many. If one creditor finds in the bankrupt man's possession the very item he had previously sold to him, or part of it, he has a stronger right to that particular item than the other creditors until his entire debt is satisfied. If the item contains a surplus or profit after his debt has been fully satisfied from its value, that surplus belongs to the other creditors. The bankrupt person may not sell what is in his possession independently of the creditors until he has paid them their due. They may insist upon obtaining the best possible price in the sale of his property and may bid among themselves.

When the bidding stops, no higher offer is found, and both they and the bankrupt person agree to the sale, it is sold and the proceeds divided among them proportionally. If the bankrupt person or one of the creditors refuses the sale and they take the matter before the ruler, and evidence establishes that the proposed sale reflects a full and competitive price, the ruler orders the property sold and divides the proceeds among the creditors if it does not fully cover their debts. If it covers the debts and leaves a surplus, the surplus is returned to the bankrupt person. If only some of his property is needed to satisfy their rights, all of it is not sold. Only as much is sold as corresponds to the debts owed. An acknowledgment by the bankrupt person of an additional debt is not accepted once the creditors have brought their claims, unless he produces evidence supporting that

acknowledgment or the creditors themselves confirm it. If he is still solvent and in ordinary standing, his acknowledgment is valid.

If someone has a claim against property in his possession arising from wages, and brings that claim together with the other creditors, he has priority to that property until his wages have been taken from it. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who purchases a slave and emancipates him, or purchases a slave-girl and has a child by her, or purchases something and gives it away in charity, and then becomes bankrupt.

He—peace be upon him—said:

> "If, on the day he purchased it, he was solvent and able to pay its price, and his bankruptcy had not yet become established, but later his affairs deteriorated and he became bankrupt, then the emancipation and the charity remain valid.

The seller becomes merely one creditor among the others concerning whatever property remains in his hands. But if he was poor from the outset, then his emancipation and charity from property he did not truly possess are not valid, and the property is returned." It is in a case of this kind that the ruling transmitted from the Commander of the Faithful ʿAlī—peace be upon him—applies:

> "The mother of a child may be sold for the price of her own person,"

meaning where a man purchased her, had a child by her, and possesses no other property. If he does possess other property, the seller takes his proportional share together with the other creditors. Whatever part of the price remains unpaid continues as a debt in the emancipator's personal liability, and the creditor may pursue him for it whenever he becomes solvent. Whichever of the emancipator or the emancipated person later becomes solvent does not thereby entitle the creditor to recover anything from the mother of his child or from the person he emancipated. The creditor pursues the remaining debt against the debtor personally whenever he is able to pay. If the slave or mother of a child has a value exceeding the debt, when the person who emancipated them possessed nothing else and they are sold, then an equivalent proportion of them corresponding to the surplus value is freed.

Likewise, if property given in charity exceeds the amount needed to satisfy the creditor, the surplus remains validly given to the recipient of the charity and the remainder is recovered. Whoever owes a debt and owns slaves whose total value is entirely absorbed by the debt, then emancipates them, his emancipation is not valid. They are sold and his debt is paid when he possesses no other property. If a debtor sells what is in his possession and pays some creditors while leaving others unpaid, but he is still solvent, trading normally, and the creditors have not yet brought formal claims against him, then what he sold and what he paid are valid as to those buyers and creditors. If such transactions were always reversed, no dealing with a person who owed any debt would ever be secure. Once the creditors bring their claims and insolvency is established, however, he may no longer dispose of his property freely. A wife shares proportionally with the other creditors for the debt of her dowry.

He is not prevented from buying and selling merely because he owes a debt. Restriction begins when a creditor or creditors bring a claim, and the debtor either acknowledges the debt or evidence establishes it against him. Once judgment is entered and he claims poverty while the claimant denies it, then:

if the debt arose from wealth or property that actually came into his possession, he must produce evidence that he became poor and that the property left his hands. But if the obligation arose from something that did not bring property into his hands—such as compensation for an injury, suretyship, transfer of debt, obligatory maintenance, a woman's dowry, or something similar—then his statement of poverty is accepted with his oath. The claimant bears the burden of proving whatever property he alleges the debtor owns. If some property is established, judgment is enforced against it. If none is established, the debt remains in the debtor's liability and may be recovered whenever he later becomes solvent. Whatever property is shown to be in his hands is sold

and his debts are paid from its price. If evidence establishes that he is solvent and possesses enough property to pay the debt, even if that property is concealed, he may be imprisoned and beaten until he pays.

If, when his creditor brings the claim, he says:

> "I shall pay you your right,"

or:

> "I shall give you your debt,"

or words of similar meaning, without claiming insolvency, he is held to that admission and may be detained until he pays. If a debtor persistently refuses payment while having visible property, the judge imprisons him over it until he sells it. He may also discipline him. If he persists in refusal, the judge sells the property on his behalf. If he acknowledges the property or evidence establishes it against him and he still refuses to pay, he may be imprisoned and disciplined at the request of his opponent until he delivers what he owes.

On Sharecropping and Irrigation Partnerships

Musāraʿa is an arrangement concerning cultivation in which the partners share the crop, each contributing something toward the work. It may also be that one man cultivates another man's land with his own oxen and seed in return for giving the landowner a known share of the produce. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about this and permitted it.

He said:

> "The Messenger of God—may God bless him and his family—gave the land of Khaybar to the Jews on condition that they cultivate and maintain it and receive half of what it produced."

He divided the produce with them upon that basis. The land contained date-palms, other trees, and cultivated fields. Thus sharecropping for one third, one quarter, or whatever lesser or greater share the parties agree upon is permissible.

And he—peace be upon him—said:

> "Likewise, land may be leased for a known period for cultivation in return for coined money or other property."

He disliked leasing land for wheat when wheat was to be planted in it. He—peace be upon him—permitted sharecropping according to whatever the parties stipulated concerning labor, management, plowing, oxen, and other matters, whether the land belonged jointly to them or to one of them alone. He disliked assigning a fixed amount specifically to the seed, another fixed amount to the land, and another to the oxen. Rather, each participant should be assigned a known proportion of the total produce. *Musāqāt* is an arrangement concerning land containing trees, where a worker tends the land in return for an agreed share of whatever it produces.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If a man gives his land to another to cultivate, irrigate, and maintain, and it contains pomegranates, date-palms, fruit trees, vegetables, or similar crops, on condition that the worker receive half of what it produces, or whatever other share they agree upon, this is permissible.
>
> Likewise if he gives him land to improve and cultivate."

He said:

> "If the worker cultivates it and then claims that he had leased it from the owner, while the owner denies the lease, the owner's statement is accepted with his oath—

unless the owner knew of the cultivation when it occurred. In that case the cultivator swears concerning the lease and pays the agreed rent, unless what he claims is implausible, in which case he pays the customary rent of similar land." Likewise, if the owner had no knowledge of the cultivation, the cultivator has no evidence,

and the owner swears that he did not lease it to him for the amount claimed, then the cultivator owes the customary rent of similar land. The owner of the land does not have the right to uproot the crop. But if the cultivator cultivated the land wrongfully and as a trespasser, and this is established against him, without claiming that he had leased it, or if he claimed a lease but refused the oath after it was referred back to him and his wrongful occupation was thereby established, then the owner of the land has the choice concerning the crop. He may take it, but he may not destroy it merely by uprooting it, because uprooting crops constitutes waste.

And he—peace be upon him—said concerning a man who had cultivated land and another person asked to become his partner in what he had cultivated in exchange for paying half the seed and half the expenses:

> "If they agree upon that, it is permissible."

And he—peace be upon him—said:

> "There is no harm in a man giving ruined land to someone who will restore it for a known period, on condition that the restorer receive everything the land produces during that period.
>
> When the agreed period ends, the land returns to its owner in an improved state." Likewise, if the land is subject to land-tax and a man undertakes it in return for paying its land-tax, there is no harm.

He said:

> "Whoever leases land for cultivation but leaves it uncultivated without the owner preventing him from using it or obstructing him from access owes the rent for the full period for which he leased it.
>
> He may cultivate it or leave it uncultivated as he wishes— unless they stipulated that no rent is due unless he actually cultivates it, and under the contract the choice whether to cultivate or leave it unused belongs to him. If that is the condition they concluded, then their agreement governs." He—peace be upon him—was asked about the inhabitants of a village upon whom land-tax was imposed. The ruler oppressed them and demanded more than was due. They gave the land-tax obligation to a man on condition that he satisfy whatever they were charged, whether little or much. He paid what they were charged and afterward had a surplus.

He said:

> "Whatever they agreed upon is permissible when they mutually consented to it.
>
> The man who assumed the obligation for them may keep whatever surplus remains."

On Hiring and Leasing

The Imams of the Household of the Messenger of God—may God bless him and his family—transmitted that there was found in the sheath of his sword a written document containing:

> "The curse of God, the angels, the prophets, and the messengers, and the curse of Muḥammad the Prophet, be upon whoever claims descent from someone other than his father, attaches himself to masters other than his true masters, wrongfully withholds the wage of a hired worker, or steals the landmarks of the road."

The Commander of the Faithful ʿAlī—peace be upon him—said:

> "I found this document in the sheath of the sword of the Messenger of God—may God bless him and his family—and I recognize it."

There is a lengthy discussion concerning this which does not belong here. It is mentioned in the Book of the Imamate.

God Most High says:

> "Say: I ask you for no reward for it except affection toward the near relatives."

There is likewise a lengthy discussion concerning this in the Book of the Imamate. The general principle transmitted from the Imams—peace be upon them—is that a man may hire out his own labor, the labor of those under his legal authority, or anything he owns—such as an animal, tool, ship, land, building, or anything else—in every lawful form, provided the work for which it is hired is itself lawful and the income earned from it is lawful. Such hiring is valid when the contracting parties agree upon a known period, a clearly understood task, and terms that are lawful and valid. None of this is permissible if the income itself is unlawful or the work to be performed is unlawful. This is a foundational principle from which many subsidiary rulings branch. Wherever such cases arise, this is their rule. Thus, whoever lacks legal authority over something may not validly conclude a hiring contract concerning himself, another person, or property he does not lawfully control.

Likewise, one who possesses something that it is unlawful for him to possess cannot lawfully lease it to another. For example, one who wrongfully seizes a free person, or possesses instruments of unlawful amusement or anything else whose possession is itself unlawful, may not hire it out, nor may another lawfully hire it from him. Likewise, one may not lease something that he lawfully owns to someone who will use it for an unlawful purpose. Thus a man may not hire out himself, his animal, his tools, or his ship for making wine, transporting wine, or any comparable unlawful activity. Jaʿfar ibn Muḥammad—peace be upon him—was asked about taking payment for teaching the Qurʾān. He disliked it.

He said:

> "A man once said to the Commander of the Faithful ʿAlī—peace be upon him:
>
> 'Commander of the Faithful, I love you.'

He replied:

> 'But I dislike you.'

The man asked:

> 'Why?'

He said:

> 'Because you take payment for teaching the Qurʾān.
>
> I heard the Messenger of God—may God bless him and his family—say:
>
> "Whoever takes payment for teaching the Qurʾān will have no share of it on the Day of Resurrection."'"

They—peace be upon them—permitted payment for teaching writing, literature, and other subjects that teachers teach children. They themselves hired teachers for such matters and paid wages. Had this been unlawful or disliked, they would not have paid it. What they specifically disliked was taking payment solely for teaching the Qurʾān. If a teacher instructs children in the Qurʾān together with other things for which payment is lawfully taken, there is no harm. The wage is then treated as payment for the lawful instruction rather than for that for which payment is not lawful. It is transmitted that the Messenger of God—may God bless him and his family—married a woman to one of his companions on condition that he teach her a chapter from the Book. The report is general and does not explicitly state that this teaching was made her dowry. A marriage may be valid without the dowry being specified. We shall discuss that in the chapters on marriage.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked about a man who recites the Qurʾān under the instruction of another. When the student completes the Qurʾān, he prepares food as people customarily do, invites his companions who recited with him, and also invites the teacher under whom he recited.

He said:

> "There is no harm in that, provided it is not done as payment for the Qurʾān."

They—peace be upon them—permitted taking payment for incantation and healing recitation using the Book of God and His names. They transmitted that the Messenger of God—may God bless him and his family—sent a military detachment. They passed by a clan of the Arabs and stayed among them. The chief of that clan was bitten by a venomous creature. The people came asking whether anyone among the detachment knew how to perform a healing incantation. One of them recited the Opening Chapter of the Book over him and he recovered. The clan gave them thirty sheep. They accepted them. When they later came to the Messenger of God—may God bless him and his family—and informed him, he approved what they had taken. Abū ʿAbd Allāh al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who pays another person to teach him a craft and then become his partner in that craft. He permitted it. This falls under the principle already explained when the craft itself is lawful.

But whoever hires or is hired to teach what is unlawful, such as singing, instruments of diversion, and similar things, such a contract is not permissible.

They—peace be upon them—transmitted that the Commander of the Faithful ʿAlī—peace be upon him—said:

> "Among unlawful gains is the wage of the caller to prayer."

And he said:

> "There is no harm if a stipend is assigned to him from the public treasury."

Thus he appears specifically to have disliked the caller to prayer taking payment directly from those for whom he gives the call. Likewise, it is transmitted as disliked for an Imam leading prayer to take payment from the people whom he leads, or for a judge to take payment from the people between whom he judges, and similar cases. They—peace be upon them—permitted stipends for such persons from the public treasury. Abū ʿAbd Allāh—peace be upon him—was asked about the wage of a broker hired by someone to buy or sell on his behalf. He permitted it, provided the purchase or sale for which he was hired is itself lawful. And he—peace be upon him—was asked about a broker who is given a commodity to sell and is told:

> "Obtain such-and-such a price for me; whatever you obtain above that is yours as your fee."

He permitted this. They—peace be upon them—said concerning a hired worker or craftsman who damages or destroys what he was hired to work upon that he is liable for it. Examples include a fuller who tears a garment, a tailor or dyer who ruins or tears it or alters it contrary to what he was instructed, or a porter or carrier who breaks something entrusted to him for transport when he personally undertook its handling. But if a person merely leased out his animal, and the lessee himself accompanied and handled his goods, and they were broken or destroyed while with him, then the owner of the animal bears no liability. If the hired worker or porter claims that what was handed to him was lost from his possession and the owner denies this, the burden of proof is upon the claimant. The owner takes an oath that he has no knowledge that it was lost. The hired worker or porter is liable if he has no evidence establishing the loss. If witnesses testify that it was stolen or forcibly taken from his possession, then he bears no liability.

They permitted payment of hire and rent in coined money or in other property. Jaʿfar ibn Muḥammad—peace be upon him—was asked about exchanging residence in one house for residence in another.

He said:

> "There is no harm in that."

And he was asked about a man who leases a property after viewing it on the condition that if he occupies it for one day he becomes liable for the rent of the full month or full year, depending on the period agreed.

He said:

> "He is bound by what he bound himself to."

He—peace be upon him—was asked about a dispute between lessor and lessee concerning when rent is payable.

The owner says:

"I take it in advance,"

while the tenant says:

"I shall not pay you until the end of the month or year."

He said:

"If they contracted upon an explicit condition, they are bound by what they agreed.

If they stipulated nothing, the owner may take each day's rent on that day." He was asked concerning a man who rents a residence containing trees and stipulates the fruit of those trees as part of the lease.

He said:

"If the fruit had begun to ripen at the time the contract was made, or some of it had begun to ripen, or if there was some present property accompanying it, then this is permissible.

Otherwise it is not permissible, and the lease is invalid if they contract both matters together." He was asked about someone who rents a house and it collapses, becomes dilapidated in whole or in part, or some rooms become unusable during the rains. The tenant demands that the owner repair it.

He said:

"The owner is not compelled to carry out such repair.

If the condition harms the tenant, the tenant may cancel the lease, leave, and pay rent only for the period during which he occupied it. If there is no actual harm, the lease is not dissolved."

He said:

"Even if the tenant did not expressly stipulate that the owner repair what deteriorates or clean the latrines, these obligations fall upon the owner because they are matters customarily understood to belong to him."

And he—peace be upon him—said:

"The tenant may not introduce into the house anything that damages it unless he expressly stipulated such use in the lease contract."

He was asked about lessor and tenant disputing the amount of the rent. The owner claims the higher amount, while the tenant claims the lower, whether the tenant has already occupied the property or not.

He said:

"Each takes an oath.

Whoever refuses the oath is bound by what his opponent says, provided that opponent swears to it. If both swear, or both refuse the oath, the lease is dissolved." He was asked about leasing an undivided share in property.

He said:

"An undivided share may be leased just as it may be sold."

He was asked about a man residing in another man's house who claims:

"He allowed me to live here without rent,"

while the owner says:

"No, you rented it from me for such-and-such."

Neither possesses evidence.

He said:

"The owner of the house swears that he did not allow him to live there gratuitously.

The occupant then pays the customary rental value— unless the customary value exceeds the amount the owner himself claims as rent. In that case the owner receives only the amount he acknowledged having rented it for and nothing more." Likewise, if the tenant claims that the owner instructed him to spend money repairing the house, and he did so, while the owner denies giving such instruction and the tenant has no evidence, the owner swears that he did not instruct him. The tenant may then remove whatever detachable improvements he added. He was asked about a man who rents another's house while the owner still has goods occupying part of it, on condition that he remove them. The tenant concludes the lease, but the owner delays removing the goods.

He said:

"The owner receives rent only in proportion to the part of the house that the tenant was actually able to occupy."

He was asked about a house, or part of it, being damaged because of something the tenant did which was not included in the lease conditions.

He said:

"He is liable for whatever damage results from that—

unless it is the kind of ordinary use customarily performed by tenants. In that case there is no liability even if it was not expressly stipulated, because not every ordinary act of a tenant needs to be written into the contract." He was asked about an animal or ship being destroyed before reaching the destination for which it was hired.

He said:

"If a man leases a particular identified animal or ship that he saw and inspected, and it is destroyed, the lease ends.

He owes only the rent corresponding to the portion of the journey already completed. But if he hired transport to guarantee delivery to a destination without specifying a particular animal or ship, then the lessor must transport him or his goods in another equivalent conveyance to the agreed destination, and he receives the full rent." He was asked about a man who leases an animal for a known number of days in order to ride it, carry loads on it, grind with it, or draw water with it, but no precise amount of work is specified beyond identifying the type of use.

He said:

"The lease is valid.

He may use the animal for that purpose in a fair and reasonable manner. He may not overburden it, nor may the owner improperly restrict the agreed use. If no type of work was specified and the tenant wishes to employ it in labor that would harm or diminish it, he has no right to do so." He was asked concerning someone who leases an animal or ship for carrying a known load on the condition that it be delivered within a specified period, but it is not delivered within that period and the time is exceeded.

He said:

"A lease upon this form is defective.

The carrier is entitled only to the customary wage for equivalent service." It is transmitted from ʿAlī—peace be upon him—that he ruled concerning a man who leased an animal to a specified destination but went beyond it and the animal died. He held the tenant liable for the animal and did not impose rent upon him for the distance beyond the agreed limit.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> “If the animal does not die after the tenant goes beyond the agreed distance and the owner brings a claim concerning the excess use, the owner may take either the customary hire for the additional distance or the amount by which the animal was diminished because of that excess use.

He may choose whichever of the two he wishes, but may not take both.” Likewise, if he rented the animal for one day or several days and detained it beyond the agreed period, the owner may choose between taking compensation for the diminution during the excess period or taking the customary hire for that period. If the animal dies while wrongfully detained after the agreed term, the tenant is liable for its value. He was asked about lessor and lessee disputing the distance. The tenant claims a farther destination while the animal-owner claims a nearer one, though they agree upon the amount of rent.

He said:

> “The burden of proof is upon the one claiming the greater distance, namely the tenant.

If he has no evidence, the oath is upon the carrier.” Likewise, if they agree upon the destination but disagree about the route, evidence is required from the person claiming the route involving greater hardship, while the oath is upon the other. If the two routes are equal and they disagree merely over which one was specified in the contract, and the journey has not yet begun and payment has not yet been taken, they exchange oaths and dissolve the contract if neither possesses evidence. Whoever refuses the oath is bound by his opponent’s claim. If, however, the journey has already begun or payment has already been received, then the carrier’s statement is accepted, while the tenant is treated as the claimant. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad ibn ʿAlī—peace be upon him—was asked about a man who hires transport to a country. The carrier reaches the first district belonging to that country and wishes to set him down there, while the passenger demands to be taken to its farthest part.

They had not specified a particular place within that country in the lease contract. Examples given were someone hiring transport to Iraq, Khurāsān, Syria, Ifrīqiya, or a similar region.

He—peace be upon him—said:

> “The required destination is the city regarded as the principal city of that region, the city by which the region is known and toward which people customarily intend when they speak of traveling there.”

He was asked about leased land struck by some calamity such as flooding, insufficient water, the drying up of a spring, or the cutting off of a river that had irrigated it.

He said:

> “If the tenant wishes, he may spend from one year’s rent to remedy the problem.

The expense is ultimately borne by the owner of the land. Otherwise the tenant owes rent only in proportion to the period during which the land remained productive and beneficial, after which the lease is dissolved.” He was asked about a lease in which an option is stipulated.

He said:

> “Whatever condition is lawful and permissible is valid.

Whatever condition is unlawful or impermissible is invalid, while the lease itself remains in force.” He was asked about a man who delivers wheat to a miller or sesame to an oil-presser and stipulates that a fixed measured quantity must be returned to him, while also assigning the worker a wage.

He said:

> “Fixing a predetermined output in that manner is not permissible.

The miller or oil-presser is entitled to the customary wage for such work, and the owner of the wheat or sesame receives whatever output actually results from his own material.” He was asked about the earnings of a cupper. He saw no harm in them.

He said:

> "The Messenger of God—may God bless him and his family—gave payment to a cupper, and the Imams—peace be upon them—continue to pay them to this day.

Had such payment been unlawful, they would not have given it." Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked about a craftsman whom someone consults regarding work he wishes done.

For example, a tailor is shown a garment and says:

> "This will be enough to clothe you,"

so he cuts it according to that estimate, only to discover that it is insufficient. Or a craftsman says that such-and-such an amount of gold or silver will suffice for a piece of work, but after beginning the work and melting the metal, he discovers that it is insufficient.

Or he is shown gold or silver and says:

> "They are of good quality,"

but later they prove inferior.

He—peace be upon him—said:

> "If each of them spoke according to the extent of his knowledge and the utmost of his honest judgment but happened to be mistaken, there is no liability.

But if it is established or known that he intended thereby to deceive his companion, he is liable for whatever he caused to be spoiled."

On Pledges

God Most High says:

> "O you who believe, when you contract a debt for a specified term, write it down…"

through His saying:

> "…and if you do not find a scribe, then pledged property taken into possession."

This indicates that a pledge is not valid unless possession has been taken of it. Whatever has not been taken into possession is not yet a pledge. Everything whose sale is permissible may… …be pledged. Whoever takes as a pledge an undivided share takes possession of it in the same manner as an undivided share is possessed in a sale. The creditor who holds the pledge may not make use of it. If the pledged property perishes, the loss belongs to the pledgor unless the pledgee has committed an act making him liable for it. If the pledge is destroyed, the pledgee may not demand another pledge in its place. He has only the right to demand payment of his debt when its term falls due. If the pledgor and pledgee disagree concerning the amount for which the pledge was given, the burden of proof lies upon whichever of them claims the greater amount—namely the pledgee—while the pledgor takes the oath concerning the excess claimed against him.

If the pledge has perished and they disagree concerning its value, the burden of proof likewise rests upon the one claiming the higher value. The pledgee may not sell the pledged property when the term falls due except by order of a judge, after his debt has been established before the judge. If the pledgor is absent, the judge gives the pledgee judgment concerning the debt and orders the pledge sold on behalf of the absent person. The pledgee is then paid his right from its proceeds, just as the property of an absent debtor may be sold to satisfy a debt, while the absent person's right to present his argument remains preserved. If the pledgee sells the pledged property at the maturity of the debt, afterward, or beforehand, without the pledgor having authorized him to do so, he is liable for it. Whatever benefit the pledgee derives from the pledged property through using it belongs to the pledgor.

The pledgor may not sell the pledge, give it away, donate it as charity, emancipate it if it is a slave, or otherwise remove it from his ownership until he redeems it. Nor may the pledgee sell it merely because the debtor delays payment of the debt for which it was pledged when the term falls due, whether the debtor is present or absent. Rather, the pledgor himself must sell it and discharge his debt. If the pledgor merely grants the pledgee the right to sell it when the term falls due, but does not formally appoint him as an agent to stand in his place in making the sale, the pledgee may not sell it to himself. He must raise the matter before the judge. If the debt is established, the judge arranges for the pledged property to be sold on behalf of the absent debtor and the debt paid from it, just as in cases not involving a pledge.

But if the pledgor formally appointed the pledgee as his agent to sell the pledged property when the term fell due, and the pledgee sold it with witnesses to the sale and to his having sought the best price and fully pursued the sale, there is no liability upon him. If the pledgor accuses him concerning the sale, he may require him to swear concerning it. If the pledgor wishes to sell the pledged property, there is no harm in the pledgee purchasing it from him when the transaction is genuine and both agree upon it. The debt may then be offset against the price, and whichever of them owes the other any surplus returns it.

On Partnership

Partnership in wealth, according to the Imams of the Household—God's blessings be upon them—is permissible when two men or a group contract it and each contributes some property of his own, mixing it with the property of the other until it becomes a single fund no longer distinguishable, on the basis that they will buy and sell with it. Whatever profit arises belongs between them. Whatever loss occurs falls upon them according to the proportions for which they contracted. Neither partner may sell, purchase, or undertake any new transaction concerning the partnership property without his companion and without his authorization. If each grants the other authority to act according to his own judgment, then he may do so. He bears no liability to the partner who granted him that authority unless he betrays him. For example, the partner may say:

"You betrayed me,"

or:

"You showed favoritism in buying or selling against my interest,"

or concerning merchandise entrusted for trade:

"You deliberately sought to waste my property,"

or something similar. In such a case he may require him to swear that he neither did nor intended such a thing. If the partnership capital belongs equally to the two partners and they stipulate that profit and loss are likewise equal between them, they are bound by their condition. If they stipulate unequal shares in profit, the profit is divided according to what they stipulated, while loss follows the proportion of capital. Likewise, if their capital contributions are unequal, one having more than the other, the profit is according to what they agree upon, while the loss falls in proportion to the capital. If all the capital belongs to one of them, then the arrangement is *muḍāraba* or *qirāḍ*. The person who contributes no capital is the *muḍārib* or *muqāriḍ* if they stipulate that he alone is to work with and trade the property. If they stipulate that both will work, then they are bound by that condition. The profit is divided between them according to their agreement. The loss falls upon the owner of the capital alone.

No financial loss is imposed upon the *muḍārib*. If the owner of the capital makes the *muḍārib* guarantee whatever diminishes or is lost from the capital, and he accepts such liability, then the arrangement ceases to be a *muḍāraba* or partnership. The capital becomes like a debt owed by the trader. Whatever profit he makes belongs to him, while he bears the guarantee of the principal according to what he undertook. If the *muḍārib* violates any condition imposed by the capital-owner concerning what he may purchase, the kind of trade he may undertake, where he may travel, or any other condition included in the *muḍāraba* contract, then:

if he makes a profit, the profit is divided between them according to their agreement; but if he suffers a loss or the capital is lost from his hands, he is liable for it and for whatever diminution occurred because of his transgression. If a man gives another property to work with or trade and imposes upon him a fixed amount of profit, that is not permissible. The fixed profit is neither lawful nor binding upon the one upon whom it was imposed. Whatever is taken from him on that basis is usury and is unlawful. It must be returned to the person from whom it was taken, and the recipient must repent to God Most High. The exception is where the person to whom the property is given and upon whom the fixed profit is imposed is the owner's own slave. In that case it is lawful and permissible, because there is no usury between a master and his slave, since the slave's property belongs to his master. If one of the partners dies, the partnership is dissolved. Either one may dissolve it whenever he wishes.

If a partner or *muḍārib* is suspected of misconduct, he may be required to swear an oath. They—peace be upon them—disliked forming a partnership through merchandise or through property that remains distinguishable and does not become inseparably mixed when combined. If two partners nevertheless form a partnership in such property, whatever increase or decrease occurs in each separate item belongs to its original owner. But if each sells to the other one half of what he possesses of the merchandise for a known price, so that each becomes liable for that price, and they stipulate partnership on that basis, then the partnership is permissible. They—peace be upon them—disliked a Muslim entering partnership with a protected non-Muslim, and a believer entering partnership with one who disagrees with him in matters of buying and selling and regards lawful what the believer does not, because unlawful gain and usury might thereby enter his wealth.

But if the believer or Muslim alone undertakes the buying and selling, rather than the protected non-Muslim or opponent, there is no harm in the partnership. If a *muḍārib* dies while owing a debt arising from the *muḍāraba* and also holding a deposit, and neither the *muḍāraba* property nor the deposited property is found specifically among his effects, then the debt remains binding because it was in his liability. As for the *muḍāraba* property and deposit, he was merely entrusted with them. If they are not specifically found in his estate, and there is no evidence that he consumed them, wrongfully appropriated them, destroyed them, mixed them with his own property, or did anything else making him liable for them, then nothing is due from his heirs beyond their oath that they do not know that he did any such thing, that they themselves did not do so, and that the property is neither with them nor owed by them.

If the *muḍārib*, the debtor, or the person holding the deposit identified before his death some particular property as belonging to one of these claimants, it belongs to the person for whom he identified it. If he did not identify it, the debt is paid first. If anything remains afterward, the others rank together with the remaining creditors. A partnership may not be formed through absent property. If a man has a debt owed to him by another and enters into *muḍāraba* or partnership concerning that debt, the arrangement is not valid and no partnership or *muḍāraba* is formed until the debt is actually collected and delivered. Only then may partnership or *muḍāraba* be contracted upon it. If two partners separate and settle accounts while they still have debts arising from their partnership, and they divide those debts on the basis that each will collect the portion assigned to him, that division is not binding if a dispute later arises. Whatever either of them collects remains jointly owned between them.

Whatever of the debt is lost is lost from both of their property. But if one says to the other:

"Give me my capital,"

or whatever amount they agree upon,

"and whatever exceeds that is yours, while whatever falls short is your responsibility,"

and they agree upon this, then their agreement is binding.

On Pre-emption

Pre-emption (*shufʿa*) applies to houses and immovable property when an undivided share or shares are sold before partition between the seller and one or more partners. The partner has a stronger right to the sale than an outsider who purchased it. If one partner alone asserts the right of pre-emption while the others do not, he has priority over the purchaser. If all assert it, they share the right. Each receives according to the proportion of his ownership if their shares differ. If their shares are equal, it is divided equally among them. There is no pre-emption in property that has already been divided, whether for a neighbor or anyone else. There is no pre-emption in a river, a ship, an animal, or anything other than immovable property and buildings. That means land and whatever building or rooted trees stand upon it. If property is jointly owned by two persons and one sells his share, his partner has the stronger right to it. The right of pre-emption belongs to a child until he grows up.

If asserting it is advantageous to the child, it is taken on his behalf. It belongs to an absent person until he returns or receives news of the sale and then either relinquishes it or fails to assert it within one year. Likewise, a present person may assert it from the time news of the purchase reaches him until one year from that time unless he expressly relinquishes the right. Pre-emption becomes due through partnership in the property sold, whether the partner's share is small or large. It applies whether he is partner in the whole property sold or only in part of a right attached to it. An example is a wall between two houses jointly owned by their owners, or where one person owns an undivided share in such a wall, or in another property-right that belongs to the estate and is itself transferred with the sale. Whether such a share is small or large, the person holding partnership in it possesses the right of pre-emption.

Pre-emption also belongs to the inhabitants of a private lane that has no through passage, because they share ownership in it and it belongs among them. The same does not apply to a public thoroughfare. Owners of houses opening onto a public street do not own the street as the residents of a private lane own theirs. They merely benefit from the open spaces before their houses, and in this they are equal with other passers-by. Thus the inhabitants of a public street possess no right of pre-emption merely by virtue of the street. The residents of a private lane, however, possess such a right among themselves. If a house in a private lane contains several dwellings and one of those dwellings is sold, the owners of the other dwellings within the house have a stronger right of pre-emption than the other residents of the lane. They themselves may exercise pre-emption in what is sold in the lane because they own a share in its open space, whereas the other residents of the lane own nothing in their house.

Likewise, if one private lane opens into another private lane, or if a lane is long, the residents of the inner section possess pre-emption concerning that portion through which their road and passage runs. Residents of the outer lane, or those higher up the lane, do not possess pre-emption in what lies farther inward beyond the boundaries of their own houses where they have no right and no passage. The matter is determined by shared rights. Whoever has a proprietary right in the property sold, or in any right belonging to it that is included in the sale, is a partner and therefore possesses pre-emption. One indication that the residents of a private lane share ownership of it is that if one owner came to possess all the houses within the lane, he would have the right to place a gate at its outer end and take possession of the whole lane. No one else would have the right to pass through it or enter it without his permission.

Likewise, if one private lane lies within another and a person owns the entire inner lane together with all houses opening onto it, he may close off the whole of that inner lane and prevent others from entering it. The same applies to whatever lies within a private lane except where a wall belonging to another resident adjoins it; there his right ends at that person's boundary. A Jew or Christian has no right of pre-emption against a Muslim. Muslims possess pre-emption concerning property in which they share ownership with other Muslims or with protected non-Muslims. Protected non-Muslims likewise possess rights of pre-emption against one another in property they buy and sell among themselves where pre-emption applies. They do not possess pre-

emption against Muslims. There is no pre-emption in a gift, charity, grant of residence, *ʿumrā*, or *ruqbā*. Nor is there pre-emption where property is sold in exchange for non-monetary goods.

For example, if a house is exchanged for another house, for an animal, or for some other commodity, the pre-emptor may not say:

> "I shall pay the value of the goods that formed the price and take the house."

Likewise, if a woman is married in exchange for a house of a kind in which pre-emption would ordinarily apply, the pre-emptor may not say:

> "I shall pay the customary dowry of such a woman and take the house."

But if the property was sold for a monetary price and the seller subsequently accepted merchandise instead of that price, the pre-emptor may take the property by paying the original monetary price for which the sale was concluded. Likewise, if the owner of a house marries a woman for a specified dowry and afterward gives her the house in payment of that dowry, this is equivalent to a sale. The pre-emptor may take it by paying the amount of dowry for which the woman received it. If property subject to pre-emption is sold for fungible property with a known equivalent, the pre-emptor may take it by providing that equivalent. Examples include measured wheat, measured dates, or similar commodities sold by measure or weight whose equivalent is known. Pre-emption applies in such a case, and the pre-emptor delivers the same equivalent. The pre-emptor may bring his claim against either the seller or purchaser. Whichever one he proceeds against, his claim is valid once the sale has been concluded and completed.

If he brings the pre-emption claim against the seller before the purchaser has paid the price and pays it to the seller himself, the seller may not refuse to accept it. Nor may the purchaser prevent him from doing so or say:

> "I shall pay the price of what I bought and receive it from you; pursue your pre-emption against me instead."

The pre-emptor has the right to proceed against the seller directly, and the purchaser must surrender the property. If the pre-emptor leaves the purchaser until he pays the price and then brings the claim against him within the period during which pre-emption remains valid, he may do so. If property subject to pre-emption is sold and taken into possession by a purchaser, who then sells it to another, and it passes through successive sales from one person to another, whether the pre-emptor knew of these transactions or not, the pre-emptor may bring his claim against whichever seller or purchaser he chooses. He takes it for the price at which that particular person bought or sold it, whether higher or lower, provided the period for asserting pre-emption has not expired and the right has not been expressly relinquished. For he possesses the right of pre-emption at the moment of every sale. His failure to assert it immediately does not extinguish the right before the legal period expires.

For example, a man purchases property in which another possesses pre-emption for a certain price, then sells it to another for a lower or higher price, and that person sells it onward again, so that several successive persons trade it. The pre-emptor may assert the right against whichever of them he wishes so long as the period for asserting it from the relevant purchase has not expired and he has not relinquished the right. If he proceeds against the first purchaser, who had already resold the property at a higher price within the pre-emption period, the subsequent sale and all sales following it are reversed. The pre-emptor takes the property at the price for which the first purchaser acquired it and pays that price to him. The same applies to any later purchaser against whom he chooses to proceed.

If a house consists of upper and lower dwellings that had already been separately divided before the sale, and one part is sold, the owner of the upper dwelling has no pre-emption against the owner of the lower, nor the owner of the lower against the owner of the upper. Although one lies physically above the other, their relation is merely one of neighboring properties. But if they still share the entrance or some other right that remains undivided between them, and the seller's share in that common right is included in the sale, then pre-

emption arises by reason of that shared right. If undivided property and separately divided property are sold together in one transaction, and a partner asserts pre-emption concerning the undivided part in which he is a partner, he may take the entire transaction, both the undivided and divided portions. He may not take only part of it unless the parties agree.

If a purchaser buys an undivided share for a certain price and the sale is concluded, then afterward asks the seller for a reduction and the seller lowers the price, so that the final sale effectively rests upon the amount actually paid after the reduction, and the pre-emptor later asserts his right, the purchaser may not demand from him the original higher price. He is entitled only to what he actually paid, because that was ultimately the price upon which the transaction rested. But if the seller sells it for a particular price and afterward gives some or all of that price back to the purchaser as a gift or charity, and the pre-emptor then asserts his right, he must pay the full price upon which the sale was originally concluded. He may not deduct what the seller later gave away to the purchaser.

The exception is where such a gift was merely a stratagem and collusive arrangement designed to defeat the right of pre-emption—for example, where the seller artificially increases the stated price and then gifts the excess back to the purchaser, or gifts the purchaser part of the property and formally sells only the remainder so as to make him a co-owner and thereby frustrate the pre-emption claim. If the true agreement and evidence establish that the sale was actually made for the whole property or for the amount of price ultimately retained, rather than the artificially inflated amount later given back, such a device does not invalidate the pre-emptor's right or increase the price against him. If he wishes to exercise pre-emption, he pays what the purchaser truly paid and takes the whole property covered by their actual agreement. This, however, is established only through the purchaser's admission or through evidence proving that the matter was indeed a collusive arrangement or stratagem.

If the pre-emptor merely alleges this without evidence and the person against whom he proceeds denies it, the most that can be required is an oath upon the allegation. Such collusion between seller and purchaser for the purpose of defeating pre-emption is unlawful because it is a device intended to nullify an established right. Where the sale is concealed from the pre-emptor, his period for asserting pre-emption runs for one year from the time news of the sale reaches him. But if the sale was public and widely known while the pre-emptor was present, and he comes after more than a year claiming that he never learned of it, he is not believed because of its notoriety. Pre-emption does not become due until the sale has actually been concluded and completed. Once it is concluded and the pre-emptor asserts his right, it becomes due to him, even if the seller has not yet received the price. The pre-emptor may pay the price to whichever of the seller or purchaser is appropriate in the circumstances.

If he proceeds against the purchaser, the purchaser is required only to surrender the property to him. The warranty for the property remains against the original seller. The purchaser bears no warranty to the pre-emptor merely because the latter proceeded against him and received the property from him. If the pre-emptor leases from the purchaser the property he purchased, enters into sharecropping with him concerning it, or enters a *musāqāt* arrangement with him, this constitutes relinquishment of pre-emption. His right is thereby extinguished. If a man claims that he purchased property from an absent owner, and the pre-emptor asserts pre-emption against him, but the alleged purchaser has no evidence of the purchase, the pre-emptor has no right to take it until the sale is established. Likewise, if he claims to have purchased it from a present owner who denies the sale, the pre-emptor may not assert pre-emption until the sale has been established. His pre-emption period begins from the time the sale becomes legally established.

If a house is held as an endowment for specifically named people and some of them construct buildings within it, then one of them dies and his building passes to his heirs, and one heir sells a share inherited from it, the right of pre-emption belongs to the other heirs. Whoever relinquishes pre-emption before a sale occurs may nevertheless assert it after the sale. His earlier relinquishment is not binding because the right does not arise until the sale becomes legally effective. If the pre-emptor and purchaser disagree concerning the price, the purchaser's statement is accepted together with his oath that he purchased it for the amount he states and paid

that price, unless evidence establishes otherwise. If the pre-emptor accepts his statement, or the purchaser swears and the pre-emptor pays the price according to that oath, and afterward evidence establishes that the purchaser actually paid less, or the purchaser himself admits this, then the pre-emptor may recover whatever excess he paid.

If the pre-emptor asserts his right of pre-emption and afterward changes his mind and wishes to abandon it, but the purchaser demands the price from him, the pre-emptor must pay it and take possession of the property. His formal assertion of pre-emption makes this binding upon him. If he never asserted the right, nothing is due from him. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

Collection of the Chapters on Oaths and Vows

On the Command to Preserve Oaths and Covenants

God, Mighty and Exalted, says:

> "Guard your oaths."

And God, Mighty and Exalted, says:

> "Those who faithfully observe their trusts and their covenants."

And God, Mighty and Exalted, says:

> "Fulfill God's covenant when you make a covenant, and do not break oaths after confirming them when you have made God your guarantor."

And God, Mighty and Exalted, says:

> "Indeed, those who exchange God's covenant and their oaths for a small price—those have no share in the Hereafter. God will not speak to them, nor look upon them on the Day of Resurrection, nor purify them, and they will have a painful punishment."

The Messenger of God—may God bless him and his family—forbade swearing by anything other than God, exalted be His mention.

And he—may God bless him and his family—said:

> "Whoever swears, let him swear by God.

Whoever swears by God, let him speak truthfully. Whoever is given an oath by God, let him accept it as truthful. Whoever does not do so is not a Muslim."

And he—may God bless him and his family—said:

> "There are three whom God will not look upon on the Day of Resurrection, nor purify, and for whom there is a painful punishment:

a man who gives allegiance to an Imam—if the Imam gives him something of this world he fulfills his allegiance, but if he gives him nothing he does not fulfill it; a man who possesses water beside a road and withholds it from travelers; and a man who swears after the afternoon prayer that he was offered such-and-such for his merchandise, so another person purchases it on the strength of his word believing him, while he is lying."

ʿAlī—peace be upon him—said:

> "God, Mighty and Exalted, does not sanctify one who swears falsely by His name."

And it is transmitted from him—peace be upon him—that he said:

> "Beware of false oaths.

They make merchandise sell but destroy blessing. Whoever swears a false oath has dared against God, so let him await His punishment."

And it is transmitted from him—peace be upon him—that he said:

> "Whoever breaks his pledge of allegiance will meet God, Mighty and Exalted, on the Day of Resurrection mutilated, without a hand."

On Which Oaths Are Binding and Which Are Not

God Most High says:

> "God will not take you to account for idle speech in your oaths…"

Jaʿfar ibn Muḥammad—peace be upon him—said concerning the saying of God, Mighty and Exalted:

> "God will not take you to account for idle speech in your oaths":
>
> "Idle speech here is when a man says, 'No, by God,' or 'Yes, by God,' without his heart deliberately intending an oath."

He—peace be upon him—meant what a person says in the course of ordinary conversation while mentioning God in this form but without intending formally to swear. This is confirmed by the saying of God, Mighty and Exalted, immediately afterward:

> "But He will take you to account for the oaths you deliberately bind,"

meaning what the swearer deliberately intends in his heart to swear concerning. Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—further explained this concerning a man who says in the course of conversation about something he did:

> "By God, I did not do it,"

while not deliberately intending an oath in his heart.

He said:

> "His lie is still a lie, so let him seek God's forgiveness for it."

And he—peace be upon him—said:

> "An oath is interpreted according to what the claimant requiring the oath demands."

And he—peace be upon him—said that the Messenger of God—may God bless him and his family—forbade using equivocation in oaths.

He said:

> "If the swearer is wronged, the oath is according to the intention of the person swearing.

If he is the wrongdoer, it is according to the intention of the person requiring the oath." Equivocation is indirect or ambiguous speech: a person intends one thing but phrases it so that it resembles something else, leading the hearer to think that the apparent meaning is intended while the speaker secretly intends another. Protected non-Muslims are made to swear by God and also by whatever they themselves regard as solemn in their oaths. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said concerning the saying of God, Mighty and Exalted:

> "Remember your Lord when you forget":
>
> "This concerns an oath.

If you say, 'By God, I will certainly do such-and-such,' and forget to add the exception, then say afterward, 'If God Most High wills.'"

It is transmitted from him—peace be upon him—that ʿAlī—peace be upon him—said:

> "A group of Jews came to the Messenger of God—may God bless him and his family—and asked him about something.

He said:

> 'Tomorrow I shall tell you.'

He waited for revelation from God, Mighty and Exalted, concerning it, but did not add an exception to his statement. Revelation was delayed from him for forty days. Then there was revealed to him:

> 'Never say of anything, "I will do that tomorrow," except, "If God wills"; and remember your Lord when you forget.'"

They—peace be upon them—commanded adding the exception to an oath and regarded it as recommended.

The Commander of the Faithful—peace be upon him—said:

> "Whoever swears and then says, 'If God wills,' incurs no breach of oath."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If a man merely moves his tongue in making the exception, the exception is complete, even if he does not raise his voice."

And he—peace be upon him—said that the Messenger of God—may God bless him and his family—said:

> "When a man swears, he retains his right of exception."

The exception, when connected directly to the oath, is that a person swears and then says:

> "If God wills"

before breaking off his speech. This is a valid exception by consensus, and one who swears in this way and adds the exception does not incur breach of oath. It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that an exception may be made even forty days after the oath, because God, Mighty and Exalted, commanded His Prophet—may God bless him and his family—to make the exception after forty days, when revelation had been withheld from him following his statement to those Jews who had questioned him:

> "Tomorrow I shall tell you."

God, Mighty and Exalted, then said:

> "Remember your Lord when you forget."

The same is transmitted from ʿAlī—peace be upon him.

And it is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

> "The exception is valid even after a year."

The exception in an oath applies only to an oath concerning something the swearer promises to do or not do. As for one who is made to swear concerning a right claimed against him, and who takes the oath for the claimant while adding a secret or spoken exception, that exception has no effect. In such a case the oath is governed only by the actual intention relevant to the claim, by the apparent wording, and by the intention of the person requiring the oath. If the swearer privately intends or conceals some meaning by which he thinks the oath will not bind him, or uses trickery or equivocation, none of that removes the oath. If he swears falsely, the sin of false oath remains binding upon him. There is no expiation that removes such a false oath merely by paying an expiation. Rather, he must first restore or discharge whatever right concerning which he swore to the person entitled to it, and afterward repent and seek forgiveness. There is no oath concerning something the swearer does not own. An example is one who swears:

> "I shall emancipate a slave,"

when he owns no slave, or:

> "I shall give away such-and-such,"

when it does not belong to him. Nor is there a valid oath by divorce, emancipation, pilgrimage, lesser pilgrimage, or any other form of swearing by something other than God, exalted be His mention. An oath is only by God, exalted be His mention. Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked concerning the saying of God, Mighty and Exalted:

> "When the Prophet confided a matter to one of his wives…"

He said:

> "The Messenger of God—may God bless him and his family—had been alone with his slave-girl Māriya the Copt when she had first come to him, before he had assigned her a house.

ʿĀʾisha discovered him with her and was distressed by it. The Messenger of God—may God bless him and his family—wished to satisfy her, so he swore to her that he would not return to Māriya and declared her forbidden to himself. He instructed ʿĀʾisha to keep this secret. She did not do so, but told Ḥafṣa, and the two supported one another against him. God Most High then revealed:

> 'O Prophet, why do you forbid what God has made lawful for you…'

through His words:

> '…virgins.'

He commanded him to expiate the oath he had broken, but imposed nothing upon him merely for having declared something lawful to be forbidden to himself. Rather, He reproached him for doing so. Thus whoever declares forbidden to himself something God, Mighty and Exalted, has made lawful does not thereby make it forbidden…"

> "…it does not thereby become forbidden to him.

It remains lawful to him, so let him make use of it. There is nothing upon him for merely declaring it forbidden to himself. If, however, he swore an oath concerning it, then he must expiate his oath and do what God, Mighty and Exalted, has made lawful for him."

The Messenger of God—may God bless him and his family—said:

> "Whoever swears concerning a matter and then sees that doing contrary to what he swore would be better for him, let him do what is better and expiate his oath."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "Every oath concerning an act of disobedience is nothing.

There is no breach of oath in it and no expiation. Whoever swears that he will not do something he is obligated to do, or swears that he will do something impermissible, must not do the impermissible act and must do what is obligatory upon him. No breach and no expiation are due upon him. But whoever swears concerning an act of obedience that he will perform it must do what he swore to do. If he does not do it, he must expiate his oath."

On Vows

God Most High says:

> "Indeed, the righteous will drink from a cup whose mixture is camphor…"

through His saying:

> "They fulfill their vows and fear a day whose evil will be widespread, and they give food, despite loving it, to the needy, the orphan, and the captive."

The Messenger of God—may God bless him and his family—forbade making a vow to anyone other than God, Mighty and Exalted. He also forbade vows involving disobedience or severing ties of kinship.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "An example is a man who makes a vow upon himself that, if he gains access to intoxicating drink, he will drink it;

or to a woman, that he will commit fornication with her; or to property, that he will steal it; or concerning a person, that he will kill him. Such a vow is prohibited." If someone makes a vow in relation to such a thing involving emancipation, charity, or anything else, he must not carry out the sinful act. No vow is binding upon him in it, and if he swore concerning it, no breach is incurred. There is likewise no binding vow involving severance of kinship. Whoever makes a vow concerning obedience or in gratitude for a blessing must fulfill his vow.

An example is that a person says:

> "If I do not perform such-and-such prayers,"

or:

> "If I do not perform such-and-such good deed, then I owe the emancipation of a slave, fasting, charity,"

or anything else he specifies. He must either perform the good deed he obligated himself to do or fulfill the vow he attached to it.

Another example is that he says:

> "If God heals my sick relative, returns my absent person, or grants me wealth or a child, then I owe such-and-such as a vow,"

and he specifies what he means. If God, Mighty and Exalted, grants him what he hoped for, he must fulfill the vow he placed upon himself.

But if he does not specify the vow and merely says:

> "If such-and-such occurs, then I owe God a vow,"

without identifying what the vow consists of, then nothing specific is binding upon him. If he nevertheless performs some act voluntarily, that suffices as a supererogatory act rather than as something strictly obligatory. If he makes the vow equivalent to the expiation for an oath, that is good and proper.

On Expiations

God, Mighty and Exalted, says:

> "God will not take you to account for idle speech in your oaths, but He will take you to account for the oaths you bind. Its expiation is feeding ten needy persons from the average of what you feed your families, or clothing them, or freeing a slave. Whoever cannot find the means must fast three days. That is the expiation for your oaths when you swear."

Whoever swears by God and then breaks an oath in a manner requiring expiation, as previously explained, has a choice among feeding ten needy persons, clothing them, or freeing a slave, provided he is capable of any of these. He may choose whichever he wishes, because the text gives a choice.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whenever the Qurʾān says 'or…or,' the person has a choice.

But wherever it says, 'if he does not find' or 'if he is unable,' he must first perform the preceding obligation when he finds the means and is capable of it. He may not proceed to the second except after being

unable to perform the first." Thus, if the person who swore cannot afford food for ten needy persons, cannot afford to free a slave, young or old, and cannot afford clothing for ten needy persons, then he must fast three days. Fasting does not suffice unless he lacks the means for each of the things mentioned—feeding, clothing, and emancipation. Feeding in expiation for an oath means feeding the needy until they are satisfied for that day. The minimum is one *mudd* of food together with something eaten as a condiment. The middle rank of condiments is vinegar and oil. The highest is meat.

The lowest is salt, but salt alone does not suffice, because God, Mighty and Exalted, says:

> "From the average of what you feed your families."

The "average" means the fair middle. Whatever the person ordinarily feeds his family on most days and in his ordinary circumstances is what he should provide as expiation. If he feeds them something better than this, it is more meritorious for him. Clothing in the expiation consists of two garments for each needy person. A newborn slave may suffice for emancipation in expiation. A *mudabbar* slave may not be emancipated as expiation unless the owner first revokes the *tadbīr*, returns him to ordinary slave status, and then emancipates him. The fasting required for expiation of an oath is three consecutive days. In feeding and clothing from the expiation for an oath, one is instructed to give to people of the *walāya*. If they cannot be found, then to the weak or uninformed who are not hostile. A known *nāṣib* who displays hostility toward the Household of Muḥammad should not be given from expiation, charity, or similar acts when someone else can be found.

Whoever makes a vow conditional upon something, when that thing had already occurred before he made the vow but he did not know this, owes nothing. A man asked Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—about a case like this.

He said:

> "I have a slave-girl from whom I do not wish to have a child.

Her menstruation was delayed, and I feared she might be pregnant. So I vowed to God, Mighty and Exalted, emancipation, fasting, and charity if she menstruated. But she had in fact already menstruated before I made the vow, without my knowing it."

He said:

> "Nothing is due from you."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever swears that he will not give a man dinars, then gives him merchandise instead of them, has not broken his oath."

Whoever swears not to sell his commodity for a particular price and then sells it for goods worth that amount has not broken his oath. Whoever is owed dinars by a man and swears that he will not accept them except in full, then receives part in dinars and takes merchandise in place of the remainder, has not broken his oath. He—peace be upon him—was asked about a man who swore that he would slaughter his own child.

He said:

> "Nothing is due upon him for that.
>
> It is among the footsteps of Satan."

And he—peace be upon him—said:

> "Expiation comes after the oath has actually been broken."

Collection of the Chapters on Foods

On Feeding Food

God, Mighty and Exalted, says:

> "Indeed, the righteous will drink from a cup whose mixture is camphor…"

through His saying:

> "They give food, despite loving it, to the needy, the orphan, and the captive, saying: 'We feed you only for the sake of God. We desire from you neither reward nor thanks.'"

Many virtues concerning feeding food are transmitted from the Imams of the Household of the Messenger of God—may God bless him and all of them.

Among them is what is transmitted from the Messenger of God—may God bless him and his family—that he said:

> "When the tables of the family of Muḥammad—peace be upon them—are laid, the angels surround them, glorify God, and seek forgiveness for them and for whoever eats from their food."

Many virtues are likewise transmitted concerning feeding believers.

Among them is that the Messenger of God—may God bless him and his family—said:

> "The person among the people of the Fire with the lightest punishment is ʿAbd Allāh ibn Judʿān."

It was asked:

> "Why is that, O Messenger of God?"

He replied:

> "Because he used to feed people."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "For me to gather a group of my brothers over one or two *ṣāʿs* of food is dearer to me than going out to this market of yours and emancipating a slave."

And he—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—advised a man, saying:
>
> 'Feed food, spread the greeting of peace, maintain ties of kinship, and pray while the people are asleep; you will enter Paradise in peace.'"

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "No believer feeds another believer his fill of food except that God feeds him from the fruits of Paradise.
>
> Nor does he give him his fill of drink except that God, Mighty and Exalted, gives him to drink from the sealed nectar."

And he—peace be upon him—said:

> "Whoever feeds a brother of his for the sake of God, Mighty and Exalted, is like one who fed multitudes of people.
>
> Provision comes more swiftly to one who feeds others than a knife passes through the hump of a camel."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "Hospitality toward a guest is among noble character traits.

The limit of hospitality is three days. Whatever exceeds that is charity."

And he—peace be upon him—said:

"When your believing brother enters upon you or stays with you, offer him the best food in your house and whatever is readily available.

But if you specifically invite him, then make whatever effort you are able for him."

On the Varieties of Food and the Command to Preserve Them

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"Meat is the master of foods in this world and the Hereafter.

So eat it, for it produces flesh. Whoever abandons eating meat for forty days develops a bad temperament." The Messenger of God—may God bless him and his family—loved meat and would say:

"We, the people of Quraysh, are meat-eaters."

And he—may God bless him and his family—said:

"*Tharīd* is the food of the Arabs.

The first to prepare *tharīd* was Abraham—peace be upon him. The first to crumble bread for it was Hāshim ibn ʿAbd Manāf." The Messenger of God—may God bless him and his family—loved dates and would say:

"ʿAjwa dates are from Paradise."

When food was placed before him and dates were among it, he would begin with them. He also used to break his fast with dates.

And he—may God bless him and his family—said:

"What an excellent condiment vinegar is.

No household whose condiment is vinegar is poor. And what an excellent condiment oil is; it is the perfume of the prophets."

And he—may God bless him and his family—said:

"Eat lentils, for they soften the heart.

And eat quince, for it strengthens the heart and gives courage to the coward." He—may God bless him and his family—liked eating gourds and would say:

"They strengthen the intellect and increase the brain."

He forbade eating food while it was extremely hot, saying:

"It possesses no blessing."

Very hot food was once brought to him.

He said:

"God, blessed and exalted, would not feed us fire.

Leave it until it becomes possible to eat. Very hot food has its blessing effaced, Satan has a share in it, while when it becomes cool enough to eat it has qualities through which blessing increases: it satisfies the person who eats it and he is safe from harm by it." The Messenger of God—may God bless him and his family—forbade sniffing bread as predatory animals sniff things, and forbade cutting it with a knife. He—may God bless him and his family—liked honey. ʿAlī—peace be upon him—liked *fālūdhaj* and sugar and used to give them away in charity.

He was asked about this and said:

> "There is no food dearer to me than these, and I love to give in charity from the things dearest to me."

He—peace be upon him—liked pomegranates. He would eat them together with their white inner membrane and command others to do so.

He said:

> "It strengthens the stomach."

And he would say:

> "There is no pomegranate except that within it is a seed from Paradise.
>
> So gather up whatever falls from it and eat it."

And he—peace be upon him—said:

> "Whoever finds a fragment of bread thrown aside, picks it up, wipes it clean, and places it in a niche, God writes for him one good deed—and a good deed is multiplied tenfold.
>
> If he eats it, God writes for him two good deeds, each multiplied."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Food is provision from the provision of God and bounty from His bounty.
>
> Whoever honors it has honored God. Whoever treats it with contempt has treated His bounty with contempt."

He—peace be upon him—was strict with his household concerning this. He commanded them to preserve food and forbade them from wasting any of it. Whenever he saw in his house some food that had been thrown away, he reduced his household's provision by an equivalent amount. And he—peace be upon him—said concerning the saying of God Most High:

> "God sets forth the example of a town that was secure and tranquil, its provision coming to it abundantly from every place, but it was ungrateful for God's blessings, so God made it taste the garment of hunger and fear because of what they used to do."

He said:

> "These were the people of a town upon whom God, Mighty and Exalted, had greatly expanded their means of living.
>
> They used bread for cleaning themselves. So God, Mighty and Exalted, sent against them creatures smaller than locusts which devoured everything they possessed. They were then afflicted with years of famine and returned to eating the bread they had previously used for cleaning themselves."

ʿAlī ibn al-Ḥusayn—God's blessings be upon them both—entered the privy and found a date. He said to his servant:

> "Wash it and keep it until I come out."

The servant ate it. When ʿAlī ibn al-Ḥusayn came out, he asked about it.

The servant said:

> "I ate it."

He said:

> "Then you are free for the sake of God."

He was asked why.

He replied:

> "When he ate it, Paradise became obligatory for him, and I disliked owning a man from among the people of Paradise."

Jaʿfar ibn Muḥammad—peace be upon him—saw fruit from his house that had been thrown away before being fully eaten.

He became angry and said:

"What is this wastefulness?

If you have become full, many people have not become full. You should have eaten what you were able and fed whatever remained to those in need." Al-Mahdī—peace be upon him—saw thin flatbread that had dried out and been thrown into a corner of his palace.

He became intensely angry and said:

"What is this contempt for the provision of God, Mighty and Exalted?"

When he saw the same thing again on another occasion, he ordered that an equivalent amount be deducted from their allotted provisions.

Jaʿfar ibn Muḥammad—peace be upon him—said:

"There is no extravagance in food.

Eat what God, Mighty and Exalted, has made lawful for you and praise Him. God, Mighty and Exalted, will not question you about what He made lawful for you. Rather, the blessing concerning which you will be questioned is God's blessing upon you through us: whether you recognized it and fulfilled its right."

And he—peace be upon him—said:

"Do not be miserly with food.

The food of one is enough for two."

ʿAlī—peace be upon him—said:

"The food with the greatest blessing is that upon which the greatest number of hands gather."

On the Etiquette of Eating

We have transmitted from the Messenger of God—may God bless him and his family—that when food was brought for him to eat, he would sit poised on one leg while resting upon the other. And he would say:

"I sit as a servant sits, and I eat as a servant eats."

The Messenger of God—may God bless him and his family—forbade eating while reclining.

Jaʿfar ibn Muḥammad—peace be upon him—said:

"The Messenger of God—may God bless him and his family—never ate reclining from the time God sent him until He took him."

The Messenger of God—may God bless him and his family—forbade eating with the left hand, lying on one's back, lying on one's side, or reclining. He forbade eating with three fingers and used to eat with five. He forbade eating from the top of the *tharīd*.

And he—may God bless him and his family—said:

"When bread and meat are brought together, begin with the bread."

He used to lick the dish and would say:

"Its last portion contains the greatest blessing.

The angels bless those who lick their dishes and supplicate for abundance of provision for them. The one who licks the dish receives a multiplied good deed."

And he—may God bless him and his family—said:

> "Clean between your teeth after eating, for it is health for the canines and molars and brings provision to the servant.

Nothing is more burdensome upon the two angels assigned to a believer than seeing food remaining in his mouth while he stands in prayer." The Messenger of God—may God bless him and his family—forbade using reeds, aromatic plants, or pomegranate twigs for cleaning between the teeth.

He said:

> "That stirs the vein of leprosy."

He commanded washing the hands before food and afterward. He forbade removing the washing basin from before the people until it was full.

And he—may God bless him and his family—said:

> "No believing servant gathers his household, sets down his food, and they mention the name of God, Mighty and Exalted, at the beginning of the meal and praise Him at its end, except that the table is lifted after they have been forgiven."

ʿAlī—peace be upon him—said:

> "When God is named at the beginning of the meal, praised at its end, the hands are washed before and afterward, many hands gather around it, and the food is lawful, then its blessing is complete."

And he—peace be upon him—said:

> "I guarantee that whoever names God over his food will not be harmed by it."

Ibn al-Kawwāʾ said to him:

> "I ate food last night and named God over it, yet it harmed me."

ʿAlī—peace be upon him—said:

> "You fool! Perhaps you ate several different dishes, named God over some, and did not name Him over others."

He replied:

> "Yes, by God, that is exactly what happened, Commander of the Faithful."

And he—peace be upon him—said:

> "The blessing of food lies in washing before and after it.

Satan is attracted to the smell of grease upon the hands, so wash it from your hands." He disliked washing the hands with foodstuffs and would say:

> "Blessing flees from that."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "When food is placed before people and they mention God's name over it, Satan says to his companions:
>
> 'Leave, for you have no share in this.'
>
> But whoever does not mention God's name over his food, Satan shares in it."

And he said:

> "Whoever says in the morning:
>
> 'O God, as I begin this day before my forgetfulness and haste, I begin in the name of God, the All-Merciful, the Compassionate,'

this suffices for whatever he later forgets of mentioning God's name over food or drink." He—peace be upon him—forbade a person from eating, drinking, or taking anything with his left hand except because of an infirmity. When he ate, he would lick his fingers before wiping his hand with a cloth.

And he—peace be upon him—said:

> "My father—peace be upon him—disliked a man wiping his hand with a cloth while some food remained upon it, out of reverence for the food."

He forbade getting up while food was still laid out. Sometimes one of his servants would be called, and he would be told:

> "They are eating."

He would say:

> "Leave them until they finish."

When food was placed before him, he would not busy himself with anything else. If the time for prayer arrived while food was present, he would begin with the food, and when he had finished he would rise and pray within the prayer time.

And he—peace be upon him—said:

> "When a man's brothers are present with him for food, he should eat with them so as to encourage them.
>
> He should be the last of them to lift his hand from the food and the last of them to wash before and after the meal."

And he—peace be upon him—said:

> "Part of a man's affection toward his brother is that he eats well from his food.
>
> So eat from the food of your brothers and do not act shyly or restrain yourselves."

On What Foods Are Lawful and Unlawful

God Most High says:

> "Forbidden to you are carrion, blood, the flesh of swine, that over which a name other than God has been invoked, the strangled, the beaten, the fallen, the gored, and that which a wild beast has eaten—except what you properly slaughter—and what has been slaughtered upon stone altars, and that you seek division by arrows. That is grave disobedience."

God, Mighty and Exalted, has expressly forbidden in His Book the eating of carrion, blood, pork, and that over which the name of other than God was invoked. He also forbade:

the strangled animal—one that dies through strangulation; the beaten animal—one beaten with a stick until it dies; the fallen animal—one that falls from a high place and dies; the gored animal—one that dies from being gored; and that which a predatory beast has eaten, if it dies from this before lawful slaughter can be performed. He forbade what is slaughtered upon stone altars, meaning what is slaughtered for other than God, Mighty and Exalted, as the people of the Age of Ignorance used to slaughter before the idols they set up. He forbade flowing blood. And God, Mighty and Exalted, through the tongue of His Messenger—may God bless him and his family—forbade every predatory beast possessing fangs, every bird possessing talons with which it hunts, domesticated donkeys, and mules. The Messenger of God—may God bless him and his family—forbade slaughtering healthy, sound horses and eating their meat when there remains benefit in keeping horses tied and prepared in the path of God, Mighty and Exalted, for struggle against the polytheists.

This accords with the saying of God, Mighty and Exalted:

"Prepare against them whatever strength you are able and tethered horses…"

and His saying:

"And horses, mules, and donkeys for you to ride and as adornment."

But when horses are ruined by a fracture, wound, or other illness, and recovery is despaired of with no expectation of cure, they may be slaughtered and their meat eaten. It is transmitted that the Messenger of God—may God bless him and his family—passed by a man of the Anṣār who was standing beside a horse of his that was dying.

The Messenger of God—may God bless him and his family—said:

"Slaughter it and you will have two rewards:

a reward for slaughtering it and a reward for patiently accepting its loss."

The man said:

"O Messenger of God, may I eat some of it?"

He replied:

"Yes. Eat, and send some to us if you wish."

ʿAlī—peace be upon him—said:

"The man slaughtered it and sent a thigh from it to the Messenger of God—may God bless him and his family.

He ate from it and fed us from it." It is transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that they declared unlawful every food that is lethal or harmful. The exception is something harmful ordinarily but used medicinally by a sick person, in which case treatment by it is permissible.

It is transmitted from ʿAlī—peace be upon him—that he said:

"Fish is lawfully slaughtered, and locusts are lawfully slaughtered."

Meaning: taking them alive constitutes their lawful slaughter. If they die before being caught, eating them is not permissible. It is transmitted from the Messenger of God—may God bless him and his family—that he forbade the meat of *jallāla* animals—animals of any kind that habitually eat excrement—until they are confined, fed clean fodder, prevented from eating filth, and purified from it.

ʿAlī—peace be upon him—said:

"A *jallāla* camel is confined upon clean fodder for forty days before being eaten;

cattle for twenty days; sheep for seven days; ducks for five days; and chickens for three days." Afterward their meat may be eaten. The milk of those that give milk may be drunk, and the eggs of those that lay eggs may be eaten. Before this purification, all of that is forbidden. It is transmitted from Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—that he disliked vinegar made from wine when its original purpose had been to produce wine. It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he disliked eating glands, spinal marrow, spleen, testicles, penis, certain reproductive organs, and the inside of the hoof.

And it is transmitted from him—peace be upon him—that he said:

"Nothing from the animals of the sea may be eaten except what is caught alive and has scales.

Whatever dies in the sea before being taken, or whatever has no scales, is entirely unlawful." He—peace be upon him—forbade eating cheese made by Magians or polytheists when they put into it rennet taken from carrion or from an animal over which the name of God was not mentioned. But if the cheese is of unknown origin and it is not known that such a substance is present in it, then there is latitude in eating it when it is sold in the market of the Muslims, just as one eats slaughtered meat sold there. Everything whose consumption is

normally forbidden becomes permitted to one compelled by necessity when nothing else can be found and he fears for his life. A person in such necessity may eat from it until satisfied if he wishes. Every grain, vegetable, produce of the earth, and fruit that serves as human food and neither harms nor kills is lawful to eat. The flesh and milk of camels, cattle, sheep, and all wild animals are lawful except predatory beasts possessing fangs which attack and eat other animals.

Their flesh and anything derived from them are not lawful to eat. Birds are lawful when properly slaughtered except predatory birds possessing talons which seize and eat other birds. Neither their flesh nor their eggs are lawful. If eggs are found and it is not known what bird laid them, they are examined. If the two ends differ, one end being pointed and the other not pointed, they may be eaten. These are eggs of birds whose flesh may be eaten. If the two ends are equal, they are not eaten. These are eggs of birds whose flesh may not be eaten. The Messenger of God—may God bless him and his family—permitted eating rabbit. He disliked the lizard, hedgehog, and other creeping creatures of the earth. It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he permitted using vessels contaminated by impurity or wine once they have been washed and cleansed. He also permitted food in which insects of the earth, flies, or other creatures without flowing blood die.

He said:

> "Their dying in it does not make the food unlawful to eat and does not render it impure.

Whoever does not feel repelled by it may eat it if he wishes." But if an animal possessing flowing blood dies in it, and…

> "…if the food is liquid, it is spoiled.

If it is solid, only what surrounds the dead creature is spoiled. Whoever wishes may eat the remainder, and there is no harm in doing so once the portion surrounding the carcass has been removed and discarded.

Collection of the Chapters on Drinks

On the Etiquette of Drinking

We have transmitted from the Messenger of God—may God bless him and his family—that he forbade drinking with the left hand and commanded that one drink with the right. He commanded the drinker to mention God's name at the beginning of drinking and praise Him after finishing, and to pause for breath while drinking, mentioning God when beginning and praising Him whenever he stops to breathe.

ʿAlī—peace be upon him—said:

> "I observed the Messenger of God—may God bless him and his family—on more than one occasion while he was drinking water.

He would pause for breath three times, moving the vessel away from his mouth each time he breathed. He would mention God, Mighty and Exalted, when he began and praise Him whenever he stopped, at each of the three pauses."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "Three breaths while drinking are better than one."

The Messenger of God—may God bless him and his family—forbade bending back the mouths of waterskins and then drinking directly from them. It was said that this causes them to become foul-smelling and that there is also the danger of some creature being in the water unseen by the drinker and slipping into his throat. The Messenger of God—may God bless him and his family—drank both standing and sitting. He forbade drinking directly from water by putting one's mouth into it. That is when a person drinks with his mouth from a river, pool, pond, or something similar.

He saw a man doing this and said:

"Do you drink like an animal drinks?

If you cannot find a vessel, then drink with your hands, for they are among the finest of your vessels." The Messenger of God—may God bless him and his family—forbade gulping water.

He said:

"Sip water gently; do not gulp it down, for gulping water causes pain in the liver."

He did, however, gulp milk. ʿAlī ibn al-Ḥusayn—peace be upon him—was seen gulping milk. It was said to him:

"Will you not drink it in small draughts?"

He replied:

"It is only the people of the Fire who drink in painful draughts."

When the Messenger of God—may God bless him and his family—drank milk, he would say:

"O God, bless it for us and increase us in it."

When he drank water, he would say:

"Praise be to God who, through His mercy, gave us sweet and wholesome water to drink and did not, because of our sins, give us salty and bitter water."

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he forbade drinking, and likewise using water for ablution, from the side of a vessel where its handle is attached.

On What Is Lawful to Drink

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"Water is the master of drinks in this world and the Hereafter."

Thus drinking naturally created waters which have not been manufactured by human beings is lawful and permitted so long as no impurity has mixed with them and they are neither lethal nor harmful. Likewise, the milk of every animal whose flesh may lawfully be eaten may be drunk.

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"Drink camel milk, for camels browse from every kind of tree."

And he—may God bless him and his family—said:

"Beef is illness, cow fat is healing, and cow's milk is medicine."

And he—may God bless him and his family—said:

"A prophet before me complained to God of weakness in his body.

God, Mighty and Exalted, revealed to him:

'Cook meat with milk and eat them together, for I have placed strength in them both.'"

And he—may God bless him and his family—said:

"Meat and milk are the broth of the prophets."

And he—may God bless him and his family—said:

"Honey is healing."

ʿAlī—peace be upon him—said:

"No sick person has sought healing with anything like drinking honey."

And he—peace be upon him—said:

> "Is one of you unable, when he falls ill, to ask his wife to willingly give him one or two dirhams from her dowry, then purchase honey with it and drink it with rainwater?"

For God, Mighty and Exalted, says concerning dowries:

> "If they willingly remit any part of it to you, then consume it with enjoyment and wholesome ease."

And He says concerning honey:

> "In it is healing for people."

And He says concerning rainwater:

> "We sent down from the sky blessed water."

Whatever is mixed with water from honey, milk, dates, raisins, or anything else lawful to eat or drink remains lawful to drink so long as it has not changed into an intoxicant or otherwise become corrupted. Likewise, the juices extracted from grapes, dates, raisins, fruits, and vegetables whose consumption is lawful are themselves lawful to drink so long as they have not changed. The same applies whether drunk pure or mixed with water. Buying, selling, and benefiting from them are likewise lawful. If such juice is cooked until it thickens, or cooked without becoming thick, and is then drunk either pure or mixed with water, it remains lawful so long as it has not changed into an intoxicating drink. It is transmitted from ʿAlī—peace be upon him—that he liked *ṭilāʾ*. This is grape juice cooked until it acquires a thick consistency and no longer changes when left standing, becoming like honey. This and similar preparations are lawful to drink, either pure or mixed with water, so long as they do not change into an intoxicant.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked concerning drinking juice.

He said:

> "There is no harm in drinking it from a clean vessel that has not become impregnated with intoxicating drink.

Drink it so long as a large quantity of it does not intoxicate. Once a large amount intoxicates, even a small amount is forbidden. Do not drink a disgrace whose pleasure lasts only a short time. After an hour or a night the pleasure of the wine is gone, while its sins remain. Fear God and take yourselves to account. The followers of ʿAlī—peace be upon him—were recognized by scrupulousness, effort, vigilance, avoidance of major and minor sins, and love for the friends of God, Mighty and Exalted."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "We used to soak raisins or dates in water for the Messenger of God—may God bless him and his family—in a clean vessel in order to sweeten the water.

He would drink it for one or two days. When it changed, he ordered it poured away." This is the *nabīdh* whose drinking is lawful. It is called *nabīdh* because dates, raisins, or something similar that sweetens harsh water are cast into it. But when it is covered so that it ferments, bubbles, and becomes strong, then it is wine if a large quantity intoxicates.

On What Is Forbidden to Drink

God, Mighty and Exalted, says:

> "Wine, gambling, stone altars, and divining arrows are filth from the work of Satan, so avoid them that perhaps you may prosper."

Thus he—peace be upon him—forbade wine just as he forbade all other prohibited things.

We have transmitted from the Messenger of God—may God bless him and his family—that he said:

"Wine is forbidden.

Wine is the mother of abominations. No one drinks it in this world and then drinks it in the Sacred Enclosure."

And he—may God bless him and his family—said:

"May God curse wine, the one who presses it, the one for whom it is pressed, its seller, its buyer, its drinker, its server, the one who consumes its price, its carrier, and the one to whom it is carried."

And he—may God bless him and his family—said:

"Whatever intoxicates in a large quantity is forbidden even in a small quantity."

The Messenger of God—may God bless him and his family—forbade using wine or intoxicants as medicine. He also forbade giving them to children or animals, saying that the sin falls upon the one who gives it to them.

It is transmitted from ʿAlī ibn al-Ḥusayn—peace be upon him—that he said:

"Wine may be made from five things: dates, raisins, wheat, barley, and honey,"

meaning in addition to grapes.

It is transmitted from Muḥammad ibn ʿAlī—peace be upon him—that he said:

"One who habitually drinks wine will meet God, Mighty and Exalted, when he meets Him like an idol-worshipper.

Whoever drinks even one draught of it will have no prayer accepted from him for forty nights."

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

"Paradise has been forbidden to three:

one addicted to wine, an idol-worshipper, and an enemy of the family of Muḥammad—peace be upon them. Whoever drinks wine and dies within forty days of drinking it meets God like an idol-worshipper."

And he—peace be upon him—said:

"The Messenger of God—may God bless him and his family—forbade every intoxicating drink.

Whatever the Messenger of God—may God bless him and his family—forbade, God, Mighty and Exalted, forbade. Every intoxicant is forbidden. Whatever intoxicates in a large quantity is forbidden even in a small quantity." A man from Kūfa said to him:

"May God set you right. The jurists of our city say that only the quantity that actually intoxicates is forbidden."

He replied:

"I do not know what the jurists of your city say.

My father transmitted to me from his father, from his grandfather, from ʿAlī ibn Abī Ṭālib—God's blessings be upon them—that the Messenger of God—may God bless him and his family—said:

'Whatever intoxicates in a large quantity is forbidden even in a small quantity.'"

Jaʿfar ibn Muḥammad—peace be upon him—said:

"Dissimulation is my religion and the religion of my forefathers in everything except three matters:

the prohibition of intoxicants, removing the leather socks"—meaning during ablution—

"and reciting 'In the name of God, the All-Merciful, the Compassionate' aloud,"

meaning in prayers where the recitation itself is aloud.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Do not treat illness with wine or intoxicants, and women should not use them in combing or grooming."

He said:

> "My father transmitted to me from his father, from his grandfather, that ʿAlī—peace be upon him—said:
>
> 'God has not placed healing in filth that He has forbidden.'"

He—peace be upon him—was asked concerning drinking *fuqqāʿ*. He asked the questioner what it was like.

When it was described to him, he said:

> "It is forbidden, so do not drink it."

He—peace be upon him—was asked about vessels impregnated by intoxicating drink.

He said:

> "*Nabīdh* was not forbidden because of the vessels.
>
> Rather, every intoxicating drink is forbidden, both a little of it and much of it. Vessels that have become impregnated with it are disliked only because they alter drinks."

Collection of the Chapters on Medicine

On the Proper Use of Medicine

In this chapter we mention what has been transmitted from the People of the Household—God's blessings be upon them all—concerning medicine: what they permitted as treatment and therapy and what they forbade, insofar as it falls within the chapters of the lawful and unlawful. Someone who doubts what has been transmitted from them may, when hearing some of these reports, reject them. Or he may use such a treatment, fail to find benefit from it, and therefore dismiss it. But God grants benefit through these things to those who believe them, submit to their command, and receive what has come from them with acceptance—not to one who takes it merely as an experiment, without belief, intention, or conviction. The following transmitted report supports what we have said. Jaʿfar ibn Muḥammad—peace be upon him—entered upon Muḥammad ibn Khālid, governor of Medina, visiting him during an illness. Muḥammad complained to him of pain in his abdomen. A group of people were present.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Shall I not tell you a report which my father transmitted to me from his father, from his grandfather, from ʿAlī—peace be upon him—from the Messenger of God—may God bless him and his family?"

He said:

> "Yes."

He said:

> "My father Muḥammad ibn ʿAlī ibn al-Ḥusayn transmitted to me from his father, from his grandfather—peace be upon them—that a man complained to the Messenger of God—may God bless him and his family—of pain in his abdomen.

The Messenger of God—may God bless him and his family—said to him:

> 'Take a draught of honey, place in it three grains of black seed—or five, or seven—and drink it.

You will recover, by God's permission.' The man did so and recovered. So you too should take it."

A man from Medina who was present objected and said:

> "Abū ʿAbd Allāh, the report is authentic and we have heard it, but we tried it and received no benefit."

Abū ʿAbd Allāh—peace be upon him—became intensely angry and said:

> "God grants benefit through this only to those who believe in us, believe His Messenger, submit to his command, and receive from him with acceptance.

As for hypocrites who doubt him and do not believe him, God does not grant them benefit through it. Perhaps you are a hypocrite and took it without believing the Messenger of God, so you were deprived of its benefit." The man lowered his head in shame and embarrassment. Everyone present affirmed Abū ʿAbd Allāh—peace be upon him—in what he said. As for us, we cannot count how many times we have used such treatments with sincere intention and certainty and benefited from them. Whoever intends to use anything mentioned in the chapters of this section as treatment or medicine, transmitted from the Messenger of God—may God bless him and his family—or from the Imams of his Household—God's blessings be upon them all—should approach it with intention, sincerity, and certainty. Then, God Most High willing, it will benefit him. But if doubt enters his heart and he thinks that such a thing could not serve as medicine, and he inclines instead toward the statements of physicians if they happen to contradict it, then he will not benefit from it.

God grants success in believing His friends, submitting to His command, and receiving and accepting from them to whichever of His servants He is pleased to choose for their *walāya*.

On Seeking Healing through Acts of Righteousness

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that he said:

> "In black seed there is healing from every illness except *al-sām*."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—related this report to some of his companions, and they were impressed by it.

They said:

> "Son of the Messenger of God, how easy a treatment this is—one that heals every illness except death."

He said:

> "Yes. Shall I not tell you of something easier than that, concerning which the Messenger of God—may God bless him and his family—did not except death or anything else?"

They asked:

> "What is it, son of the Messenger of God?"

He said:

> "Supplication.

It turns back a decree even after it has been firmly determined." He pressed together the fingers of both hands, little finger against little finger, demonstrating the firmness of the decree. It is transmitted from the Messenger of God—may God bless him and his family—that he once noticed the absence of a man of the Anṣār. After some time the man came to him.

He asked:

> "What kept you from us?"

The man replied:

> “Illness and poverty, O Messenger of God.”

He—may God bless him and his family—said:

> “Shall I teach you words by which you may supplicate and God, Mighty and Exalted, will remove these things from you?”

He replied:

> “Yes, may my father and mother be your ransom, O Messenger of God.”

He said:

> “Say:
>
> ‘There is no power and no strength except through God.

I place my trust in God, the Living who does not die. Praise be to God who has taken no son, has no partner in sovereignty, and has no protector out of weakness. Magnify Him greatly.’”

It is transmitted from ʿAlī—peace be upon him—that he said:

> “I complained to the Messenger of God—may God bless him and his family—of forgetfulness that had afflicted me, causing much of the Qurʾān to slip from me.

He said:

> ‘ʿAlī, I shall teach you words that will remove this from you and establish the Qurʾān in your heart.

Say:

> “O God, have mercy upon me by enabling me to abandon disobedience to You for as long as You keep me alive.

Have mercy upon me by enabling me to abandon what does not concern me. Grant me excellence of reflection upon that which pleases You with me. Bind my heart to preserving Your Book as You taught me, and enable me to recite it in the manner that pleases You with me. O God, illuminate my sight through Your Book, loosen my tongue through it, expand my breast through it, employ my body through it, and help me concerning it, for none helps with it except You.”””

ʿAlī—peace be upon him—said:

> “I supplicated with these words, and God established the Qurʾān in my breast.”

It is transmitted from him—peace be upon him—that he said:

> “If one of you has a vessel of food or drink set before him and fears that something harmful may be in it, or suspects it, let him mention God’s name and partake of it.

Nothing will harm him together with the name of God, Mighty and Exalted.” It is transmitted from Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—that one of his companions complained to him of corruption in his stomach, saying that whenever he ate food it harmed him and caused indigestion.

He said:

> “Mention God’s name over every food you eat and again whenever you begin each different kind of food.

Then it will not harm you.” The man did so and recovered. It is transmitted from him—peace be upon him—that one of his companions developed a white mark between his eyes. He complained of it to him, explaining how distressed and troubled it had made him.

He said:

> “You should supplicate while prostrating.”

The man said:

"Son of the Messenger of God, teach me what I should say."

He said:

"Say:

'O God, O All-Merciful, O Compassionate, O Hearer of supplications, O Giver of good things, give me the good of the Hereafter and this world, turn away from me the evil of both, and remove this thing between my eyes, for it has distressed and saddened me.'"

He did so and recovered.

It is transmitted from him—peace be upon him—that he said:

"Be eager to give charity and seek protection through it.

No believer gives charity in the morning seeking what is with God except that God, Mighty and Exalted, thereby turns away from him the evil of what descends from heaven that day."

Or he said:

"God protects him from the evil of what descends from heaven that day."

Then he said:

"Do not regard lightly the supplication of the poor for those among you who are ill.

Their supplication for you is answered, even though their supplication for themselves may not be answered." Ismāʿīl ibn ʿAlī entered Medina while ill. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—visited him.

When he saw his condition, he said:

"Bring a basket, put wheat in it, and place it before you.

Then instruct one of your servants that whenever a beggar comes, he should bring him in to you. Give some of the wheat to him with your own hand and ask him to supplicate to God for you."

Ismāʿīl said:

"Should I not give them dirhams and dinars instead?"

Abū ʿAbd Allāh—peace be upon him—said:

"Do what I have commanded you."

He did so and was granted recovery.

It is transmitted from Abū ʿAbd Allāh—peace be upon him—that he said:

"Three things remove forgetfulness and bring about remembrance:

reciting the Qurʾān, using the tooth-stick, and fasting." It is transmitted from him—peace be upon him—that one of his companions complained to him of the frequency with which anxiety and sorrow afflicted him.

He said:

"When something of that kind strikes you, wipe your hand over the place where you prostrate, then pass your hand over your face from both sides and say:

'In the name of God, besides whom there is no god, Knower of the unseen and the witnessed, the All-Merciful, the Compassionate.

O God, remove from me anxiety and sorrow.' Do this three times."

It is transmitted from him—peace be upon him—that he said:

> "Whoever says thirty times each day:
>
> 'In the name of God, the All-Merciful, the Compassionate.
>
> Praise be to God, Lord of the worlds. Blessed is God, the best of creators. There is no power and no strength except through God, the Most High, the Magnificent,' God turns away from him ninety-nine kinds of affliction, the least of which is madness."

On Finding Consolation in the Reward for Illness

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that the Messenger of God—may God bless him and his family—said:

> "The groaning of a sick person is recorded as good deeds when he is patient and seeks reward from God.
>
> If he is impatient and complaining, he is recorded as one given to panic and receives no reward." We have already discussed this subject fully in the chapters on funerals, together with the reward found in illness for one who is patient and seeks recompense. They—peace be upon them—also transmitted that a woman brought her son, who was afflicted by madness, to the Messenger of God—may God bless him and his family.

She said:

> "O Messenger of God, supplicate to God for this son of mine that He cure him."

He said:

> "Whichever you wish.
>
> If you wish, I shall supplicate to God for him and He will cure him. If you wish, leave him as he is, and there will be no reckoning or punishment upon him."

She said:

> "Then leave him as he is, O Messenger of God."

On Seeking Refuge and Healing Recitations

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that the Messenger of God—may God bless him and his family—would seat al-Ḥasan and al-Ḥusayn—God's blessings be upon them both—upon his thighs in his lap and seek protection for them, saying:

> "I seek refuge for you both in the perfect words of God from every devil, every harmful creature, and every evil eye."

He would say:

> "Thus did my father Abraham—peace be upon him—seek protection for his two sons Ismāʿīl—peace be upon him—and Isaac—peace be upon him."

It is transmitted from him—peace be upon him—that Labīd ibn Aʿṣam the Jew and Umm ʿAbd Allāh the Jewess worked sorcery against him using knots tied in red and yellow thread. They tied eleven knots in it, placed it inside the sheath of a palm-spathe, and inserted it into one of the steps of a well in Medina. The Messenger of God—may God bless him and his family—remained unable properly to hear or see, rise, speak, eat, or drink. Gabriel—peace be upon him—then came down to him with the two chapters of seeking refuge. He asked him:

> "What is wrong with you?"

He replied:

"I do not know. I am in the condition you see."

Gabriel said:

"Labīd ibn Aʿṣam and Umm ʿAbd Allāh, the two Jews, have bewitched you."

He informed him where the sorcery had been placed. Then he recited over him:

"In the name of God, the All-Merciful, the Compassionate. Say: I seek refuge in the Lord of daybreak…"

through the end of the two chapters. The Messenger of God—may God bless him and his family—recited likewise. One knot became undone. He recited again and another knot became undone. He continued until he had recited eleven times and all eleven knots were undone. The Prophet—may God bless him and his family—sat up. He ordered ʿAlī—peace be upon him—to retrieve the sorcery from the well where it had been placed.

He then summoned Labīd and Umm ʿAbd Allāh and said:

"What caused you to do what you did?"

Then he said to Labīd:

"May God not allow you to leave this world in safety."

Labīd was wealthy and possessed much property. A boy later passed him wearing an earring worth a dinar. Labīd snatched at it, tore the boy's ear, and took it. His hand was cut off as punishment and cauterized, but the bleeding would not stop. He bled to death.

ʿAlī—peace be upon him—said:

"I became severely ill.

The Prophet—may God bless him and his family—visited me while I was unable to settle upon my bed.

He said:

'ʿAlī, the people most severely afflicted in this world are the prophets, then those nearest to them, then those nearest to them.

Rejoice, for this is your share of God's punishment together with the reward stored for you.' Then he said to me:

'Would you like God to remove what is afflicting you?'

I said:

'Yes, O Messenger of God.'

He said:

'Say:

"O God, have mercy upon my delicate skin and my fragile bones.

I seek refuge in You from the surge of burning fever. O Mother of Fever, if you believe in God, then do not consume flesh, do not drink blood, and do not rise against the mouth. Depart instead to one who claims that there is another god together with God. I bear witness that there is no god but God alone, without partner, and I bear witness that Muḥammad is His servant and messenger."'"

ʿAlī—peace be upon him—said:

"I said it and recovered immediately."

Jaʿfar ibn Muḥammad—peace be upon him—said:

"Whenever I have resorted to it, I have found it beneficial."

They—peace be upon them—used to teach it even to women and children. It is transmitted from ʿAlī—peace be upon him—that the Messenger of God—may God bless him and his family—permitted healing recitations using the Book of God, Mighty and Exalted, and known invocations of His remembrance and names.

He said:

> "These healing recitations are among what Solomon son of David—peace be upon him—took as a covenant upon the jinn."

And it is transmitted from him—peace be upon him—that he said that the Messenger of God—may God bless him and his family—said:

> "There is no healing recitation except in three things:

venom, the evil eye, or blood." The common people understand the word *ḥumma* here as the sting of the scorpion or hornet, but this is mistaken. Rather, *ḥumma* means the venom of such creatures, including the serpent and others. A *hāmma* is any venomous creature. As for the scorpion's sting itself, it is its needle. It is transmitted from the Messenger of God—may God bless him and his family—that he sent a military detachment. They passed by a clan of Arabs whose chief had been bitten by a venomous creature. They asked whether anyone among the detachment knew healing recitations. One of them recited the Opening Chapter of the Book over him and he recovered. When this was reported to the Messenger of God—may God bless him and his family—he approved it. One of his wives also performed a healing recitation using the two chapters of seeking refuge. He approved that and said to her:

> "How did you know that the two of them are a healing recitation?"

And he—may God bless him and his family—said:

> "There is no contagion, no evil omen, and no superstition concerning owls.

The evil eye is real, and a good omen is real."

And he—may God bless him and his family—said:

> "If one of you looks at a person, animal, or anything beautiful and is impressed by it, let him say:
>
> 'I believe in God, and may God bless Muḥammad and his family.'

Then his eye will not harm it." It is transmitted from him—peace be upon him—that when he was afflicted by the evil eye or suffered a headache, he would spread out his hands and recite into them the Opening Chapter of the Book and the two chapters of seeking refuge. He would then wipe them over his face, and what he had been experiencing would leave him. The Messenger of God—may God bless him and his family—forbade sorcery, soothsaying, amulets, and love-charms. Amulets here are things hung upon a person containing something other than the names of God, Mighty and Exalted. Love-charms are things made by women in order to attract the affection of their husbands, resembling soothsaying and similar practices.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "There is no harm in hanging a protective charm when it contains something from the Qurʾān."

A man complained to Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—of pain.

He said:

> "Say, 'In the name of God,' and wipe your hand over it.
>
> Then say:
>
> 'I seek refuge in the might of God.

I seek refuge in the power of God. I seek refuge in the names of God. I seek refuge in the names of the Messenger of God from the evil of what I find in you.' Say it seven times."

The man said:

"I said it, and what I was suffering disappeared."

It is transmitted from him—may God bless him and his family—that he said:

"When you wish to perform a protective recitation, bring your palms together and recite into them the Opening Chapter of the Book and:

'Say: He is God, One'

three times. Then place them upon the place where you feel the ailment. Then bring them together again and recite the Opening Chapter of the Book and:

'Say: I seek refuge in the Lord of daybreak'

three times. Place them a second time upon the place where you feel the ailment. Then bring them together again and recite the Opening Chapter of the Book and:

'Say: I seek refuge in the Lord of mankind'

three times. Then place them upon the painful place a third time."

It is transmitted from ʿAlī—peace be upon him—that he said:

"If someone's temperament becomes bad, pronounce the call to prayer into both of his ears."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked whether a sick person may seek a healing recitation.

He said:

"There is no harm when he seeks a recitation whose words are known."

It is transmitted from Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—that he said:

"When you wish to perform a healing recitation over a wound because of pain, bleeding, or anything feared from it, place your hand upon the wound and say:

'In the name of God, I recite over you for healing.

In the name of God, greater than iron and stone and the fang…'"

"…and the dark vein—so that it does not spurt—and the eye—so that it does not remain wakeful."

Repeat this three times.

On Treatment and Medicine

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that the Messenger of God—may God bless him and his family—was asked whether a sick person should seek medicine and treatment.

He said:

"Yes.

God has not sent down any disease without also sending down its remedy. So seek treatment—except for *al-sām*," meaning death,

"for there is no remedy for it."

A group of the Anṣār asked him concerning one of their men who was suffering from an abdominal illness. A Jewish man treated such conditions by making an incision in the abdomen. The Messenger of God—may God bless him and his family—disliked this and did not grant them permission. They returned to ask him two or three times, and each time he refused them.

Then he said:

"Do what you wish."

So they summoned the Jewish practitioner. He opened the man's abdomen and removed a large quantity of diseased matter from it. He then treated the abdomen, stitched it, and medicated him, and the man recovered.

When the Messenger of God—may God bless him and his family—was informed, he said:

"The One who created diseases has appointed remedies for them.

Among the best remedies are cupping, bloodletting, and black seed," meaning *shūnīz*. The Messenger of God—may God bless him and his family—forbade excessive dietary restriction for the sick. He saw Salmān suffering from inflammation of the eye while eating dates.

He said:

"Salmān, are you eating dates while your eye is inflamed?"

Salmān replied:

"O Messenger of God, only my right eye is inflamed, while I am eating with my left molars."

The Messenger of God—may God bless him and his family—smiled and did not prevent him.

It is transmitted from him—peace be upon him—that he said:

"For one who is able to obtain supper, abandoning supper brings premature decrepitude."

And he—may God bless him and his family—said:

"Do not compel your sick people to eat, for God, Mighty and Exalted, feeds them and gives them drink."

It is transmitted from him—may God bless him and his family—that he said:

"There is no harm in an enema, were it not that it enlarges the abdomen."

And he—may God bless him and his family—said:

"If the blood of one of you becomes excessive, let him release it even with the point of an arrow."

That is, if the blood becomes overwhelming in him, let him have it drawn.

And he—may God bless him and his family—said:

"Cupping upon the head is a cure for every illness.

Medicine is in four things:

cupping, the enema, depilatory treatment, and vomiting."

ʿAlī—peace be upon him—said:

"Whenever the Messenger of God—may God bless him and his family—became ill, he resorted to cupping."

He used to say:

"If the blood becomes excessive in one of you, let him be cupped on whatever day it may be.

Let him recite the Throne Verse, seek God's choice, and invoke blessings upon the Prophet. Do not treat days as enemies, lest they become enemies to you. Be cupped on whichever day you wish." He used to call the cupping-place upon the head "the covering one," and the cupping-place upon the upper back "the beneficial one."

It is transmitted from him—may God bless him and his family—that he said:

"Fever is a blast from the blasts of Hell, so extinguish it with water."

Whenever he became feverish, he would call for water and place his hand in it. Al-Ḥasan or al-Ḥusayn—peace be upon them both—became ill. Fāṭima came to the Messenger of God—may God bless him and his family—seeking refuge and aid from him.

She said:

> "O Messenger of God, supplicate to God for your son that He heal him."

She placed him before him while he was in a severe state. The Messenger of God—may God bless him and his family—rose and went to him. He sat at his head and saw that his condition was grave.

He said:

> "Fāṭima, God, Mighty and Exalted, is the One who granted him to you, and He is able to heal him."

Gabriel—peace be upon him—then came to him and said:

> "Muḥammad, God, Mighty and Exalted, has not sent down upon you a chapter of the Qurʾān except that it contains the letter *fāʾ*, and every *fāʾ* is from *āfa*—affliction—except the Opening Chapter, for it contains no *fāʾ*.

So call for a cup of water, recite the Opening Chapter over it forty times, then pour it over him. God will heal him." The Messenger of God—may God bless him and his family—did so. It was as though the child had been released from a tether. He—peace be upon him—was asked concerning cauterization and forbade it.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "There is no harm in cauterization.

The prohibition concerns that from which death is feared or which disfigures a person. As for a cauterization through which recovery is hoped for without that, there is no harm." It is transmitted from the Messenger of God—may God bless him and his family—that he commanded the use of *ithmid* as eye-powder at bedtime.

He said:

> "Apply it an odd number of times."

And he—may God bless him and his family—said:

> "Use *ithmid*, for it causes the eyelashes to grow, removes impurities from the eye, and clears the sight."

And he—may God bless him and his family—said:

> "ʿAjwa dates are from Paradise, and in them is a cure from poison."

One of the People of the Household—peace be upon them—described its preparation:

ʿAjwa dates are taken, their stones removed, then they are pounded thoroughly and kneaded with aged cow's ghee. The preparation is then stored. When needed by someone who has consumed poison, he eats from it and benefits from it.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "A scorpion stung the Messenger of God—may God bless him and his family.

He shook it off and said:

> 'May God curse you. Neither believer nor unbeliever is safe from you.'

Then he called for salt, placed it upon the site of the sting, and pressed it with his thumb until it dissolved.

Then he said:

> 'If people knew what is in salt, they would need no antidote alongside it.'"

It is transmitted from him—may God bless him and his family—that he said:

> "Whoever eats twenty-one raisins with their seeds removed every day on an empty stomach will not become ill except with the illness from which he dies.

Whoever eats seven dates at the beginning of the day will be protected from colic." It is transmitted from him—peace be upon him—that he said to Jaʿfar ibn Abī Ṭālib—peace be upon him:

> "Jaʿfar, eat quince, for it strengthens the heart and gives courage to the coward."

And he—may God bless him and his family—said:

> "Honey is healing."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "God, Mighty and Exalted, has mentioned it in His Book, saying:
>
> 'In it is healing for people.'"

And he—peace be upon him—said:

> "Beware of *shubrum*, for it is harsh and dangerous.

Use senna and treat yourselves with it. If death could be repelled by anything, it would be repelled by senna. And treat yourselves with *ḥilya*. If my community knew what benefit lies in it, they would seek treatment with it even if it cost its weight in gold." The Messenger of God—may God bless him and his family—forbade eating mud, clay, and charcoal.

He said:

> "God, Mighty and Exalted, created Adam from clay and therefore forbade Adam's descendants from eating clay.

Whoever eats clay has assisted in harming himself. Whoever becomes addicted to eating clay and dies, I will not pray over him."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Eating clay causes hypocrisy."

The Messenger of God—may God bless him and his family—said:

> "Eating fish causes the body to waste away, so do not persist in eating it."

Whenever he ate fish he would say:

> "O God, bless it for us and replace it for us with something better than it."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever eats fish should afterward eat dates, for they remove its harm."

The Messenger of God—may God bless him and his family—forbade drinking *ḥamīm*. *Ḥamīm* may mean rain that falls during intense heat, and it also means hot water. Rainwater falling during severe heat may become heated and harmful when it runs over hot ground. For this reason its drinking was prohibited—not because it is unlawful or impure, but because of its harmfulness.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "Whoever practices medicine or presents himself as a physician, whether Arab or non-Arab, should not treat anyone until he has obtained a declaration releasing him from liability and has witnesses testify to it.

Let him fear God, Mighty and Exalted, exert himself fully, and sincerely advise the patient." By this declaration of release he meant that the person should possess genuine knowledge of medicine and should not

treat people while ignorant. If he does so, he is liable for whatever he destroys or harms. It is transmitted from him—peace be upon him—that he would say:

> "Whoever wishes for long life—though there is no permanent life—should lighten his cloak, eat early in the morning, maintain supper, keep his footwear in good condition, and reduce sexual intercourse."

He was asked:

> "Commander of the Faithful, what does 'lightening the cloak' mean?"

He replied:

> "Debt."

And it is transmitted from him—peace be upon him—that he said:

> "Truffles are from manna, and their water is healing for the eye."

One of the People of the Household—peace be upon them—described this treatment:

Take truffles and wash them until clean. Then squeeze out their water, place it in a vessel, and heat it underneath until it thickens. Then put musk into it and apply it as eye-powder for all pains of the eye. If it dries, dilute it with rainwater and apply it to the eye.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "Nothing is better for a woman after childbirth than eating fresh dates.
>
> God Most High fed them to Mary when she was in childbirth."

And it is transmitted from him—peace be upon him—that he said:

> "Eat pomegranates together with their white inner membrane, for they strengthen the stomach.
>
> And eat apples, for they cleanse the stomach."

It is transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—said:

> "Celery is the vegetable of the prophets.
>
> There is no leaf of chicory except that upon it is water from Paradise. Eat gourds, for they strengthen the heart and intellect and increase the brain." The Messenger of God—may God bless him and his family—once stepped upon intensely heated ground and it burned him. He then stepped upon purslane—the plant called the foolish herb—and the heat of the ground subsided from him. He blessed it and used to love and eat it.

ʿAlī—peace be upon him—said:

> "No sick person has sought healing through anything like drinking honey."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked about a man receiving medical treatment from a Jew or Christian.

He said:

> "There is no harm in that.
>
> Healing is only in God's hand." It is transmitted from him—peace be upon him—that he was asked about a woman afflicted by illness in her body, a fracture, or a wound in a place that it would normally be improper for a man to see. May she uncover that part to a male practitioner treating her?

He said:

> "There is no harm when she is compelled by necessity."

Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who prepares medicines for people and takes payment for doing so.

He said:

"There is no harm in it."

And it is transmitted from him—peace be upon him—that he said:

"If people were moderate in food and drink, their bodies would remain sound."

And he—peace be upon him—said:

"Abandoning supper ruins the body."

And he said that God, Mighty and Exalted, says:

"They will have their provision therein morning and evening."

A man complained to him of pains and indigestion.

He said:

"Eat a midday meal and an evening meal, and eat nothing between them, for doing so corrupts the body."

And he—peace be upon him—said:

"Abandoning supper diminishes a strength that does not return.

An elderly person should not abandon supper even if it is only one mouthful."

And he—peace be upon him—said:

"Eating meat with milk produces flesh and strengthens bone."

And he—peace be upon him—said:

"A prophet among the prophets complained to God Most High of having few children.

He was commanded to eat meat with eggs." And he—peace be upon him—said that the Messenger of God—may God bless him and his family—advised ʿAlī—peace be upon him—saying:

"'ʿAlī, sleep upon your back and your belly will become lean.

Sip water and your food will digest well. Apply eye-powder an odd number of times and your sight will be bright. Apply oil every other day so that you conform to the custom of your Prophet—may God bless him and his family. Renew your sandals, for they are the anklets of men. Wear turbans, for they are the crowns of the Arabs. When you cook a pot, increase its broth. If your neighbors receive none of its meat, let them at least receive some of its broth. Wear rings of ruby and carnelian, for they are auspicious and blessed. Whenever a man looks upon the face of such a stone, his light increases. Prayer while wearing it is equivalent to seventy prayers. Wear your ring upon your right hand, for that is from my custom and the customs of the messengers. Whoever turns away from my custom is not from my community. Do not wear the ring upon the left hand, nor use any stone other than ruby and carnelian." A man among the companions of Jaʿfar ibn Muḥammad—peace be upon him—complained to him of pain in his side.

He said:

"Eat what falls from the dining cloth.

Follow the pieces and eat them."

The man said:

"I did so and was cured."

Jaʿfar ibn Muḥammad—peace be upon him—said that ʿAlī—peace be upon him—said:

"Eat what falls from the dining cloth, for in it is healing, by God's permission, for one who seeks healing through it,"

meaning from every illness. A man saw apples before Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him.

He said:

> “They cool heat, extinguish it, and remove fever.”

He—peace be upon him—mentioned vinegar and said:

> “It strengthens the mouth and kills intestinal worms.”

And he—peace be upon him—said:

> “Rice *sawīq*, when roasted and ground, strengthens the stomach.
>
> It may be made into *sawīq* or thin gruel.”

And he said:

> “*Sawīq* produces flesh and strengthens bone.
>
> It benefits one with fever when it is moistened and washed three times.”

And he—peace be upon him—said:

> “Taking dry *sawīq* on an empty stomach dries up phlegm and bile.”

It is transmitted from ʿAlī ibn al-Ḥusayn—peace be upon him—that he permitted medicinal use of donkey’s milk. If wild ass’s milk can be obtained, it is preferable.

Collection of the Chapters on Clothing and Perfume

On the Etiquette of Clothing

We have transmitted from the Imams—peace be upon them—that the Messenger of God—may God bless him and his family—said:

> “A man purchases a garment for a dinar, half a dinar, or a third of a dinar.
>
> When he puts it on, let him praise God Most High. Before it reaches his knees, he will have been forgiven.”

ʿAlī—peace be upon him—once put on a shirt and said while putting it on:

> “Praise be to God who has provided me with adornment by which I beautify myself among people, who conceals my shame and covers my nakedness.
>
> Praise be to God, Lord of the worlds.”

And he—peace be upon him—said:

> “I heard the Messenger of God—may God bless him and his family—say this when he put on a garment.”

ʿAlī—peace be upon him—used to wear humble clothing. He saw no harm, however, when God grants a man a blessing, in its effect being visible upon him through his clothing, provided this does not become ostentatious display.

And he—peace be upon him—said:

> “I heard the Messenger of God—may God bless him and his family—forbid letting the lower garment trail.”

ʿAlī—peace be upon him—said:

"Dragging garments was the practice of the Umayyads."

He himself used to raise his cloak, shirt, and lower garment. The prohibited trailing is that in which the garment drags upon the ground.

ʿAlī—peace be upon him—said that the Messenger of God—may God bless him and his family—said:

"Whoever possesses a garment should keep it clean."

Jaʿfar ibn Muḥammad—peace be upon him—said:

"Cleanliness of clothing suppresses the enemy.

Washing clothing removes anxiety and sorrow. Keeping garments raised preserves their purity."

It is transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—said:

"The rest of a garment is in folding it, and the rest of a house is in sweeping it."

ʿAlī—peace be upon him—addressed the people while wearing a patched coarse cotton lower garment. He was asked about this.

He said:

"It humbles the heart and causes the believer to follow the example."

He—peace be upon him—purchased a shirt for three dirhams. He put it on and cut from its sleeves what extended beyond his fingers, leaving them without hemming the cut edges. A man looked at Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—while he was wearing an old patched garment and prolonged his gaze. Jaʿfar noticed him. Books lay before him. He picked up one of them and tossed it to the man, saying:

"Look at this."

Written on its back was:

"There is nothing new for one who possesses nothing old."

And he—peace be upon him—said:

"When the body wears soft new clothing it becomes unruly.

We treat ourselves with things like this." He—peace be upon him—had two coarse garments in which he prayed. When he wished to ask God, Mighty and Exalted, for a need, he would put them on. This is the humble clothing they preferred—peace be upon them—as an expression of humility. But one to whom God grants abundance may adorn himself. There is no harm in wearing fine clothing, for they—peace be upon them—themselves wore such clothing. It is transmitted that the Messenger of God—may God bless him and his family—was once brought two fine silk garments and sent them to ʿAlī—peace be upon him, who wore them.

Jaʿfar ibn Muḥammad—peace be upon him—said:

"When al-Ḥusayn ibn ʿAlī—peace be upon him—was killed, he was wearing a garment of *khazz*.

Forty marks were counted upon it between spear-thrusts and sword-blows."

And he—peace be upon him—said:

"'ʿAlī—peace be upon him—sent ʿAbd Allāh ibn ʿAbbās to the Khārijites to argue against them.

He instructed him to wear his finest clothing, use his finest perfume, and ride his finest mount. Then he went to them. They objected to his appearance. So he recited to them the saying of God Most High:

'Say: Who has forbidden the adornment of God which He has brought forth for His servants, and the good things of provision?'"

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Wear good clothing and beautify yourselves from what is lawful, for God loves beauty."

He—peace be upon him—went out one winter day wearing a yellow *khazz* robe, a yellow *khazz* turban, and a yellow *khazz* cloak. He saw people looking at him.

He said:

> "There was once a prophet, son of a prophet, son of a prophet, son of a prophet—Joseph—peace be upon him—who wore brocade garments fastened with gold and sat upon a throne judging among people."

ʿAlī ibn al-Ḥusayn—peace be upon him—used to wear in summer two garments purchased for five hundred dirhams, and in winter he wore *khazz*. Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who acquires many garments for adornment and alternates between them. Is this extravagance?

He said:

> "That is not extravagance.
>
> God, Mighty and Exalted, says:
>
> 'Let the person of abundance spend according to his abundance.'"

Sufyān al-Thawrī entered upon him—peace be upon him—and saw him wearing fine clothing.

He said:

> "Son of the Messenger of God, you transmit to us that ʿAlī—peace be upon him—used to wear coarse clothing and coarse cotton, yet you wear *qūhī* and *Marwī* garments."

He said:

> "Woe to you, Sufyān.
>
> ʿAlī—peace be upon him—lived in a time of hardship. God, Mighty and Exalted, has now granted us abundance. It is recommended for one upon whom God has bestowed abundance that its effect be seen upon him." It is transmitted from ʿAlī ibn al-Ḥusayn—peace be upon him—that a *khazz* cloak costing fifty dinars would be purchased for him. He would wear it through the winter, enter the mosque in it, and pray in it. When summer came, he would order it given away in charity on his behalf. He would then order two Ashmūnī garments from Egypt to be purchased, dyed for him, and worn during the summer. Between these seasons he wore both fine and humble garments. When this was mentioned to him, he recited the saying of God Most High:
>
> "Say: Who has forbidden the adornment of God which He has brought forth for His servants, and the good things of provision?"

ʿAlī—peace be upon him—saw people wearing wool and hair garments. He said to them:

> "Wear cotton, for it was the clothing of the Messenger of God—may God bless him and his family—when it was the best available to him, and it is our clothing.

He did not wear wool or hair garments, so do not wear them unless because of some need or because you cannot find anything else. God, Mighty and Exalted, is beautiful and loves beauty, and He loves the effect of His blessing to be seen upon His servant." It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he performed pilgrimage and entered consecration wearing two fine garments. While he was circumambulating in them, a man pulled at the edge of his cloak. He turned and found that it was ʿAbbād al-Baṣrī.

ʿAbbād said:

> “Abū ʿAbd Allāh, you wear garments like these in a place such as this, while you occupy the rank you do in relation to ʿAlī—peace be upon him—and you know how he used to dress?”

He said:

> “Woe to you, ʿAbbād.

ʿAlī—peace be upon him—lived in a time in which the clothing he wore suited the circumstances. If I wore clothing like his today, people would say:

> ‘This man is showing off, like ʿAbbād al-Baṣrī.’”

ʿAbbād was known for ostentation. He was silenced and embarrassed, and the people around him rebuked him.

It is transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—said:

> “Renew your turbans, for they are the crowns of the Arabs.”

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—related that a group of his companions entered upon him while he was in a decorated room furnished with cushions, carpets, bolsters, and bedding. Later they entered upon him and found him in a room furnished only with a reed mat.

They said:

> “May we be your ransom, what is this room?”

He replied:

> “This is my room.

The room you saw before belongs to the woman.”

Then he said:

> “I shall tell you a report transmitted to me by my father.

Some people entered upon al-Ḥusayn—peace be upon him—and saw many carpets, cushions, and furnishings in his house.

They said:

> ‘Son of the Messenger of God, we see in your house things that were not in the house of the Messenger of God—may God bless him and his family.’

He said:

> ‘We marry women, give them their dowries, and they purchase whatever furnishings they wish and prepare them for themselves.

None of it belongs to us.’” Thus wearing fine or humble clothing, furnishing with it, and covering oneself with it are all permissible. There is nothing reprehensible in this. Whoever wears humble clothing out of humility while able to obtain better has no fault. Whoever wears fine clothing when he possesses and can afford it is likewise permitted to do so. Indeed, it may be recommended as a manifestation of God’s blessing, Mighty and Exalted. The Messenger of God—may God bless him and his family—himself wore both fine and humble garments and clothed others in both.

On What Clothing Is Lawful, Unlawful, and Disliked

The general principle we have transmitted from the Imams—God’s blessings be upon them—is that everything produced by the earth may lawfully be worn, used as bedding, used as a covering, prayed in, and

prayed upon. Likewise, the skin, wool, hair, and fur of every animal whose flesh may lawfully be eaten are permissible when the animal was lawfully slaughtered. The wool, hair, fur, and skin of carrion, and of animals whose flesh may not lawfully be eaten, may be used for clothing, bedding, and coverings in the same manner as things affected by ritual impurity may be used. But one may not pray in any of them, just as one may not pray in an impure garment. They—peace be upon them—disliked pure silk for men. They permitted fabric in which silk is mixed with material derived from plants of the earth.

They transmitted that the Messenger of God—may God bless him and his family—permitted pure silk for certain men and permitted it to be worn in order to display strength and splendor before the enemy, so that the enemy might recognize the strength of the Muslims, in accordance with the saying of God, Mighty and Exalted:

"Prepare against them whatever strength you are able and tethered horses…"

The Imams—peace be upon them—likewise wore silk mixed with other material, and also pure silk lined with plant-derived fabric, in order to display splendor before the enemies of God. They permitted their followers to do the same where such display served that purpose. This was despite the fact that this world and everything in it were among the least significant things in their sight. They displayed such readiness only to manifest the strength of Islam and the Muslims and to show superiority over all those who set themselves against and opposed them. They transmitted from the Messenger of God—may God bless him and his family—that he loved white clothing and would say:

"It is among the finest of your garments.

Wear it, and shroud your dead in it." No color of dye is intrinsically forbidden to wear. The Messenger of God—may God bless him and his family—and the Imams of his Household—peace be upon them—wore dyed garments. They preferred some colors over others.

It is transmitted from ʿAlī—peace be upon him—that he said:

"Saffron is for us, and safflower is for the Umayyads."

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he disliked intense, glaring red. He would say:

"It is the dress of Qārūn and the dye of the Umayyads."

But he himself wore garments dyed with safflower when the color was not intense. It is transmitted from ʿAlī—peace be upon him—that one day he came out from the palace in Kūfa into the open courtyard wearing a yellow lower garment and a black *khamīṣa*, with sandals upon his feet and a staff in his hand upon which he leaned. It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he entered consecration wearing a green mantle. It is transmitted from ʿAlī ibn al-Ḥusayn—peace be upon him—that he was seen wearing a black tunic and a blue *ṭaylasān*. Nevertheless, the Imams—peace be upon them—disliked black after the Abbasids adopted it as their distinctive dress and claimed that they wore it out of grief for al-Ḥusayn—peace be upon him. Had there been merit in doing so, or had it been obligatory, the Imams from al-Ḥusayn's descendants—peace be upon them—would have preceded them in it. And had the Abbasids truly grieved for him as they claimed, they would not have done to his descendants what they did.

For this reason the Imams—peace be upon them—disliked adopting their distinctive appearance. They—peace be upon them—saw no harm in images and figures upon garments. It is transmitted from some companions of Abū Jaʿfar ibn Muḥammad—peace be upon him—that they entered upon him while he was sitting upon a costly carpet upon which there were images. They questioned him about it.

He said:

"The established practice is that such things be trodden upon."

Al-Muʿizz li-Dīn Allāh—Mighty and Exalted is God—was once told that some people disliked images of animate beings because God Most High is their Creator.

He said:

> "Is He, Mighty and Exalted, not also the Creator of every tree, inanimate object, and everything visible?
>
> Yet they make images of those and see no harm in depicting them. What then is the difference between this and that?"

On Jewelry and the Materials from Which It Is Made

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that they transmitted from him—may God bless him and his family—that he permitted women to adorn themselves with gold. Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning this.

He said:

> "My father—peace be upon him—used to adorn his children and his women with gold and silver."

And he—peace be upon him—said:

> "There is no harm in ornamenting swords and copies of the Qurʾān with gold and silver."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "I heard the Messenger of God—may God bless him and his family—say:
>
> 'A woman should not pray unless she is wearing at least an earring or something more,'"

meaning when she possesses such adornment. He forbade women from leaving themselves entirely without jewelry and from imitating men, and he cursed those women who did so.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "A woman should not leave herself entirely unadorned, even if only by hanging a necklace around her neck."

The Messenger of God—may God bless him and his family—forbade women, when going out, from wearing jewelry that makes an audible sound. This accords with the saying of God, Mighty and Exalted:

> "And let them not strike their feet so that what they conceal of their adornment may be known."

It is transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—forbade men from wearing gold rings. His own ring was of silver, with a silver bezel, and its inscription was:

> "Muḥammad is the Messenger of God."

The Messenger of God—may God bless him and his family—forbade wearing rings or adornments of iron.

He said:

> "It is the adornment of the people of the Fire."

It is transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—wore his ring on his right hand. Likewise, it is transmitted from the Imams—peace be upon them—that they wore their rings on their right hands and instructed their friends and followers to do the same.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "I heard the Messenger of God—may God bless him and his family—say:
>
> 'Whoever wears a ring whose stone is red carnelian, God will seal his end with goodness.'"

He used to recommend carnelian and ruby and would say:

"Whenever a man looks at his face reflected in such a stone, his light increases.

Prayer while wearing it counts as seventy prayers."

And he—peace be upon him—said:

"Crystal is an excellent ring-stone."

The inscription on ʿAlī's ring—peace be upon him—was:

"ʿAlī believes in God."

Jaʿfar ibn Muḥammad—peace be upon him—forbade wearing a ring whose stone bore engraved images. The inscription on his own ring was:

"My Lord, You are my trust; protect me from the evil of Your creation."

It is transmitted from the Messenger of God—may God bless him and his family—that he frequently turned his ring around so that its stone rested against the inside of his palm.

On Perfume, Its Merit, and the Recommendation of Using It

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from ʿAlī—peace be upon him—that he said:

"Three things were given to the prophets:

perfume, wives, and the tooth-stick." When the Prophet—may God bless him and his family—traveled, six things accompanied him:

a perfume bottle, scissors, a mirror, a comb, a tooth-stick, and a container for eye-powder.

And he—may God bless him and his family—said:

"No servant's inner resentment is reduced, his faults diminished, and his scent made pleasant except that his intellect increases."

Jaʿfar ibn Muḥammad—peace be upon him—said:

"Pleasant fragrance strengthens the heart and increases sexual vigor.

The perfume of men is that whose scent is apparent while its color is hidden. The perfume of women is that whose color is apparent while its scent is hidden." This applies while they are at home. When women go out, however, it is disliked for them to use perfume whose scent can be detected from them. It is transmitted from ʿAlī—peace be upon him—that the Messenger of God—may God bless him and his family—used perfume abundantly, to such an extent that it would alter the color of his hair.

And he—may God bless him and his family—said:

"Whoever goes to the Friday prayer should apply perfume, even if only from the perfume bottle of his household."

It is transmitted from ʿAlī—peace be upon him—that he would sometimes use the perfume belonging to his wives. What is meant here is women's perfume whose color does not appear. As for perfume whose color is manifest, such as *khalūq* and similar substances, it is disliked for men except in the company of their wives. They—peace be upon them—disliked refusing perfume when it was offered. They likewise disliked refusing water when offered.

Al-Muʿizz—peace be upon him—said:

"Al-Manṣūr—may God sanctify his spirit—said to me:

'One day, when I was still a young boy, I was present at the table of al-Mahdī—peace be upon him.

A group of his sons and grandsons were eating before him. A slave-girl stood serving water. She offered it to one of the boys, and he refused it.

Al-Mahdī—peace be upon him—rebuked her and said:

> "Were it not for the sanctity of the food, I would discipline you properly.
>
> What caused you to offer him water when he had not asked for it?" Then he said to the boy:
>
> "And you—why did you refuse it once it had been offered to you?
>
> Water is too noble to be offered to one who did not ask for it and then refused by one to whom it has been offered."""

Al-Manṣūr—peace be upon him—said:

> "At that time I did not understand the full significance of what he meant.
>
> Later, when I understood it, I knew his intention. Perfume is the same." It is transmitted from ʿAlī—peace be upon him—that the Messenger of God—may God bless him and his family—used musk as perfume. He instructed ʿAlī to place it in his embalming mixture. Some remained afterward, and ʿAlī—peace be upon him—placed it in his own embalming mixture.

It is transmitted from ʿAlī—God's blessings be upon him—that he said:

> "The Messenger of God—may God bless him and his family—forbade a woman from praying unless she had applied henna, or at least touched the place of henna with *khalūq*."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "A woman should not abandon dyeing with henna even if she is elderly.
>
> Even if she merely wipes her hands with henna, she should not imitate men."

It is transmitted from ʿAlī—peace be upon him—that the Messenger of God—may God bless him and his family—said:

> "A woman who has menstruated should not wear a forelock arrangement or a mass of hair styled in that fashion."

ʿAlī—peace be upon him—said:

> "The Children of Israel were destroyed because of forelock styles, patterned dyeing, and tufts of hair."

Collection of the Chapters on Hunting

On What Hunting Is Lawful and What Is Forbidden

God, Mighty and Exalted, says:

> "Lawful for you is the game of the land while you are not in consecration."

And God, Mighty and Exalted, says:

> "When you leave consecration, then hunt."

Thus God, Mighty and Exalted, permitted hunting on land and sea for those not in consecration, except what He excluded through the tongue of His Messenger and the Imams of his Household—peace be upon them—who clarify His intent. This accords with His saying, Mighty and Exalted:

> "We sent down to you the Reminder so that you might make clear to the people what was sent down to them, that perhaps they might reflect."

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from ʿAlī—peace be upon him—that the Messenger of God—may God bless him and his family—forbade hunting a bird in its nest.

He said:

> "A bird in its nest is secure under God's protection.
>
> When it flies upon its wings, then hunt it if you wish—set traps for it or shoot it."

ʿAlī and Jaʿfar ibn Muḥammad—peace be upon them—said:

> "It is not proper to hunt pigeons within towns, because they are among the property owned by the people there even when they fly."

We have already explained in the chapters on food which land and sea animals are lawful to eat and which are forbidden. Whatever is hunted from those whose flesh is lawful may be eaten. Whatever is hunted from those whose flesh is forbidden is left uneaten except in a case of necessity for one compelled by need.

On Game Seized and Killed by Hunting Animals

God, Mighty and Exalted, says:

> "They ask you what has been made lawful for them. Say: Lawful for you are good things, and what you have trained of hunting animals, teaching them from what God has taught you. So eat from what they catch for you, and mention the name of God over it."

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from ʿAlī—peace be upon him—that he said:

> "Whatever trained hunting animals seize and which dies before lawful slaughter can be performed may be eaten, provided that the hunting animal was trained, that a Muslim released it, and that he mentioned the name of God when releasing it."

If he forgets to mention God, he mentions Him when he remembers. If he deliberately omits the name of God, he may not eat it. The word *jawāriḥ* in the language of the Arabs in which the Qurʾān was revealed means earners. They say:

> "So-and-so is the *jāriḥa* of his household,"

meaning the one who earns for them. Thus dogs and similar animals, and predatory birds used in hunting, are "earners" because they acquire game for the one who trained them. If the animal is untrained but catches prey and the prey is reached alive and lawfully slaughtered, it may be eaten. If lawful slaughter cannot be performed before it dies, it may not be eaten.

They—peace be upon them—said:

> "Whatever trained hunting animals catch may be eaten even if lawful slaughter cannot be performed and even if the hunting animal has eaten some of it."

And they—peace be upon them—said:

> "Whatever trained predatory animal is used, such as a cheetah or another beast or bird of prey, what it catches may be eaten."

They—peace be upon them—transmitted from the Messenger of God—may God bless him and his family—that he forbade hunting with an entirely black dog and ordered such dogs to be killed.

They—peace be upon them—said:

> "All other dogs are alike in this respect, whether Kurdish or Salūqī.
>
> Whatever they catch may be eaten when they are trained."

And they—peace be upon them—said:

> "If the game is reached alive after the hunting animal has wounded it, but it dies in the hunter's hands from the effect of that wound before lawful slaughter can be performed, it may be eaten.

But if the hunting animal did not wound it in a way that would kill it, and the prey is taken away and later dies, it may not be eaten." It is transmitted from ʿAlī—peace be upon him—that he forbade eating game hunted by Magians or Arab Christians when it died before lawful slaughter could be performed. The same applies to hunting animals trained by them, unless Muslims later retrain those animals.

On What Hunters Kill

God, Mighty and Exalted, says:

> "O you who believe, God will certainly test you with something of game that your hands and spears can reach."

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that a man asked him about game which he shoots, strikes, and which then dies.

He said:

> "Eat what you kill outright, but do not eat what escapes wounded and later dies."

Killing outright means that a man fires and strikes the animal and it dies where it is struck. *Escaping wounded* means that he strikes it, but it runs away until it disappears from sight, then later dies. If he afterward finds it dead, he does not know whether it died from his blow or from some other cause.

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

> "If a man shoots game with an arrow, strikes it in a fatal place, then it disappears from him, and afterward he finds his arrow still in it and knows that it died from that wound, he may eat it.
>
> If he does not know this, he may not eat it."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "If a man shoots game and hits it, but it then falls from a high place or falls into water and dies, he may not eat it unless he knows that it died from the wound he inflicted."

Everything we have mentioned concerning hunting that is struck or shot and dies so that its flesh becomes lawful applies to what is struck with a sword, spear, arrow, or iron weapon. But what is struck with a stick, stone, pellet, or similar object is not eaten, according to the People of the Household—peace be upon them—unless lawful slaughter is performed before death. They—peace be upon them—permitted the use of a *miʿrāḍ* when the hunter has no other arrow. A *miʿrāḍ* is an arrow without feathers which strikes with its broad side.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "Whatever a trap catches and which dies in it before being lawfully slaughtered may not be eaten.
>
> If the trap cuts off a hand, leg, or other limb and separates it from the animal, while the animal itself is then reached and lawfully slaughtered, the animal may be eaten but the severed limb may not." A *ḥibāla* is a device set for game, such as nets, traps, and similar things.

Collection of the Chapters on Slaughtered Animals

On the Acts of Those Who Slaughter

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that they transmitted from him—may God bless him and his family—that he said:

> "Whoever slaughters an animal should sharpen his blade and give ease to the animal he slaughters."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "When you wish to slaughter an animal, do not torment it.
>
> Sharpen the blade, face the qibla, and mention the name of God. Do not sever its spinal cord until it dies," meaning: do not cut off its head. Likewise, he forbade skinning the animal before it has died and become still.

They—peace be upon them—said:

> "Whoever slaughters and forgets to mention God's name or forgets to orient the animal toward the qibla, or is ignorant of this, may mention God when he remembers and eat the animal.
>
> But if he deliberately omits it, the slaughtered animal may not be eaten."

If he says:

> "There is no god but God,"
>
> or:
>
> "God is greatest,"
>
> or remembers God with any other expression of remembrance, this suffices as the naming of God. The formula they preferred at slaughter was:
>
> "In the name of God, and God is greatest."

They—peace be upon them—transmitted from the Messenger of God—may God bless him and his family—that he forbade mutilating animals and commanded that they be slaughtered correctly. He forbade the *mujaththama* and the *maṣbūra*—animals confined, buried, or otherwise restrained and then shot at until they die.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "Whoever kills a sparrow frivolously will have it brought before God, Mighty and Exalted, on the Day of Resurrection, crying out:
>
> 'My Lord, ask this person why he killed me without lawful slaughter.'
>
> So beware of mutilation."

And he—peace be upon him—said:

> "Slaughter is performed at the proper place of slaughter, below the *ghalṣama* and toward the upper chest."

The *ghalṣama* is the knot in the throat and should be left attached to the head. The slaughterer should cut the windpipe, the esophagus, and the two jugular veins and should not omit any of them. He should not cut through the bone. This is the proper practice of slaughter. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about breaking the neck of a slaughtered animal before it had died. He disliked this.

They—peace be upon them—said:

> "If the knife slips, or the slaughterer is ignorant, and he cuts off the animal's head unintentionally and without knowing that this is impermissible, there is no blame upon him and the animal may be eaten.

But if he does so deliberately while knowing the proper practice, he has acted wrongly and the animal may not be eaten."

They—peace be upon them—said:

> "If livestock bolt and flee, or resist so that they cannot be slaughtered normally, or if one falls into a well and cannot be lifted out and its throat cannot be reached, then in all such cases it may be pierced with a spear, struck with a sword, or wounded with an iron weapon until it dies, and it may then be eaten."

They—peace be upon them—said:

> "There is no lawful slaughter except with iron.

Do not slaughter with stone, tooth, claw, bone, or anything other than iron."

On Which Slaughtered Animals May Be Eaten and Which May Not

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that they disliked slaughtering a milk-producing female and a pregnant animal. They did not declare it unlawful. They disliked it because of the benefit lost thereby when another animal is available. Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked concerning animals slaughtered by Jews, Christians, Magians, and people who oppose the Household. He recited the saying of God, Mighty and Exalted:

> "So eat from that over which the name of God has been mentioned."

He said:

> "If you hear them mentioning the name of God, then eat.

Whatever they do not mention the name of God over, do not eat." If a person among them is suspected of omitting the name of God because he considers such omission lawful, his slaughter should not be eaten unless one personally sees him slaughter it and hears him mention God's name over it.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "There is no harm in meat sold in the markets of the Muslims unless one knows that those selling it departed from the proper practice of slaughter and personally witnesses this from them."

It is transmitted from them—peace be upon them—that they disliked animals slaughtered by Magians and by Arab Christians. They—peace be upon them—permitted the slaughter of a blind person if he is properly directed toward the qibla and knows how to slaughter correctly. Likewise, a woman may slaughter if she knows how. A boy who has not yet reached puberty may also slaughter when he knows how, if there is need for him to do so. They saw no harm in slaughter being performed while one is not in a state of ritual purity. They—peace be upon them—permitted the slaughter of a mute person if he understands the naming of God and indicates it by gesture.

On What Counts as Properly Slaughtered and What Does Not

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from ʿAlī—peace be upon him—that he was asked about fetuses of livestock whose mothers are slaughtered while they remain in the womb. Must they themselves be slaughtered after being removed?

He said:

> "Their mother's slaughter is their slaughter.

They are like one of her bodily parts." If the fetus comes out alive, it is left until it dies and may then be eaten if hair or wool has appeared upon it, even if only on its tail, because that is where such growth first appears. They disliked eating a fetus that had neither hair nor wool. He—peace be upon him—was asked about bodily parts cut from living animals, such as sheep's tails, camel humps, and similar things.

He said:

> "Whatever is cut from a living animal and separated from it is carrion and may not be eaten.

The rest of the animal may be eaten if it is lawfully slaughtered."

And he—peace be upon him—said:

> "Proper slaughter is recognized by the blinking of the eye, kicking of the leg, movement of the tail, or movement of the ear."

Thus, when an animal is slaughtered and afterward moves, struggles, blinks its eye, or moves any bodily part, it is properly slaughtered. But if an animal has collapsed and is slaughtered yet no part of it moves afterward, it may not be eaten even if blood emerges from it. It is transmitted from him—peace be upon him—that he was asked about an animal slaughtered and then falling from a high place or into water and dying.

He said:

> "If you performed the slaughter properly and completed what is required, then eat it."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The proper practice concerning camels is that they be slaughtered by *naḥr* while standing with one leg bound.

Thus the Messenger of God—may God bless him and his family—slaughtered his sacrificial camels." If this cannot be done, there is no harm in making the camel kneel and tying it. He disliked slaughtering a camel by ordinary throat-cutting. But if an animal normally slaughtered by throat-cutting is instead killed by *naḥr* as camels are, there is no harm. He—peace be upon him—was asked concerning an animal slaughtered from the back of the neck.

He said:

> "If this was done out of ignorance, there is no harm.

But if someone deliberately does it while knowing the proper practice, the slaughtered animal may not be eaten and he should be disciplined." He—peace be upon him—was asked about two sheep, one lawfully slaughtered and the other not, when it is no longer known which is which.

He said:

> "Neither may be eaten until it is known which one was lawfully slaughtered."

On Sacrificial Animals

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from the Messenger of God—may God bless him and his family—that he addressed the people before the Day of Sacrifice and said:

> "People, whoever possesses sufficient means should offer a sacrifice and magnify the rites of God.

Whoever does not possess sufficient means—God, Mighty and Exalted, does not burden a soul beyond its capacity." It is transmitted from him—peace be upon him—that a man of the Anṣār met him on the Day of Sacrifice after he had returned from the prayer.

He said:

"O Messenger of God, if you would honor me with your presence today, I have prepared food for you."

The Messenger of God—may God bless him and his family—went with him.

The man brought out the food and said:

"O Messenger of God, I slaughtered my sacrificial animal before going out to the prayer-place and instructed my household to prepare this food so that I might be the first to serve you."

The Messenger of God—may God bless him and his family—said:

"Your sheep is merely a sheep for meat.

If you have another, sacrifice it."

The man said:

"I possess only a young she-goat."

He said:

"Sacrifice it.

But it will not suffice for anyone after you." Thus the established practice for the sacrificial animal is that it not be slaughtered until after the festival prayer on the Day of Sacrifice. Whoever slaughters before the prayer has not fulfilled the sacrifice. If he can find another, he must repeat it. The best time for slaughter is the Day of Sacrifice itself. It also suffices during the days of Minā: the Day of Sacrifice and the three days following it.

Jaʿfar ibn Muḥammad—peace be upon him—said:

"For sacrificial animals, a camel or cow must be mature, and the same applies to goats.

A yearling sheep, however, is sufficient."

And he—peace be upon him—said:

"The sacrifice is obligatory upon every Muslim except one who lacks the means.

One man's sacrifice suffices for his household." They—peace be upon them—transmitted from the Messenger of God—may God bless him and his family—that he addressed the people on the Day of Sacrifice and said:

"People, this is the day of *ʿajj* and *thajj*.

Thajj is the blood that you pour forth. Whoever's intention is sincere, the first drop of blood is an expiation for every sin. *ʿAjj* is supplication. So raise your voices in supplication to God Most High. By the One in whose hand is the soul of Muḥammad, no one leaves this place except that he has been forgiven, apart from one persisting in a major sin without even resolving within himself to abandon it."

It is transmitted from him—peace be upon him—that he entered upon Fāṭima—peace be upon her—on the Day of Sacrifice and said:

"Fāṭima, arise and witness your sacrifice.

The first drop that falls from it is an expiation for every sin of yours. Its flesh, dung, bones, wool, and everything belonging to it will be brought and placed in your balance, and it will be multiplied for you seventyfold."

Al-Miqdād—may God be pleased with him—heard this and said:

"May my father and mother be your ransom, O Messenger of God.

Is this something specifically granted to the family of Muḥammad, or is it general?"

He replied:

"Rather, it is for the Muslims generally."

Jaʿfar ibn Muḥammad—peace be upon him—said:

"It is recommended for a man personally to undertake the slaughter of his sacrificial animal.

If he cannot do so, let him place his hand together with the hand of the slaughterer. If he cannot do that, let him stand over it mentioning the name of God until it is slaughtered."

It is transmitted from ʿAlī—peace be upon him—that he said:

"A Muslim's sacrificial animal should be slaughtered only by a Muslim."

At the time of slaughter he says:

"In the name of God, and God is greatest.

I have turned my face toward the One who originated the heavens and the earth, as one upright and submitting, and I am not among the polytheists. Indeed, my prayer, my sacrifice, my life, and my death are for God, Lord of the worlds. He has no partner. This is what I was commanded, and I am among those who submit." Jaʿfar ibn Muḥammad—peace be upon him—was asked which sacrificial animals are best.

He said:

"Female camels, then male camels;

then female cattle, then males; then breeding rams; then castrated rams whose testicles have been crushed or tied until rendered ineffective; then ewes; then male goats; then female goats." He disliked an animal whose testicles had been completely cut off. The best among all of these categories are the fattest and largest. The best ram is a horned breeding ram which "eats in black, drinks in black, walks in black, looks in black, urinates in black, and defecates in black." The Messenger of God—may God bless him and his family—used to sacrifice one answering this description. It is the salt-and-pepper-colored ram. It is transmitted that he used to sacrifice two such rams. It was also said that this was the description of the ram sent down to Abraham—peace be upon him. Jaʿfar ibn Muḥammad—peace be upon him—permitted people who could not afford individual sacrifices to share jointly in a sacrificial animal according to what they were able to contribute.

It is transmitted from ʿAlī—peace be upon him—that he disliked using as sacrifice an animal with a broken horn, one clearly lame, one visibly emaciated, or one whose ear had been severed. He permitted an animal whose ear merely had a slit, and an aged animal provided it had no defect or wasting.

And he—peace be upon him—said:

"Whoever purchases a sacrificial animal and it becomes sick or dies before the Day of Sacrifice has fulfilled what was required of him.

If he finds another animal to sacrifice in its place and does so, that is better." Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning the sayings of God:

"Eat from them and feed the miserable poor,"

and:

"Eat from them and feed the contented needy person and the one who approaches."

He said:

"The *qāniʿ* is the one who asks and is content with what he is given and does not regard it as too little.

The *muʿtarr* is the one who presents himself in hope of receiving but does not explicitly ask. The *faqīr* is one who possesses nothing. The *miskīn* is in still greater hardship. The *bāʾis al-faqīr* is the one whose condition is most severe and exhausting of them all."

And he—peace be upon him—said:

> "My father—peace be upon him—when he slaughtered his sacrificial animal at Minā or slaughtered his offering, would place the head before himself.

When a beggar passed or stopped, he would say:

> 'Take the head.'

If the beggar saw it and accepted it gladly, he would take it and leave. If he returned it, my father would say:

> 'Leave it,' and give him meat instead.

If the man turned away disdainfully and would not accept it, he left him and gave him nothing. By this he tested the condition of the needy." It is transmitted from ʿAlī—peace be upon him—concerning the saying of God, Mighty and Exalted:

> "Eat from them."

He said:

> "This is a recommendation, not an obligation.

Whoever wishes may eat from his sacrifice and whoever wishes may refrain. Eating from it is better." It has been transmitted from the Messenger of God—may God bless him and his family—that he made ʿAlī—peace be upon him—a partner in his sacrificial offering. There were one hundred camels. He ordered that a piece be taken from each camel and placed together in a pot and cooked. Then he called ʿAlī—peace be upon him. The two ate from the meat as much as they could and drank some of the broth, so that they partook symbolically from them all rather than eating the flesh of every animal separately.

The Messenger of God—may God bless him and his family—said:

> "Broth is one of the two forms of meat, because the strength of the meat passes into it."

Jaʿfar ibn Muḥammad—peace be upon him—was asked how much of the sacrificial animal it is recommended to give away in charity.

He said:

> "ʿAlī ibn al-Ḥusayn—peace be upon him—and Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon them—used to distribute one third among the neighbors, give one third in charity, and retain one third for the household."

There is no fixed obligatory division concerning this. Whatever is given away from it in charity is best.

The Messenger of God—may God bless him and his family—said:

> "God instituted these sacrifices only so that your poor might eat their fill of meat.

So feed them." Jaʿfar ibn Muḥammad—peace be upon him—disliked selling any part of the sacrificial animal. He permitted benefiting from its hide and wool and permitted giving these in compensation for skinning it. He disliked feeding any of it to polytheists because the sacrifice is an act of devotion offered to God, Mighty and Exalted. He—peace be upon him—was asked concerning storing the meat of sacrificial animals.

He said:

> "The Messenger of God—may God bless him and his family—once forbade keeping it for more than three days because of the people's need at that time.

But today there is no harm in doing so."

On ʿAqīqa

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from the Messenger of God—may God bless him and his family—that he commanded the shaving of the *ʿaqīqa*, meaning the hair with which a child is born, on the seventh day after birth.

And he—may God bless him and his family—said:

> "Every newborn is held in pledge by his *ʿaqīqa*; his parents may release him from it or leave him."

It is transmitted from ʿAlī—peace be upon him—that he offered an *ʿaqīqa* for al-Ḥasan and al-Ḥusayn—peace be upon them both—one sheep for each of them. He shaved the head of each on the seventh day and gave in charity silver equal to the weight of the hair.

The Messenger of God—may God bless him and his family—said:

> "Whoever offers an *ʿaqīqa* for his child should give the midwife the leg of the *ʿaqīqa*,"

meaning its rear quarter. The sheep itself came to be called an *ʿaqīqa* after the hair, because it was slaughtered on account of that hair.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "The *ʿaqīqa* is cut into portions and cooked.
>
> Some of it is given in charity, some eaten, and some given as gifts."

And he said:

> "The *ʿaqīqa* for a boy and a girl is the same: one ram for each."

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he recommended naming the newborn on the seventh day.

And he said that the Messenger of God—may God bless him and his family—said:

> "When one member of a household bears the name of a prophet, blessing does not cease from that household."

And he—peace be upon him—said that the Messenger of God—may God bless him and his family—forbade four *kunyas*:

Abū ʿĪsā, Abū al-Ḥakam, Abū Mālik, and Abū al-Qāsim when the person's given name is Muḥammad. He permitted the last of these specifically for ʿAlī and his descendants—God's blessings be upon them all.

Al-Mahdī said:

> "Among my descendants will be one whose name corresponds to my name and whose *kunya* corresponds to my *kunya*."

Collection of the Chapters on Marriage

On the Merits of Marriage and the Command and Encouragement to Marry

God Most High says:

> "Marry the unmarried among you and the righteous among your male and female slaves. If they are poor, God will enrich them from His bounty."

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from the Messenger of God—may God bless him and his family—that he said:

"Whoever loves to remain upon my religious way should follow my practice, and marriage is among my practices."

And he—may God bless him and his family—said:

"Whoever wishes to meet God, Mighty and Exalted, pure and purified, let him meet Him with a wife."

And he—may God bless him and his family—said:

"No young man marries in the early part of his life except that his Satan cries out:

'Woe to me! He has protected two thirds of his religion from me.'

So let the servant fear God concerning the remaining third." Whenever the Messenger of God—may God bless him and his family—was informed that one of his companions had married, he would say:

"His religion has been completed."

And he—may God bless him and his family—said:

"The more a servant increases in faith, the more he increases in love of women."

And he—may God bless him and his family—said:

"There is no monasticism in Islam.

Marry, for I shall boast of your numbers before the other nations." The Messenger of God—may God bless him and his family—forbade women from adopting celibacy and remaining without husbands.

And he—may God bless him and his family—said:

"When a believing man approaches his believing wife, two angels surround him, and he is like one who has drawn two swords in the path of God.

When he finishes, sins fall away from the two of them as leaves fall from a tree. When he bathes, he emerges from sins. When his wife becomes pregnant by him, she receives the reward of one who fasts and stands in prayer. When labor overtakes her, none but God knows the reward she has. When she gives birth, God writes for her a good deed for every suckling of the child and erases from her a sin. If she dies in childbirth, she will rise on the Day of Resurrection without reckoning, because she dies in the distress of childbirth."

And he—may God bless him and his family—said:

"Whoever abandons marriage out of fear of poverty has thought badly of his Lord."

God Most High says:

"If they are poor, God will enrich them from His bounty."

And he—may God bless him and his family—said:

"Whoever gathers women around himself whom he does not marry, and they consequently commit fornication, bears their sin."

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

"No two believers come together in lawful marriage except that a caller from heaven announces:

'God, Mighty and Exalted, has married so-and-so to so-and-so.'

And no two believing spouses separate from a marriage except that a caller from heaven announces:

'God has permitted the separation of so-and-so from so-and-so.'"

And he—peace be upon him—said:

"ʿAlī—peace be upon him—left behind four wives and nineteen slave-concubines."

Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man in whom fear of God, Mighty and Exalted, had become so intense that he abandoned women and pleasant food and became unable to raise his head toward the sky out of reverence for God Most High. He said to the questioner:

> "As for what you say concerning his abandoning women, you know how many women the Messenger of God—may God bless him and his family—had.

As for his abandoning pleasant food, the Messenger of God—may God bless him and his family—used to eat meat and honey. As for what you say that fear of God, Mighty and Exalted, became so intense in him that he could not raise his head toward heaven out of reverence for God, humility is in the heart."

And he—peace be upon him—said:

> "Who could be more fearful of God, Mighty and Exalted, or more humble before Him than the Messenger of God?

Yet he did not act in this way."

God, Mighty and Exalted, says:

> "Indeed, in the Messenger of God you have an excellent example."

Humility is in the heart.

On Those Whom It Is Recommended to Marry and Those Whose Marriage Is to Be Avoided

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from the Messenger of God—may God bless him and his family—that he said:

> "Choose carefully for your seed, for the maternal uncle is one of the two bedfellows."

By this the Messenger of God—may God bless him and his family—meant that a man should place his seed only in purity: the mother of his child should not herself be illegitimate nor descended from illicit relations. Similarly, the Messenger of God—may God bless him and his family—forbade giving a child to be suckled with the milk of an immoral woman. If this is disliked and prohibited concerning nursing, then it is even more serious in lineage.

And he—may God bless him and his family—said:

> "Marry among those who are your equals, and marry your women to such people.

Choose carefully for your seed. Beware of marrying among the Zanj, for their constitution is deformed."

And he—may God bless him and his family—said that God, Mighty and Exalted, says:

> "When I wish to grant My servant the good of this world and the Hereafter, I give him a remembering tongue, a humble heart, a body patient under affliction, and a believing wife who delights him when he looks at her and protects him in his absence concerning herself and his property."

And he—may God bless him and his family—said:

> "Five things are among happiness:

a righteous wife, dutiful children, righteous companions, a person's livelihood being in his own homeland, and love for the family of Muḥammad—may God bless him and his family."

And he—may God bless him and his family—said:

> "The likeness of a righteous woman among women is like the white-footed crow, and a white-footed crow is found only rarely."

By the “righteous woman” here he meant a believing, chaste, beautiful woman who is agreeable in all her circumstances. Such a woman is rarely found, and so he compared her to a crow with one white foot.

And he—may God bless him and his family—said:

> “A woman has no price, whether righteous or wicked.
>
> As for the righteous, no amount of gold, silver, or the possessions of this world equals her worth. As for the wicked, not even dust is her equal in worth; rather, dust is better than she is.”

And he—peace be upon him—said:

> “This world is merely an enjoyment, and the best enjoyment of this world is a righteous wife.”

And the Messenger of God—may God bless him and his family—said:

> “Among the happiness of a believing man are a righteous wife, a spacious dwelling, a comfortable mount, and a righteous child.”

The Messenger of God—may God bless him and his family—forbade marrying a woman merely for her wealth or merely for her beauty.

He said:

> “Her wealth may make her insolent, and her beauty may destroy her.”

And he—may God bless him and his family—said:

> “Choose the woman of religion.”

And he—may God bless him and his family—said:

> “No horses are finer than black horses, and no woman is like a paternal cousin.”

And he—may God bless him and his family—said:

> “The best of your women are the women of Quraysh: the most affectionate toward a husband and the most tender toward a child.”

And he—may God bless him and his family—said:

> “Marry blue-eyed women, for there is auspiciousness in them.
>
> When one of you wishes to marry a woman, let him ask about her hair just as he asks about her face, for hair is one of the two forms of beauty. Choose women with small feet, for they are stronger for what you desire.”

And he—may God bless him and his family—said:

> “A woman is only a necklace, so let each of you consider whom he places around his neck.”

And he—may God bless him and his family—said:

> “If ill fortune exists in anything, it is in a woman, a house, and a riding animal.”

And he—may God bless him and his family—said:

> “Women are four:
>
> a gathering and encompassing one, a fertile spring pasture, a crushing war, and a lice-infested shackle.” His expression “a lice-infested shackle” refers to something by which the people of the Age of Ignorance used to bind their captives and those they wished to torture. They would bind him in a strip cut from the fresh hide of a camel immediately after skinning it, with the hair turned inward against his skin. They would fasten it tightly around him. When it dried, it contracted severely and became infested with lice against his skin, which could not be reached because of how tightly it bound him. The person upon whom it was placed would suffer severe pain. The Messenger of God—may God bless him and his family—used this as a likeness for a bad wife and what her husband suffers from her.

And he—may God bless him and his family—said:

> "Beware of marrying a foolish woman, for companionship with her is affliction and her child is lost."

And he—may God bless him and his family—said:

> "The best women of my community are those with the brightest faces and the smallest dowries."

And he—may God bless him and his family—said:

> "Part of a woman's auspiciousness is that her first child be a girl."

And he—may God bless him and his family—said:

> "Women are four:
>
> a fertile spring pasture, a gathering and encompassing one, a crushing war, and one who is barren."

And he—may God bless him and his family—said:

> "Marry a black woman who bears many children rather than a beautiful and splendid woman who is barren.
>
> For I shall boast of your numbers before the nations on the Day of Resurrection. Indeed, children are beneath the Throne of the All-Merciful seeking forgiveness for their parents. Abraham—peace be upon him—gathers them together, and Sarah raises them upon a mountain of musk, ambergris, and saffron."

And he—may God bless him and his family—said:

> "The best of your women is one who is passionately affectionate toward her husband while remaining chaste toward everyone else."

And he—may God bless him and his family—said:

> "Marry virgins, for their mouths are sweeter, their wombs purer, they learn more quickly, and they are more steadfast in affection."

And he—may God bless him and his family—said:

> "Marry your previously married women, for God, Mighty and Exalted, improves their character, expands their provision, and increases their dignity."

His instruction here concerns marrying *ayāmā*—women who previously had husbands who died or divorced them. It is a recommendation so that people do not turn away from them. It is not an obligatory command such that abandoning it would be forbidden. The same applies to the saying of God, Mighty and Exalted:

> "Marry the unmarried among you."

Whoever marries a previously married woman out of desire to act upon what God Most High and His Messenger—may God bless him and his family—encouraged has performed what was recommended. Whoever marries a virgin has no blame. We have already mentioned the virtue of virgins transmitted from the Messenger of God—may God bless him and his family. But previously married women should not be rejected out of aversion toward them or because other husbands preceded one to them. Most of the wives of the Messenger of God—may God bless him and his family—had previously been married.

God Most High says:

> "Indeed, in the Messenger of God you have an excellent example for whoever hopes in God and the Last Day."

With the same chain of transmission, it is transmitted from the Messenger of God—may God bless him and his family—that he forbade a Muslim from rejecting his Muslim brother when he proposes marriage and his religion is satisfactory.

He said:

> "If you do not do this, there will be temptation upon the earth and much corruption."

The Messenger of God—may God bless him and his family—forbade a marriage sought for something other than God's sake and chastity. He also forbade marriage for ostentation and reputation.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "When a man marries a woman for her beauty or her wealth, he is left dependent upon those things.

But if he marries her for her religion and excellence, God provides him with wealth and beauty as well." Then he recited the saying of God, Mighty and Exalted:

> "Marry the unmarried among you and the righteous among your male and female slaves. If they are poor, God will enrich them from His bounty."

And he—peace be upon him—said:

> "No misfortune suffered by a servant is more severe than a misfortune in his religion: that his Muslim nephew comes to him and says, 'Marry me to your daughter,' and he replies, 'I will not,' merely because the other is wealthier than he."

It is transmitted that ʿAlī ibn al-Ḥusayn—peace be upon him—passed, at one of the sacred stations of Mecca, by a woman whose excellent character and appearance pleased him. He asked about her and found that she was without a husband. He proposed to her, married her, and consummated the marriage.

Afterward one of his followers entered upon him and said:

> "Son of the Messenger of God, something concerning your marriage to this woman remained in my mind and I could not rest with it.

You married her without asking about her lineage. I could not restrain myself until I investigated. I discovered that she is a woman of Shaybān from among the nobles of her people. I was delighted by this and my mind became at ease." ʿAlī ibn al-Ḥusayn—peace be upon him—said to him:

> "And what were you afraid of?"

He replied:

> "I disliked the possibility that she might be someone unsuitable for a man of your standing, so that people might speak about it."

ʿAlī ibn al-Ḥusayn—peace be upon him—said:

> "I had thought your judgment better than this.

Do you not know that God brought Islam, and through it raised the lowly, completed what was deficient, and honored those who had been despised? There is no disgrace upon a Muslim person. Disgrace is only the disgrace of the Age of Ignorance." He—peace be upon him—married a woman who had been the *umm walad* of a man and was left after that man's death. When this reached ʿAbd al-Malik ibn Marwān, he wrote to him rebuking him for it, thinking that he had found a point of criticism. He wrote in effect:

> "Was there not enough among Quraysh and the noble houses of the Arabs to keep you from marrying the *umm walad* of another man?"

ʿAlī ibn al-Ḥusayn—peace be upon him—wrote back:

> "To proceed:

God, Mighty and Exalted, has raised what was low through Islam and completed what was deficient through it. There is no disgrace upon a Muslim person. Disgrace is only the disgrace of the Age of Ignorance. The Messenger of God—may God bless him and his family—married a former slave-woman, and in him there is an excellent example for his community," meaning Ṣafiyya daughter of Ḥuyayy ibn Akhṭab. If it were

permissible to turn away from mothers of children, their marriages would be abandoned and corruption would appear upon the earth. The Imams—peace be upon them—were the most entitled to make this clear so that people would follow their example.

God, Mighty and Exalted, says:

> "O mankind, We created you from a male and a female and made you peoples and tribes so that you might know one another. Indeed, the most noble of you before God is the most God-fearing of you."

With the same chain of transmission, it is transmitted from the Messenger of God—may God bless him and his family—that he addressed the people on the day of the conquest of Mecca.

He praised and extolled God and then said:

> "People, God has removed the arrogance of the Age of Ignorance and its boasting in forefathers.

You are all from Adam, and Adam is from clay. The best of God's servants before God is the most God-fearing among them. Arabness is not a father who gives birth to you; rather, it is a language spoken. Whoever is held back by his deeds will not be carried forward by his lineage. Every blood-feud or rancor from the Age of Ignorance is beneath these feet of mine until the Day of Resurrection." It is transmitted from him—may God bless him and his family—that he married al-Miqdād ibn al-Aswad to Ḍubāʿa daughter of al-Zubayr ibn ʿAbd al-Muṭṭalib.

He said:

> "I married her to al-Miqdād so that marriage might be made humble and accessible, so that you might follow the example of the Messenger of God—may God bless him and his family—and so that you might know that the most noble of you before God is the most God-fearing."

Al-Zubayr was the full brother of ʿAbd Allāh, father of the Prophet—may God bless him and his family.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "The Messenger of God—may God bless him and his family—married Qurashī women to clients.

He married Ḍubāʿa daughter of al-Zubayr to al-Miqdād ibn al-Aswad. He married Tamīm al-Dārī to a woman from Banū Hāshim ibn ʿAbd Manāf."

And the Messenger of God—may God bless him and his family—said:

> "When someone comes to you whose religion and trustworthiness satisfy you, marry your women to him.

If you do not do so, there will be temptation upon the earth and great corruption." It is transmitted from Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—that when he came to Mecca, he was informed that Dāwūd ibn ʿAlī had ordered the killing of al-Muʿallā ibn Khunays, who was among his companions, and that he had been killed. He rose in anger, dragging his garment.

His son Ismāʿīl—peace be upon him—met him and said:

> "Father, where are you going, when you know the obstinacy of these people and their insolence toward God?"

He struck Ismāʿīl upon the chest and said:

> "Leave me.

Even if it were fire, I would plunge into it."

He went on until he entered upon Dāwūd and said:

> "Dāwūd, you have committed a sin that God will never forgive you."

Dāwūd said:

> "What is it?"

He replied:

"You killed a man from among the people of Paradise."

Dāwūd became angry and lowered his head for a time.

Then he said:

"And you too have committed a sin that God will never forgive you."

He said:

"What is it?"

Dāwūd replied:

"You married your daughter to a man from Banū Umayya."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

"My example in this is the Messenger of God—may God bless him and his family.

He married Zaynab's daughter to Abū al-ʿĀṣ ibn al-Rabīʿ, and he married his daughter Umm Kulthūm to ʿUthmān ibn ʿAffān. When she died, he married him to his daughter Ruqayya."

Then he said:

"And you—what relation through marriage can compare with your killing believers without right?"

Dāwūd said:

"I did not kill him."

He asked:

"Who killed him?"

He replied:

"Al-Sarrāqī."

Jaʿfar said:

"Then give me retaliation against him."

He said:

"I have given you retaliation."

Abū ʿAbd Allāh—peace be upon him—ordered his companions to seize the man and take him away to be killed.

The man said:

"Servants of God! They order me to kill people for them and then exact retaliation from me!"

Abū ʿAbd Allāh—peace be upon him—said:

"Enemy of God, you have now admitted to the killing, while your master denies that he ordered you.

Do you possess evidence against him?"

He said:

"Who would testify for me against Dāwūd?"

He replied:

"Then retaliation is obligatory against you."

He handed him over to al-Muʿallā's heirs, and they killed him.

Abū ʿAbd Allāh—peace be upon him—was asked:

"Is it then permissible to marry those who oppose us?"

He said:

"The Messenger of God—may God bless him and his family—married his daughters as you know.

ʿUmar proposed to ʿAlī—peace be upon him—for his daughter Umm Kulthūm, and ʿAlī refused him. ʿUmar went to al-ʿAbbās and complained, threatening both ʿAlī and Banū ʿAbd al-Muṭṭalib because of the refusal.

Al-ʿAbbās came to ʿAlī—peace be upon him—and said:

'My nephew, you see the situation we are in.

ʿUmar has threatened you and us because you rejected him.' He continued urging him until ʿAlī entrusted the matter of her marriage to him, and al-ʿAbbās married her to ʿUmar." Marriage to those in agreement is better and higher in rank, or to those who at least do not openly display hostility toward the family of the Messenger of God—may God bless him and his family. Marriage to a believer is better than marriage to another. When necessity requires, however, there is no harm in marrying among Muslims who differ. The preferred choice is first those in agreement, then the weak or uninformed who are not hostile. A man asked Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—concerning the sister of his wife. She was a believing woman possessing knowledge, living in Basra, and there was no man there who shared her belief.

He said:

"Do not marry her to one of them.

As for you men, there is no harm in marrying women who are among the *mustaḍʿafāt*. But not a hostile *nāṣiba* who is the daughter of a hostile *nāṣib*." Zurāra ibn Aʿyan asked Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—about a similar matter, and he permitted him to marry among the *mustaḍʿafīn*. Abū Jaʿfar—peace be upon him—said to Zurāra ibn Aʿyan:

"Choose the simple and weakly informed women among the *mustaḍʿafāt*."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

"Marry women from among those who are uncertain, but do not give your own women in marriage to them.

For a woman takes on the manners of her husband, and he may compel her concerning his religion."

And he—peace be upon him—said:

"Marriage among those possessing true knowledge and giving women in marriage among them is preferable, more excellent, and nearer to God, Mighty and Exalted.

If this cannot be found, then the *mustaḍʿafūn*, those who neither give allegiance nor display hostility, are better than people of hostility. Beyond these, the rest of the Muslims are people living under a common truce joined by the Sacred Law. They intermarry, inherit from one another, and the testimony of one against another is admissible when they are upright and not suspected." As for unbelievers such as Jews, Christians, and polytheists, no one among them may marry a Muslim woman. Marriage among themselves is permissible. For Muslim men to marry their women in cases of necessity and when Muslim women are unavailable is permissible. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning the saying of God, Mighty and Exalted:

"The fornicator does not marry except a fornicatress or a polytheist woman, and the fornicatress is not married except by a fornicator or a polytheist, and that is forbidden to the believers."

He said:

> “This was revealed concerning certain women in the Age of Ignorance who openly hired themselves out for fornication.

They had set up signs for it and openly practiced it, so that whoever desired them could come to them. Among them were Ḥabība, al-Rabāb, and Sāra, whose blood the Messenger of God—may God bless him and his family—declared lawful on the day of the conquest of Mecca because she used to incite the polytheists to fight the Messenger of God—may God bless him and his family.” As for a slave-girl who has committed fornication, there is no harm in purchasing her and having intercourse with her. Likewise, a woman who has committed fornication may be married in a case of need, though she should be carefully guarded and caution exercised concerning her. Chaste women remain better and more appropriate.

A man came to the Messenger of God—may God bless him and his family—and said:

> “O Messenger of God, I have a wife who does not repel the hand of one who touches her.”

He said:

> “Divorce her.”

The man replied:

> “But I love her.”

He said:

> “Then keep her.”

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning a man who saw his wife committing fornication but disliked separating from her.

He said:

> “He may keep her if he wishes.”

And he—peace be upon him—was asked concerning a man who marries an immoral woman.

He said:

> “What prevents him from doing so?

But if he does, let him guard his door.” He was asked concerning a man who marries a slave-girl who had given birth through fornication.

He said:

> “There is no harm.

Though avoiding this is more beloved to me.” He was asked concerning a man who owns a slave-girl who committed fornication: may he have intercourse with her?

He said:

> “Yes, if he wishes.”

And he was asked concerning a man who marries a woman born from an illicit relationship.

He said:

> “There is no harm, provided he does not fear disgrace for his children.”

He was asked whether a woman born from fornication, if she is a slave-girl, may be had intercourse with, sold, or purchased.

He said:

> “Yes.

What is unlawful does not make what is lawful unlawful, nor does it corrupt it. If people were to turn away from persons such as these and declare marriage to them forbidden, corruption would only increase upon corruption. God, Mighty and Exalted, may set right those who have acted corruptly and accept the repentance of sinners." One of the People of the Household—peace be upon them—was asked concerning the saying of God Most High:

> "The fornicator does not *yankiḥ* except a fornicatress or a polytheist woman…"

He said:

> "The word *nikāḥ* here may mean physical intercourse and sexual relations, or it may mean the contract of marriage.

If it means physical intercourse, then the verse may refer to fornication rather than marriage." Some of them said concerning His saying:

> "Except a fornicator or a polytheist":
>
> "No one knowingly commits such an act in defiance of God, Mighty and Exalted, except while in a state resembling association."

The Messenger of God—may God bless him and his family—said:

> "The fornicator does not commit fornication while he is a believer."

On Proposing Marriage to Women

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from the Messenger of God—may God bless him and his family—that he forbade a man from proposing over the proposal of his brother, just as he forbade him from bidding over his brother's bargain. One of the People of the Household—peace be upon them—explained this, saying:

> "The meaning of the saying of the Messenger of God—may God bless him and his family—'A man should not propose over the proposal of his brother' applies after closeness has arisen, consent has been expressed, inclination and receptiveness established, and agreement reached, so that nothing remains except the marriage contract.

Before that point, there is no harm in two men or a group proposing to the same woman until she inclines toward one of them and gives him her answer. At that point it is disliked for another to oppose him with another proposal." Likewise, it is permissible for a man to bargain over merchandise and for another to bid above him so long as the seller and buyer have not agreed. The Messenger of God—may God bless him and his family—himself ordered sale by competitive bidding. People continue to conduct sales in this way to the present day, one bidding above another, whether through public calling or otherwise, until the commodity reaches a price and the seller accepts a purchaser's offer. After that, another person should not bargain over him or increase the price against him. This is a recommended rule of proper conduct because of the virtue contained in it.

If another suitor nevertheless proposes, or another bidder raises the price, after agreement but before the marriage or sale contract has actually been concluded, then legally the transaction belongs to whoever ultimately concludes the contract. The person has merely departed from what is more virtuous. This does not invalidate the marriage or sale because no binding right had yet arisen for the first person through a contract.

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

> "When one of you wishes to marry, let him direct his gaze toward what he is about to acquire."

And he said:

> "When one of you wishes to marry a woman, there is no harm in his looking at what will invite him toward marrying her."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

"I mentioned this report to Jābir ibn ʿAbd Allāh al-Anṣārī.

He said to me:

'I heard it from the Messenger of God.

I wished to marry a young woman from among the women of the Anṣār, so I concealed myself from her in an orchard belonging to her father. I looked at what I intended to see and at what I did not intend to see. I liked what I saw, so I married her. She proved to be an excellent woman.'"

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

"There is no harm for one who intends to marry a woman to look at her.

But he may not look at a slave-girl without her master's permission." That is because the master may not wish to sell or otherwise offer his slave-girl. The permission transmitted from the Messenger of God—may God bless him and his family—concerns looking at a woman whom the viewer genuinely intends to marry. This applies after he knows that her family would marry her to him and would not reject him, or after they have already agreed and nothing remains except the marriage contract. He should look only in order to acquaint himself with her condition, not out of lust or for the pleasure of looking. Nor should he deliberately look at her nakedness or at anything that would ordinarily be unlawful for him to see in women. As for deliberately looking at women who are neither close relatives, wives, nor those whom one lawfully possesses, such contemplative looking is not permissible, whether they are unveiled or covered, because God, Mighty and Exalted, says:

"Tell the believing men to lower their gazes."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who passes a woman and looks at her from behind.

He said:

"Would one of you like men to look at his wife or female relatives in this way?

Approve for other people what you approve for yourselves." And he—peace be upon him—said concerning the saying of God, Mighty and Exalted, relating the words of the woman:

"Father, hire him, for the best one you can hire is the strong and trustworthy,"

meaning Moses—peace be upon him. He said that her father asked her:

"As for your saying 'strong,' you saw him lift the rock from the well.

But how did you know that he was trustworthy?"

She replied:

"When he set out with me toward you, I intended to walk in front of him to guide him along the road.

But he went ahead of me and said:

'Walk behind me and direct me concerning the road, for we are a people who do not look at the backs of women.'"

It is transmitted from ʿAlī—peace be upon him—that he said:

"I heard the Messenger of God—may God bless him and his family—speaking about looking at women.

He said:

'The first look belongs to you,'"

meaning the sudden accidental glance,

“‘the second counts against you and not for you, and the third is a poisoned arrow from the arrows of Iblīs.

Whoever abandons it for God and not for anything else, God, Mighty and Exalted, will replace it for him with faith whose sweetness he tastes.’”

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

“Do those who look at women from behind feel secure that they themselves will not be afflicted with the same thing concerning their own women?”

It is transmitted from ʿAlī—peace be upon him—that he said:

“A man came to the Messenger of God—may God bless him and his family—and said:

‘O Messenger of God, should I ask my mother’s permission before entering upon her?’

He said:

‘Yes.’

The man asked:

‘Why, O Messenger of God?’

He said:

‘Would you like to see her naked?’

He replied:

‘No.’

He said:

‘Then ask permission before entering.’

The man said:

‘O Messenger of God, my sister uncovers her hair before me.’

He said:

‘Do not look.’

He asked:

‘Why?’

He replied:

‘I fear for you that, if she displays her beauty before you, Satan may call you toward her.’”

And he—peace be upon him—said:

“When one of you approaches a female relative whom marriage to him is forbidden and who has reached menstruation—whether his mother, sister, maternal aunt, or any other such relative—let him kiss her upon the head and between the eyes, and refrain from her cheeks and mouth.”

It is transmitted from Fāṭima—peace be upon her—that a blind man asked permission to enter upon her. She veiled herself from him. It was said to her:

“He is blind and has no sight; he cannot see anything.”

She replied:

“What prevents me from seeing him?

And he can still hear the voice and smell the scent.” The Messenger of God—may God bless him and his family—once asked ʿAlī—peace be upon him—and a group who were with him:

"What is best for women?"

They did not know what to say. ʿAlī—peace be upon him—returned to Fāṭima—peace be upon her—and mentioned the question to her.

She said:

"What is best for women is that they should not see men and that men should not see them."

ʿAlī—peace be upon him—went back to the Messenger of God—may God bless him and his family—and told him this.

He asked:

"Is this from you or from someone else?"

He replied:

"O Messenger of God, Fāṭima said it."

The Messenger of God—may God bless him and his family—was pleased by this and said:

"Fāṭima is truly a part of me."

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"Whoever among you wishes to marry should praise God and extol Him and say:

'O God, provide me with a wife who is fertile, loving, grateful, and protective;

who, when I do good, is grateful; when I do wrong, forgives; when I remember God, helps me; when I forget, reminds me; when I leave her, protects what I leave behind; when I enter upon her, gladdens me; when I command her, obeys me; when I adjure her, fulfills my oath; and when I become angry, satisfies me. O Possessor of Majesty and Honor, grant me this, for I obtain only what You allot and give.'"

The Messenger of God—may God bless him and his family—said:

"Whoever says and does this, God, Mighty and Exalted, grants him what he asks."

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"Every marriage in which there is no formal address is like a mutilated hand."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—when marrying or arranging a marriage would say:

"Praise be to God. We praise Him, seek His help, and seek refuge in Him from the evils of our souls and from our evil deeds.

Whomever God guides, none can misguide; and whomever God causes to stray, none can guide. I bear witness that there is no god but God alone, without partner, and I bear witness that Muḥammad is His servant and Messenger. O you who believe, fear God through whom you ask one another, and the ties of kinship; indeed God is ever watchful over you. O you who believe, fear God as He ought to be feared, and do not die except as Muslims. O you who believe, fear God and speak words that are upright; He will set right your deeds for you and forgive you your sins. Whoever obeys God and His Messenger has indeed achieved a mighty triumph." Then he would conclude the marriage contract.

They—peace be upon them—recommended that the person concluding the marriage praise God at the time of the contract, extol Him as He deserves, invoke blessings upon the Prophet—may God bless him and his family—and his family, mention whatever can conveniently be said concerning the merit of marriage and the suitability of the spouses for it, and then conclude the contract in the proper manner and upon the terms they have named. There is no fixed formula required for this. A marriage concluded without a formal address is valid, though the address is preferable. They—peace be upon them—forbade an explicit marriage proposal during a woman's waiting period. They permitted indirect allusion, in accordance with the saying of God, Mighty and Exalted:

"There is no blame upon you concerning what you indirectly intimate of a proposal to women or conceal within yourselves. God knows that you will remember them. But do not make secret promises to them except that you speak honorable words, and do not resolve upon the marriage bond until the prescribed term reaches its end."

Jaʿfar ibn Muḥammad—peace be upon him—said concerning the words of God Most High:

"Do not make secret promises to them":

"That means marriage and indirect speech involving sexual relations.

'Honorable words' means good speech, even if it contains an indirect allusion to marriage."

It is transmitted from Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—that he entered upon Sukayna daughter of Ḥanẓala after she had become widowed from a paternal cousin who had married her and then died.

Abū Jaʿfar—peace be upon him—greeted her and said:

"How are you this morning, daughter of Ḥanẓala?"

She replied:

"Well, son of the Messenger of God."

He said:

"You know my kinship to the Messenger of God—may God bless him and his family—and to ʿAlī—peace be upon him—my right in Islam, and my nobility among the Arabs."

She said:

"May God forgive you, Abū Jaʿfar! Are you proposing to me while I am still in my waiting period?"

He replied:

"I did not do that.

I merely informed you of my rank." He continued:

"The Messenger of God—may God bless him and his family—entered upon Umm Salama daughter of Abū Umayya ibn al-Mughīra al-Makhzūmiyya after she had become widowed from Abū Salama, her paternal cousin.

The Messenger of God—may God bless him and his family—continued to mention to her his rank until the mat on which he leaned left an impression upon his hand from the intensity with which he rested upon it. That was not a proposal."

They—peace be upon them—said:

"It is recommended that each prospective spouse mention to the other whatever condition or characteristic in himself or herself should be known, so that the other may know the situation."

They—peace be upon them—transmitted that when the Messenger of God—may God bless him and his family—proposed to Umm Salama—may God be pleased with her—she sent word to him saying:

"O Messenger of God, I am an elderly woman, I have dependents, and I am intensely jealous.

I dislike that there should be anything about me which you do not know." The Messenger of God—may God bless him and his family—sent back to her:

"As for your age, I know it, and I am older than you.

As for your dependents, they are among the dependents of the Messenger of God. As for your jealousy, I shall supplicate to God, Mighty and Exalted, to remove it from you." Then he—may God bless him and his family—married her.

On Consummating Marriage and Living with Wives

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from the Messenger of God—may God bless him and his family—that he said:

"A feast is held on four occasions:

marriage, birth, circumcision, and return from a journey." The marriage feast is the feeding of food when a man consummates his marriage. The birth feast is the food of the *ʿaqīqa* for the newborn on the seventh day; this and what is required concerning it have already been discussed. The circumcision feast is food offered at the circumcision of a boy. The feast upon return from travel is when a man comes back from a journey, prepares food, and invites his brothers to it.

And he—may God bless him and his family—said:

"Among the practices of the messengers is feeding food at marriage."

The Messenger of God—may God bless him and his family—held marriage feasts for his wives when he consummated marriage with them. At one of his feasts he served *ḥays*, a food made from dates, clarified butter, and dried curd. And he—may God bless him and his family—said to one of his companions who had married:

"Give a marriage feast, even if only with one sheep."

And he—may God bless him and his family—said:

"The feast on the first day is a right.

On the second day it is kindness.

Anything beyond that is ostentation and reputation-seeking." Abū ʿAbd Allāh—peace be upon him—was invited to a wedding feast on the first day and accepted. He was invited on the second day and accepted. When the messenger came on the third day to invite him, he ordered that the messenger be driven away. He was driven off until he disappeared from sight. It is transmitted from the Messenger of God—may God bless him and his family—that he passed by Banū Zurayq and heard musical playing and singing.

He asked:

"What is this?"

They said:

"O Messenger of God, so-and-so has married so-and-so."

He said:

"His religion has been completed.

This is marriage, not fornication. There should be no secret marriage: its smoke should be seen and the sound of the frame-drum heard."

And he—may God bless him and his family—said:

"The distinction between fornication and marriage is the beating of the frame-drum."

It is transmitted from him—may God bless him and his family—that on the night Fāṭima—peace be upon her—was brought to ʿAlī—peace be upon him, he heard the tapping of a frame-drum.

He asked:

"What is this?"

Umm Salama said:

> "O Messenger of God, this is Asmāʾ daughter of ʿUmays playing the frame-drum for Fāṭima so that she does not say to herself, 'My mother has died and I have no one to make me happy.'"

The Messenger of God—may God bless him and his family—raised his hands toward heaven and said:

> "O God, bring happiness to Asmāʾ daughter of ʿUmays just as she has brought happiness to the daughter of Your Messenger."

Then he summoned her and said:

> "Asmāʾ daughter of ʿUmays, what do you say while beating the frame-drum?"

She replied:

> "O Messenger of God, by God I do not know what I say.
>
> I only wished to make her happy."

He said:

> "Do not say indecent words.
>
> Say:
>
> 'We have come to you, we have come to you;
> greet us and we shall greet you.'"

Speech of this kind and similar words, together with beating the frame-drum and comparable instruments, are what the concession concerns at weddings and marriage feasts. As for indecent speech, singing of the kind in which such speech occurs, and instruments and flutes used for pleasurable diversion by people of amusement, these are disliked. Al-Ṣādiq—peace be upon him—was asked concerning such things and recited the saying of God, Mighty and Exalted:

> "We did not create the heavens and the earth in play. Had We wished to take amusement, We would have taken it from Our own presence, if We were to do so. Rather, We hurl the truth against falsehood and it crushes it, and behold, it vanishes. Woe to you for what you describe."

It is transmitted from him—peace be upon him—that he said:

> "A gathering of singing is a gathering upon whose people God, Mighty and Exalted, does not look."

And it is transmitted from him—peace be upon him—that he was asked about the flute.

He said that the Messenger of God—may God bless him and his family—said:

> "Two sounds are hated by God, Mighty and Exalted:

wailing at a calamity, and the flute at a blessing." And it is transmitted from him—peace be upon him—that he said concerning the saying of God, Mighty and Exalted:

> "Avoid the filth of idols and avoid false speech":
>
> "The filth of idols includes chess, and false speech includes singing."

And concerning the saying of God, Mighty and Exalted:

> "Among the people is one who purchases distracting speech":

he said:

> "Singing is among it."

One of his companions said:

> "I was in Medina and came to a place where there was singing.

I sat listening. The next day I entered upon Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him. When I sat before him, he immediately recited:

> ‘Indeed, the hearing, the sight, and the heart—all of these will be questioned concerning it.’

Then he looked at me and said:

> ‘The hearing will be questioned concerning what it heard, the heart concerning what it understood, and the sight concerning what it saw.’”

It is transmitted from him—peace be upon him—that he said:

> “It is not lawful to sell singing, purchase it, or listen to it.
>
> Listening to it is hypocrisy, and learning it is unbelief.” It is transmitted from him—peace be upon him—that one day some of his followers who had come to him from another region entered upon him.

He asked:

> “Where are you staying?”

They replied:

> “Son of the Messenger of God, we rented a house.
>
> Once we had settled there, we heard singing in it. We sought another house but could not find one.”

He said:

> “Since that is the case, be noble people.
>
> Keep your hearing pure from listening to it and inclining toward it.

God Most High says:

> ‘When they pass by vain speech, they pass by nobly.’”

And it is transmitted from him—peace be upon him—that he said:

> “My father—peace be upon him—once passed by me while I was still a boy.
>
> I had stopped near flute-players and entertainers and was listening to them.

He took my hand and said:

> ‘Move away.
>
> Do not be among those who rejoiced at Adam’s misfortune.’

I asked:

> ‘How is that, father?’

He said:

> ‘Everything you see of diversion, play, and singing was fashioned by Iblīs out of malicious joy at Adam—peace be upon him—when he was expelled from Paradise.’”

And he—peace be upon him—said:

> “A house of singing is a house in which sudden calamity is not secure against, supplication is not answered, and an angel does not enter.”

And it is transmitted from him—peace be upon him—that he said:

> “Singing causes hypocrisy to grow in the heart just as the palm grows from its spathe.”

And it is transmitted from him—peace be upon him—that he said:

> “Whoever has a lute played in his house for forty days, God sets over him a devil called al-Qunfudh.

He does not leave any limb of the person without sitting upon it. When this occurs, modesty is removed from him and he no longer cares what he says or what is said to him." A man among his followers told him—peace be upon him—that he had entered upon someone he knew, and that the man brought out a slave-girl who played and sang before him.

Jaʿfar ibn Muḥammad—peace be upon him—said:

"Did you not fear that God's command might come upon you while you were in that condition?

It is a gathering upon whose people God does not look." A man asked him—peace be upon him—about singing.

He said:

"Tell me: if God were to separate truth from falsehood, where do you think singing would be?"

The man said:

"Son of the Messenger of God, I think it would only be with falsehood."

He said:

"That is enough for you.

Leave it, for there is no good in it. It is among the things for which God, Mighty and Exalted, has threatened the Fire." Then he recited:

"Among the people is one who purchases distracting speech…"

And he—peace be upon him—said:

"Singing brings about hypocrisy and leaves poverty behind."

It is transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—said:

"I forbid my community the *zaqn*, the flute, drums, and stringed instruments."

And ʿAlī—peace be upon him—had brought before him a man who had broken a lute. He approved the man's action and imposed no compensation for the broken lute. All of this indicates the prohibition of diversion, listening to singing, flutes, lutes, and similar instruments used for entertainment. As for what is used in war, in arranging armies and reviewing them, and in similar public ceremonies before the Imams—peace be upon them—and commanders of armies, such as the beating of drums, large kettle-drums, and similar instruments, and blowing horns, whistles, and similar wind instruments that are not used for sensual entertainment or diversion, these do not fall under what has been prohibited above. Rather, their use is recommended in their proper circumstances. It is transmitted that the Messenger of God—may God bless him and his family—passed by a group of Zanj who were beating drums of theirs.

He said:

"Go on, go on, Banū Arfida, so that the Jews may know that there is latitude in our religion."

If someone asks:

"Why then do we hear and see in lands under the authority of the Imams—peace be upon them—some of the instruments of diversion that have been forbidden?"

It is said to him:

This is no more significant than what people do inside their own homes, behind their doors and curtains. God, Mighty and Exalted, has commanded that legal punishments for acts of indecency be carried out when those acts become manifest, witnesses testify to them, and they appear openly. He alone, glorified be He, possesses knowledge of what remains concealed and hidden, and He may punish or pardon such things, advancing whatever He wills and delaying whatever He wills. It is well known and publicly established among

all people that the Imams—peace be upon them—condemn such things when performed and grant no license in them. But they are not matters for which prescribed legal punishments are imposed. Rather, they are to be condemned and forbidden.

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"Conduct your brides to their husbands at night, and feed people during the day."

And it is transmitted from him—may God bless him and his family—that he said:

"There is no staying awake at night except for three things:

night devotion with the Qurʾān, seeking knowledge, or accompanying a bride to her husband."

And it is transmitted from him—may God bless him and his family—that he said:

"Let each of you prepare himself for his wife just as he loves her to prepare herself for him."

Jaʿfar ibn Muḥammad—peace be upon him—said:

"He means cleanliness."

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"When a wife is brought to a man and enters upon him, let him pray two cycles.

Then let him wipe his hand over the front of her head and say:

'O God, bless my wife for me and bless me for her.

Whatever You have brought together between us, bring us together in goodness, auspiciousness, and blessing. If You decree separation between us, make it a separation leading each of us toward every good.'" When he sits beside her, let him wipe over the front of her head and say:

"Praise be to God who guided my wandering, enriched my poverty, raised me from obscurity, gave strength to my humiliation, sheltered my need, married away my loneliness, carried my burden, provided service for my work, comforted my solitude, and raised my lowliness.

A good, abundant, blessed praise for what You have given, my Lord, for what You have allotted, and for how You have honored me."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

"The woman too should be instructed to be in a state of ablution at the time she is brought to her husband.

When her husband prays, she should pray. When he supplicates, she should say 'Amen.'" He should also invoke blessings upon the Messenger of God—may God bless him and his family—at the beginning, middle, and end of the supplication. And he should say:

"O God, grant me affection for her, her love, her contentment with me, and my contentment with her.

Unite us in the finest union and the easiest harmony, for You love the lawful and hate the unlawful."

Jaʿfar ibn Muḥammad—peace be upon him—said:

"When a man wishes to have intercourse with his wife, let him say:

'O God, if You decree for me offspring today, make it sincerely devoted to You.

Give Satan no share, portion, or allotment in it. You are powerful over all things.'"

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"When one of you comes to his wife, let him not hurry her.

When he has intercourse with her, let him fulfill her desire." The Messenger of God—may God bless him and his family—forbade a man from having intercourse with a free wife in a room while another free woman was present.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

"There is no harm in this concerning a slave-girl."

Jaʿfar ibn Muḥammad—peace be upon him—said the same.

It is transmitted from ʿAlī—peace be upon him—that he said:

"A man should not have intercourse with his wife while facing the qibla."

And it is transmitted from ʿAlī—peace be upon him—that he said:

"Looking at sexual intercourse causes blindness."

He—peace be upon him—saw an animal being mounted by a male upon the road and turned his face away.

And he—peace be upon him—said:

"The hidden form of burying alive is that a man has intercourse with a woman and, when he feels ejaculation approaching, withdraws from her and ejaculates elsewhere.

Do not do that."

And he—peace be upon him—said:

"The Messenger of God—may God bless him and his family—forbade a man from practicing withdrawal with a free wife except with her permission, and from doing so with a slave-girl whom he has married except with her master's permission."

ʿAlī—peace be upon him—said:

"He may practice withdrawal with his own slave-girl if he wishes."

Jaʿfar ibn Muḥammad—peace be upon him—said the same.

It is transmitted from ʿAlī—peace be upon him—that he said:

"A man should not sleep between two free wives.

He may sleep among his slave-girls. He should not look at the nakedness of a free wife, nor expose his nakedness to her."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

"Intercourse is disliked from dawn until sunrise;

from sunset until the disappearance of twilight; on a night when the moon is eclipsed; on a day when the sun is eclipsed; on a day or night when the earth shakes; and during a yellow, black, or red wind."

And he—peace be upon him—said:

"The Messenger of God—may God bless him and his family—once spent the night with one of his wives on a night when the moon was eclipsed, but did not approach her.

She said:

'O Messenger of God, what is this coldness?'

He replied:

'It is not coldness.

Rather, this sign occurred, and I disliked taking pleasure on such a night lest I be among those whom God, Mighty and Exalted, meant in His Book when He said:

"If they saw a fragment of the sky falling, they would say: 'A massed cloud.'"""

Abū Jaʿfar—peace be upon him—said:

"By the One who sent Muḥammad with prophethood, singled him out for the message, and chose him for honor, none of you has intercourse at one of these times in which intercourse is disliked and then is granted offspring from it whose sight becomes a joy to him."

It is transmitted from ʿAlī—peace be upon him—that he said:

"A slave-girl under nine years of age should not be penetrated.

If someone does so and injures her, he is financially liable."

Jaʿfar ibn Muḥammad—peace be upon him—said:

"If a man marries a young girl, he must not consummate with her until she has completed nine years from the day of her birth."

It is transmitted from ʿAlī—peace be upon him—that he disliked approaching women in the anus and used to forbid it.

Concerning the saying of God, Mighty and Exalted:

"Your women are a tilth for you, so come to your tilth however you wish,"

he said:

"In the vagina, whether approaching from the front or from behind."

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"No man should be alone with a woman who is not one of his unmarriageable relatives.

Whenever a man is alone with such a woman, Satan is the third of them." The Messenger of God—may God bless him and his family—forbade conversing privately with women other than wives and close unmarriageable relatives.

Jaʿfar ibn Muḥammad—peace be upon him—said:

"Conversation with women brings forgetfulness, causes the heart to deviate, and is among the traps of Satan."

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"Fear God concerning women.

They are weak and must be protected. You have made them lawful to yourselves through God's trust, and they are dependent upon you. Treat their faults through silence. Conceal their nakedness within houses. Do not lodge them in upper rooms. Do not teach them writing. Teach them Sūrat al-Nūr."

And it is transmitted from him—may God bless him and his family—that he said:

"What an excellent occupation for a believing woman is the spindle."

It is transmitted from him—may God bless him and his family—that among the pledges taken from women in the oath of allegiance was that they not engage in private conversation with men other than their husbands and close unmarriageable relatives. It is transmitted from him—may God bless him and his family—that he forbade women from looking at men and forbade a woman from leaving her house without her husband's permission. And it is transmitted from him—may God bless him and his family—that one day he asked his companions:

"What is a woman?"

They replied:

"A thing to be concealed, O Messenger of God."

He said:

"Yes.

Then when is she nearest to her Lord?" They had no answer. ʿAlī—peace be upon him—mentioned the question to Fāṭima—peace be upon her.

She said:

"Go back to him and say:

'O Messenger of God, she is nearest to her Lord when she remains in the innermost part of her house.'"

He went and informed the Prophet—may God bless him and his family.

He asked:

"Is this from you, ʿAlī?"

He replied:

"No, O Messenger of God. Fāṭima said it to me."

The Messenger of God—may God bless him and his family—said:

"She has spoken truthfully.

She is truly a part of me." It is transmitted from the Messenger of God—may God bless him and his family—that he forbade a woman from walking naked before her husband and forbade a man from being naked before her. He forbade women from grooming their hair with wine or wine sediment. He forbade men from imitating women and women from imitating men and cursed whoever did so.

And it is transmitted from him—may God bless him and his family—that he said:

"Any woman who applies perfume should not leave her house and should not attend prayer with us."

It is transmitted from him—may God bless him and his family—that he forbade women, when going out behind men, from walking in the middle of the road with them.

He said:

"Women have no share in the middle of the road."

The Messenger of God—may God bless him and his family—forbade a woman from wearing conspicuous clothing when she went out, from wearing jewelry that made an audible sound, and from striking her foot so that the sound of her anklet might be heard. He forbade women from displaying themselves, from wailing, from raising their voices except when necessary, from conversing with men, and from spending the night away from their own homes. It is transmitted from him—may God bless him and his family—that he forbade greeting women.

And it is transmitted from him—may God bless him and his family—that he said:

"A man should not press his body directly against another man unless a garment is between them, nor a woman against another woman unless a garment is between them."

A woman came to him and said:

"O Messenger of God, I have a husband who is harsh with me, so I did something to make him affectionate toward me."

The Messenger of God—may God bless him and his family—said to her:

"Woe to you! You have muddied your religion, and the angels of heaven and earth have cursed you."

And it is transmitted from him—may God bless him and his family—that he said:

"If I were to command anyone to prostrate before another, I would command a woman to prostrate before her husband."

It is transmitted from him—may God bless him and his family—that he forbade a woman from withholding herself from her husband when he requested her, or withholding her assistance and work from him.

He said:

"The finest thing with which a woman adorns herself is fear of God and obedience to her husband."

And it is transmitted from him—may God bless him and his family—that he said:

"If a woman knows her Lord, believes in Him and His Messenger, recognizes the excellence of the Household of her Prophet, performs the five prayers, fasts the month of Ramadan, guards her chastity, and obeys her husband, she may enter Paradise through whichever of its gates she wishes."

It is transmitted from him—may God bless him and his family—that a woman sent to him saying:

"O Messenger of God, my husband ordered me not to go out anywhere, near or far, until he returns from his journey.

My father is in his death agony and has come near to death. May I go out to him?" The Messenger of God—may God bless him and his family—said to her:

"Remain in your house and obey your husband."

She did so. Her father died. The Messenger of God—may God bless him and his family—sent word to her saying:

"Know that God has forgiven your father because of your obedience to your husband."

It is transmitted from him—may God bless him and his family—that a woman asked him:

"O Messenger of God, what right does the husband have over the wife?"

He said:

"She should not give anything in charity from his house except with his permission.

She should not withhold herself from him even upon the back of a saddle. She should not fast a voluntary fast for a day except with his permission. She should not leave her house except with his permission. If she goes out without his permission, the angels of heaven, the angels of earth, the angels of wrath, and the angels of mercy curse her until she returns."

She asked:

"O Messenger of God, who among people has the greatest right over a man?"

He said:

"His parents."

She asked:

"And who among people has the greatest right over a woman?"

He said:

"Her husband."

She said:

"O Messenger of God, do I have a right over him equal to his right over me?"

He replied:

"No—not even one part in a hundred."

It is transmitted from him—may God bless him and his family—that he assigned to his daughter Fāṭima—peace be upon her—the service of what was within the house, and assigned to ʿAlī—peace be upon him—the service of what was outside it. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning the right of a wife over her husband, such that if he fulfills it he is acting well.

He said:

"He should feed her until she is satisfied, clothe her, and when she harms him, forgive her."

And he said:

"My father had a wife who used to harm him, and he would forgive her.

He would say:

'The Messenger of God—may God bless him and his family—said:

"A woman is like a rib.

If you leave it as it is, you benefit from it. If you try to straighten it, it breaks."'"

He was asked:

"A woman is jealous concerning her husband?"

He replied:

"That comes from love."

The Messenger of God—may God bless him and his family—was asked about a man who turns away from his wife because worship, fasting, and prayer occupy him. The report continues that the wife of ʿUthmān ibn Maẓʿūn complained:

"He fasts during the day and stands in prayer at night."

The Messenger of God—may God bless him and his family—understood what she intended. He went out to the mosque and found ʿUthmān ibn Maẓʿūn standing in prayer.

He said:

"'ʿUthmān, God, Mighty and Exalted, did not send me with monasticism.

He sent me only with the upright religion. Whoever loves my natural way should follow my practice. Marriage is among my practices." It is transmitted from the Messenger of God—may God bless him and his family—that he forbade beating women except where a binding legal cause required it. It is transmitted from ʿAlī—peace be upon him—that a man of the Anṣār came to the Messenger of God—may God bless him and his family—with his daughter and said:

"O Messenger of God, her husband struck her, so give me retaliation against him on her behalf."

The Messenger of God—may God bless him and his family—was inclined to grant her this. Then God, Mighty and Exalted, revealed:

> "Men are maintainers of women because God has favored some of them over others and because they spend from their wealth. So righteous women are obedient, guarding in absence what God has guarded. As for those from whom you fear defiance, admonish them, abandon them in beds, and strike them. But if they obey you, then seek no way against them."

The Messenger of God—may God bless him and his family—said:

"I intended one thing, but God intended another."

And it is transmitted from him—may God bless him and his family—that he said:

> "Protective jealousy is from faith, and *madhāʾ* is from hypocrisy,"

meaning protective jealousy concerning what is unlawful. The term *madhāʾ* is derived from *madhy* and refers here to bringing men and women together for that purpose. In another report from ʿAlī—peace be upon him—it is stated that the Messenger of God—may God bless him and his family—forbade *midhāl*—with an *l*—meaning abandoning protective jealousy. The root of *midhāl* is from the phrase "a man exposed his secret," meaning that he revealed it. Thus exposing one's women to men was named from this. As for jealousy concerning what is lawful, it is disliked and forbidden.

ʿAlī—peace be upon him—said:

> "There is no protective jealousy concerning what is lawful."

This follows the saying of the Messenger of God—may God bless him and his family:

> "Do not do anything until I come to you both,"

meaning on the night when ʿAlī entered upon Fāṭima—peace be upon her—after she had become his wife. The Messenger of God—may God bless him and his family—said this to them both after …they had lain down together. ʿAlī—peace be upon him—refrained. The Messenger of God—may God bless him and his family—entered, supplicated for them, blessed them, and then left.

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

> "Jihād has been prescribed for the men of my community, and protective jealousy for its women.

Whichever woman bears this patiently and seeks reward from God, God, Mighty and Exalted, grants her the reward of a martyr." And it is transmitted from him—may God bless him and his family—that he mentioned women and the burdens they place upon men, saying:

> "What will become of them when they adorn themselves with gold and wear silk, burdening the wealthy and exhausting the poor?"

It is transmitted from ʿAlī—peace be upon him—that he said:

> "Whoever obeys his wife in four things, God, Mighty and Exalted, will cast him upon his face into the Fire:

allowing her to go to wedding celebrations, to gatherings of mourning, to visits of the sick, and to bathhouses."

On Marriage Arranged by Guardians

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from the Messenger of God—may God bless him and his family—that he said:

> "There is no marriage except with a guardian and two upright witnesses."

And he forbade a woman from being married until her wishes had been sought.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "A man should not marry off his daughter until he asks her wishes, for she knows herself best.

If she remains silent, weeps, or laughs, that is her permission. If she refuses, he should not marry her off." A father's arranging marriage for his sons and daughters while they are minors is valid. They do not possess an option to annul it upon reaching maturity. If an authorized agent concludes the marriage, it is valid.

It is transmitted from him—peace be upon him—that he said:

> "If an adult Muslim woman appoints her Christian father as her agent to marry her off and he does so, the marriage is valid.

But if he marries her off while she is still a child, it is not valid, because an unbeliever possesses no guardianship over a Muslim." If a woman appoints two guardians and entrusts the matter to both, and each marries her to a different man, the first marriage is valid. If it is not known which was first, or if both contracts occurred simultaneously, both marriages are invalid and a new contract must be concluded afterward.

It is transmitted from Jaʿfar ibn Muḥammad and Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon them—that they said:

"The paternal grandfather is like the father.

He may conclude marriage for his minor granddaughter just as her father may. He has priority concerning her unless the father has already concluded the marriage. If both conclude contracts, the contract of whichever acted first is valid. If it cannot be determined which came first, both contracts are invalid and a new one must be concluded."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

"The kinds of witnesses accepted in marriage are those accepted in financial matters.

The testimony of women and slaves is also admissible in it." Jaʿfar ibn Muḥammad—peace be upon him—was asked about two witnesses who testified concerning the marriage of a woman: one saying that her father married her off while she objected, and another saying that he married her off with her consent.

He said:

"The marriage is valid."

Jaʿfar ibn Muḥammad—peace be upon him—was asked about two witnesses where one testified that her father married her for one thousand and the other that he married her for two thousand.

He said:

"If she claims the larger amount, she swears together with her witness and judgment is given to her for it."

If one witness testifies that her father married her off while she was a child, while the other testifies that her father married her off when she was an adult without her consent, the testimony is invalid.

On Witnesses in Marriage

We have already mentioned before this chapter that the Messenger of God—may God bless him and his family—said:

"There is no marriage except with a guardian and two witnesses."

This is what is commanded and what is acted upon, and through it the marriage is legally established.

It is transmitted from ʿAlī—peace be upon him—that he said:

"Marriage is not valid except with a guardian and witnesses."

Abū Jaʿfar and Abū ʿAbd Allāh—peace be upon them—said:

"Witnesses were prescribed in marriage because of children, so that their father may be known;

because of the possibility that one spouse may deny the marriage; and because of fear of the ruler if it is alleged that the two are committing fornication." For these reasons, and for other comparable concerns, witnessing is obligatory in marriage. As between a person and God, Mighty and Exalted, however, there is no sin merely because witnesses were absent, for God Most High explicitly mentioned witnesses in divorce and did not explicitly mention them in marriage. Nevertheless, witnesses are necessary in marriage because through them the marriage is established, lineage is made secure, suspicion is removed, and upright persons testify concerning it. Women and slaves may serve as witnesses when they are upright.

On Dowries

God, Mighty and Exalted, says:

> "Give women their dowries as a free gift."

We have transmitted from the Commander of the Faithful—peace be upon him—that he said concerning the saying of God, Mighty and Exalted:

> "Give women their dowries as a free gift":
>
> "God, Mighty and Exalted, means: give them the dowry through which you made their sexual relations lawful to yourselves.

Whoever wrongfully deprives a woman of her dowry has treated intercourse with her as though it were fornication."

The Messenger of God—may God bless him and his family—said:

> "God forgives every sin except the sin of a man who wrongfully deprives a hired worker of his wage, a woman of her dowry, or sells a free person."

It is transmitted from him—peace be upon him—that he said:

> "The Messenger of God—may God bless him and his family—did not marry any of his wives, nor marry any of his daughters off, for more than twelve *ūqiyyas* and one *nashsh* of silver."

An *ūqiyya* is forty dirhams. A *nashsh* is half an *ūqiyya*. Thus the amount was five hundred dirhams. Together with this there was a woven mantle and bedding made from the hide of a ram. This is the dowry of the established practice. There is, however, no fixed limit for dowries. Whatever amount, small or large, is named and included in the marriage contract is valid. Making the dowry easy is recommended.

ʿAlī—peace be upon him—said:

> "Among a woman's auspiciousness are the ease of marrying her and the ease of her womb.
>
> Do not make women's dowries excessive, lest that become a cause of hostility."

And he—peace be upon him—said:

> "A man came to the Prophet—may God bless him and his family—and said:
>
> 'O Messenger of God, I wish to marry a woman.'

He asked:

> 'Do you possess anything you can give her?'

The man replied:

> 'No, by God, I possess nothing.'

He said:

> 'Is this ring on your hand yours?'

He replied:

> 'Yes, O Messenger of God.'

The Messenger of God—may God bless him and his family—said:

> 'Then I have married her to you for this ring of yours.'"

Thus making marriage easy possesses merit, as transmitted here.

There is also no harm in a high dowry, because God, Mighty and Exalted, says:

> "Even if you have given one of them a treasure, do not take anything from it."

It is transmitted from al-Ḥasan ibn ʿAlī—peace be upon them—that he married a woman and sent her one hundred slave-girls, each carrying one thousand dirhams. We have transmitted from Abū Jaʿfar Muḥammad ibn ʿAlī and Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—God's blessings be upon them—that they were asked concerning the dowry.

They said:

> "It is whatever the two spouses mutually agree upon, whether little or much.

But there must be a dowry. A marriage without a dowry is not valid." There is no harm in concluding the marriage without specifying its amount, but the husband should not consummate the marriage until he has given her something.

This is because God, Mighty and Exalted, says:

> "There is no blame upon you if you divorce women before you have touched them or fixed a dowry for them."

Thus a marriage contract without specification of the dowry is valid. But he should not consummate with her until he has given her something. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked concerning this.

He said:

> "My father—peace be upon him—married a woman without specifying her dowry.

When he wished to consummate the marriage, he took a garment from me and gave it to her." He—peace be upon him—was asked concerning the saying of God, Mighty and Exalted:

> "And a believing woman if she gives herself to the Prophet…"

He said:

> "This was made specific to the Messenger of God—may God bless him and his family.

Marriage is not proper without a dowry." If no dowry is specified and the husband dies or divorces her before consummation, she receives no dowry. He inherits from her and she inherits from him. She must observe the waiting period. If he consummates the marriage, she receives the customary dowry of women comparable to her in status, wealth, and beauty, from a man comparable to him in status and wealth, unless this exceeds the dowry of the established practice. If it exceeds that amount, it is reduced to it. As already stated, the dowry of the established practice is five hundred dirhams. It is transmitted from him—peace be upon him—that he said concerning a man who married a woman leaving the dowry to her judgment:

> "The marriage is valid.

If they later disagree concerning the amount, she receives the customary dowry of women like her, without unfair reduction or excess, and it should not exceed the dowry of the established practice." And it is transmitted from him—peace be upon him—that the Messenger of God—may God bless him and his family—forbade *shighār* marriage.

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "*Shighār* is when a man marries his daughter to another man on condition that the other marry his daughter to him, with no dowry between them."

He said:

> "Two men came to ʿAlī—peace be upon him.

Each had married the other's daughter without a dowry.

He annulled the arrangement and said:

> 'There is no marriage without a dowry.'"

This applies where the two marriages are contracted on the basis that each woman is exchanged for the other, so that the marriage of one is made the compensation for the marriage of the other. But if they conclude the marriages in the same manner as any marriage in which the dowry is left unspecified, without stipulating the exchange just described, the contracts are valid. Each woman then receives the customary dowry of women like her, in the manner already explained. They—peace be upon them—permitted marriage to be contracted for specified and known non-monetary property. It is transmitted from ʿAlī—peace be upon him—that he said concerning a man who married a woman for a male servant:

"Neither unfairly low nor excessive."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

"Whoever marries a woman for an unspecified dowry does not thereby invalidate the marriage.

She receives the customary dowry of women like her, not exceeding the dowry of the established practice." He—peace be upon him—was asked concerning a man who married a woman for a slave-girl of his whom he had designated for posthumous emancipation, and then divorced his wife before consummating the marriage.

He said:

"The woman receives one half of the service of the *mudabbara* slave-girl.

One day of her service belongs to the wife and one day to her master. If the master revokes the *tadbīr* or sells the slave-girl, the wife receives one half of her value."

They—peace be upon them—said:

"The dowry belongs to the woman."

They transmitted from ʿAlī—peace be upon him—that he said:

"In Islam, marriage may not be contracted in return for wages paid to the woman's father, as Moses—peace be upon him—hired himself out.

The dowry belongs to the wife." If a man marries her on condition that he perform some work for her, the marriage is valid. The labor serves as compensation in place of the dowry. He should not consummate the marriage until he has performed the work for which she engaged him or has given her something.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

"A woman came to the Messenger of God—may God bless him and his family—and said:

'O Messenger of God, marry me.'

He said:

'Who will marry this woman?'

A man among the people said:

'I will, O Messenger of God.'

He asked:

'What will you give her?'

He replied:

'I possess no property.'

He said:

'No property?'

The woman repeated her request. The Messenger of God—may God bless him and his family—repeated his question, but no one stood except that same man. The woman repeated it once more.

On the third occasion, the Messenger of God—may God bless him and his family—said to the man:

> ‘Do you know any of the Qurʾān?’

He replied:

> ‘Yes.’

He said:

> ‘I have married her to you for what you know of the Qurʾān.’”

Abū Jaʿfar—peace be upon him—said:

> “If a man marries a woman on condition that he teach her a chapter from the Book of God, I would prefer that he not consummate the marriage until he has taught it to her or has given her something.”

It is transmitted from ʿAlī—peace be upon him—that he said:

> “Once a woman has entered upon her husband, she has no claim for a dowry after consummation except with evidence,”

meaning where she alleges that he paid her nothing and that some portion of her dowry remains owed to her.

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> “If a man marries her with part of the dowry immediate and part deferred, the immediate portion is due before consummation.

If she refuses him, he has no right to consummate until he pays it. The deferred portion becomes due at death or separation,” meaning if no earlier maturity was stipulated. But if she stipulated that it becomes due after consummation, then that condition applies. It is transmitted from ʿAlī—peace be upon him—that a woman brought before him a man who had married her and consummated the marriage while having fixed her dowry for a later term. ʿAlī—peace be upon him—said to him:

> “There is no deferment for you concerning her dowry once you have consummated with her.

Her right has become immediately due. Pay her what is owed.” This—God knows best—applies where nothing had been paid immediately and no division of the dowry into immediate and deferred portions had been specified. But if those portions were specified, the husband must pay whatever immediate amount he obligated himself to pay, while the deferred portion remains due at the time they stipulated, in accordance with the saying of the Messenger of God—may God bless him and his family:

> “People are bound by their conditions.”

Likewise, if no later term was specified and a definite dowry was named, and she refused consummation until receiving it, she has the right to do so. It is transmitted from ʿAlī—peace be upon him—that he said concerning a man who marries a woman and secretly calls witnesses to one dowry at first, then publicly calls witnesses to a larger dowry:

> “The first is the marriage contract and that is the one legally binding.”

And it is transmitted from him—peace be upon him—that he said:

> “When the curtains have been drawn and the doors closed, the full dowry becomes due.”

This is also the position of Abū Jaʿfar and Abū ʿAbd Allāh—peace be upon them. This applies if the woman claims that intercourse occurred. If both spouses acknowledge that he did not touch her, however, then even though he closed the door and drew the curtain, if he afterward divorces her she receives only half the dowry. She must nevertheless observe the waiting period, because her claim that he did not touch her does not remove the waiting period once the door was closed and the curtain drawn over them. It is transmitted from

ʿAlī, Abū Jaʿfar, and Abū ʿAbd Allāh—peace be upon them—that they said concerning a man who makes the emancipation of his slave-girl her dowry:

> "That is permissible."

Abū Jaʿfar—peace be upon him—said:

> "This applies where he states the condition before emancipating her.

He says:

> 'I marry you on the basis that I make your dowry your emancipation.'

But if he first emancipates her and says:

> 'I emancipate you for the sake of God, and I make your emancipation your dowry and marry you on that basis,' then she has the choice.

If she wishes, she may marry him. If she wishes, she may refuse. For once she was emancipated she became owner of herself independently of him. If he later marries her, he should marry her with a dowry." It is transmitted from ʿAlī—peace be upon him—that he was asked about a man who steals property and then uses it to marry a woman or purchase a slave-girl.

He said:

> "The sexual relationship is lawful.

The liability for the stolen property remains upon him. He is sinful for what he did and must repay what he stole."

On Conditions in Marriage

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from the Messenger of God—may God bless him and his family—that he said:

> "Every condition contrary to the Book of God is rejected."

It is transmitted from ʿAlī—peace be upon him—that he judged concerning a man who married a woman and stipulated to her family that if he married another woman over her, she would be divorced, and if he took a slave-concubine over her, the slave-girl would become free.

He said:

> "God's condition comes before their condition.

If he wishes, he may fulfill his promise. If he wishes, he may marry another woman and take a slave-concubine. His wife does not become divorced merely because he marries another, nor does the slave-girl become free merely because he takes her." The same is transmitted from Abū Jaʿfar and Abū ʿAbd Allāh—peace be upon them. It is transmitted from ʿAlī—peace be upon him—that he said concerning a man who marries a woman stipulating that sexual access is in her control and that separation lies with her:

> "You have contradicted the established practice and placed the right in the hands of one who does not possess it."

He ruled that the husband owes the dowry, while sexual access and divorce remain in his hands, and he invalidated the condition.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If he stipulates for her something lawful that does not contradict the Book, the condition is valid."

An example is where a man marries a woman and stipulates that she may continue residing among her family, in a specified town, or in a dwelling he names. Such a condition is valid.

It is transmitted from him—peace be upon him—that he said:

> "If a man marries a woman on condition that he spend a specified amount upon her each day, or that he not come to her during the daytime, this condition does not invalidate the marriage, but neither is it binding.

She remains entitled to the same division of nights and maintenance as other wives." But if a woman is already married and fears ill-treatment or fears that he may divorce her, and she makes a settlement with him concerning part of her maintenance or her allotted time, this is permissible. This accords with the saying of God Most High:

> "If a woman fears ill-treatment or aversion from her husband, there is no blame upon them if they make a settlement between themselves, and settlement is better."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If he stipulates to her that, should he marry another woman or take a slave-concubine over her, she will be entitled to one hundred dinars, or whatever amount he imposes upon himself, the marriage is valid.

If the money he undertook is itself part of the dowry, it becomes binding upon him. But if it is merely an additional condition, it is not binding." This is the meaning of the statement transmitted from Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him.

And he—peace be upon him—said:

> "A man should not marry one woman on the condition of divorcing another."

The Messenger of God—may God bless him and his family—forbade a woman from asking for the divorce of her sister so that she might empty her dish for herself, for God is the One who provides her provision. It is transmitted from the Messenger of God—may God bless him and his family—that he forbade temporary marriage (*mutʿa*). The temporary marriage permitted by those who permit it is, according to what they say, that a man says to a woman:

> "Give me temporary enjoyment of yourself,"

or says:

> "I marry you for this dirham or these two dirhams,"

or whatever amount they agree upon,

> "for one act of intercourse, one day, two days,"

or whatever period they agree upon. They say that once they agree upon this, she becomes lawful to him until the completion of the specified period. They say that if she becomes pregnant by him, the child is not attributed to him. They say that she becomes separated from him without divorce. They claim that she has no waiting period, that she does not inherit from him, and that he does not inherit from her. They say that temporary enjoyment is not permissible with a virgin. Some of them even claim that it is permissible with married women. This is pure fornication in which there is no ambiguity and no concealment. God, Mighty and Exalted, has made sexual relations lawful from only two directions:

through marriage, and through ownership of the right hand.

For He, Mighty and Exalted, says:

> "Those who guard their private parts except from their wives or those whom their right hands possess—for then they are not blameworthy. Whoever seeks beyond that, those are the transgressors."

If such a woman were truly his wife, she would not become separated from him without divorce and without a waiting period, because God, glorified be He, says:

> "O Prophet, when you divorce women, divorce them for their waiting periods."

She would also inherit and be inherited from, because God Most High says:

> "You have half of what your wives leave,"

and He says:

> "They have one quarter of what you leave."

The child would also be attributed to both of them, because the Messenger of God—may God bless him and his family—said:

> "The child belongs to the marital bed."

If she is neither a wife nor one possessed by the right hand, she is forbidden. Reports prohibiting temporary marriage from the Messenger of God—may God bless him and his family—are numerous. Among them is his saying:

> "There is no marriage except with a guardian and two upright witnesses."

Those who permit temporary marriage claim that it is concluded without a guardian and without witnesses. It has also been transmitted from ʿAlī, Abū Jaʿfar, and Abū ʿAbd Allāh—God's blessings be upon them—that they invalidated temporary marriage, declared it forbidden, and prohibited it. It is transmitted from ʿAlī—peace be upon him—that he judged concerning a slave-girl who fled from her master, deceived a man about herself, claimed she was free, married him on that basis, and bore him children. When her master later established ownership of her, ʿAlī awarded her to him. He also ordered the man who had been deceived concerning her to pay the master the value of the children she had borne him. If no one deceived him concerning her, then the children are themselves slaves belonging to her master unless their father redeems them.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If he purchased her, had children by her, and afterward someone established a superior claim to ownership, she is handed over to the person entitled to her.

That person is entitled to the value of her children from their father. The father may then recover that amount from the person who sold her to him." But if he had seized her wrongfully, or knew when he married her that she was a slave and her master had not married her to him, then she and her children belong to the master. It is transmitted from ʿAlī—peace be upon him—that he said concerning a free woman deceived by a slave who presented himself as a free man and whom she married on that basis:

> "She has the choice to separate from him when she learns that he is a slave."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "She has greater authority over herself.

If she wishes, she may remain with him. If she wishes, she may separate from him." If she chooses separation and he had not consummated the marriage, nothing is due to her. If he had consummated it, she is entitled to the dowry. It is owed either by the person who deceived her concerning him, or by the slave himself when he becomes free, if his master had not authorized the marriage. If his master had married him off or authorized the marriage, then the dowry is upon the master. It is transmitted from ʿAlī, Abū Jaʿfar, and Abū ʿAbd Allāh—peace be upon them—that they said concerning a man who marries a woman but another woman is brought to him instead, and he has intercourse with her thinking she is his wife, then later discovers the truth:

> "The mistaken woman is returned.

She is entitled to the dowry because of what he had from her, and the person who deceived him concerning her bears the liability for it. The wife whom he actually married is then returned to him." They—peace be upon them—said concerning a castrated man, or one unable to have intercourse with women, who conceals his condition, marries a woman, and she does not know of it:

“Once she learns, she has the option.

If she chooses separation and he had consummated the marriage, she receives the dowry.” They—peace be upon them—said concerning a man who marries a woman and she is found to be affected by leprosy, vitiligo, blindness, madness, a genital disease preventing intercourse, or obvious lameness:

“He has the choice.

If he wishes, he may keep her. If he wishes, he may return her. If he had consummated the marriage, she receives the dowry, and he recovers it from the person who deceived him concerning her.” A woman is not returned because of defects other than these. It is transmitted from ʿAlī—peace be upon him—that he said concerning a man who married a woman on the assumption that she was a virgin and then found her previously married:

“He saw no legal consequence in that.”

And he—peace be upon him—said:

“Virginity may be lost through jumping, leaping, ablution, remaining unmarried for a long time, or menstruation.”

On Forbidden and Permissible Marriages

God Most High says:

“Do not marry women whom your fathers married, except what has already passed. Indeed, it was an indecency and hateful, and an evil way.”

And God Most High says:

“Forbidden to you are your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brother’s daughters, your sister’s daughters, your mothers who nursed you, your sisters through nursing, the mothers of your wives, your stepdaughters under your care born of wives with whom you have consummated marriage—but if you have not consummated with them, there is no blame upon you—and the wives of your sons who are from your loins, and that you combine two sisters in marriage, except what has already passed.”

God, Mighty and Exalted, explicitly forbade in His Book marriage with those whom He named. The Messenger of God—may God bless him and his family—and the Imams among his descendants, the People of his Household—God’s blessings be upon them all—clarified what required clarification. It is transmitted from ʿAlī and Abū ʿAbd Allāh—God’s blessings be upon them both—that they said concerning the saying of God Most High:

“The mothers of your wives”:

“This is unrestricted.

Once a man marries a woman, her mother becomes forbidden to him whether or not he consummates the marriage.”

They also said:

“If a man marries a woman and then divorces her or she dies before consummation, it becomes lawful for him to marry her daughter.”

This accords with the saying of God, exalted is He:

“And your stepdaughters under your care born of wives with whom you have consummated marriage—but if you have not consummated with them, there is no blame upon you.”

He said:

"The phrase 'under your care' signifies legal sanctity."

And he recited the saying of God, Mighty and Exalted:

"Cattle and crops are forbidden."

If he consummates marriage with the woman, her daughter becomes forbidden to him. Likewise, if he sees or touches from her what would ordinarily be forbidden to anyone else, he may not afterward marry her daughter.

It is transmitted from Jaʿfar ibn Muḥammad—peace be upon him—that he said:

"If a man marries a woman and then she dies or he divorces her before consummation, she remains permanently forbidden to his sons, however far their descendants continue, and to his fathers, however far the ascendants continue."

If he looks at his slave-girl with desire, touches her, has intercourse with her, or looks at her nakedness, she becomes forbidden to his sons and to his fathers throughout their respective lines. But if one of them owns a slave-girl without having intercourse with her, touching her, or looking at her with desire, and the other later comes to own her, she is lawful to him. It is transmitted from them—peace be upon them—that they permitted ownership of two sisters, or of a slave-girl and her daughter. But they forbade combining the two in sexual relations.

They said:

"If he has intercourse with one, the other becomes forbidden to him.

If he then has intercourse with the other, he has intercourse unlawfully and the first becomes forbidden to him." Once he has intercourse with one, he should not have intercourse with the other until the first leaves his ownership through emancipation, sale, or gift. It is not sufficient merely to give her to his own child. If she dies, however, intercourse with the other becomes lawful. The prohibition concerns combining the two, in accordance with the saying of God, exalted is He:

"And that you combine two sisters."

He did not distinguish between slave and free women.

It is transmitted from ʿAlī, Abū Jaʿfar, and Abū ʿAbd Allāh—peace be upon them—that they said:

"A man may not marry a woman's sister after divorcing her until her waiting period has ended and she has completely left his marital bond."

This applies where the divorce is revocable, because otherwise he would effectively have combined the two sisters. But if he divorces her irrevocably, with no right of return, he may marry her sister or another woman immediately, provided he has no more than three other free wives at that time.

It is transmitted from them—peace be upon them—that they said:

"A woman may not be combined in marriage with her paternal aunt or with her maternal aunt."

ʿAlī—peace be upon him—said:

"The Messenger of God—may God bless him and his family—forbade this and declared it unlawful."

The daughter of his paternal uncle Ḥamza was once proposed to him.

He said:

"Do you not know that she is the daughter of my brother through nursing?"

For the Messenger of God—may God bless him and his family—had been nursed together with Ḥamza—may God be pleased with him. They—peace be upon them—saw no harm in combining in marriage daughters of paternal uncles with daughters of maternal uncles. Nor did they see harm in a man marrying a woman while

his son from another wife married her daughter from another man. Likewise, if a woman is divorced by a man or he dies, and another man later marries her, there is no harm in a child of the woman by the second husband marrying a child of the first husband by another woman.

They—peace be upon them—said:

> "If a man commits fornication with his wife's mother, sister, or daughter, this does not invalidate his marriage to his wife.

The unlawful does not invalidate the lawful." But if he commits fornication with a woman and she afterward gives birth to a daughter, he should not marry that daughter. They—peace be upon them—permitted marrying a woman with whom one had previously committed fornication if both repent. It is transmitted from ʿAlī—peace be upon him—that he said concerning a woman who commits fornication before her husband has consummated the marriage with her:

> "They are separated and she receives no dowry, and the prescribed punishment is carried out upon her."

Her dowry is invalidated because the cause arose from her side. The separation, however, occurs only if the husband wishes it. If he chooses to keep her, she remains his wife. Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked about a sick man who marries and then dies.

He said:

> "The marriage is valid and she inherits from him."

Jaʿfar ibn Muḥammad—peace be upon him—said concerning a man who marries two sisters, or five women, in a single marriage contract:

> "Of the two sisters, the one whose name he mentioned first when concluding the contract remains married to him.

Of the five women, the first four remain married to him. The marriage of the second sister and of the fifth woman is invalid. If it is not known who was mentioned first, the entire marriage contract is invalid." They—peace be upon them—said concerning a man who marries a woman while she is in her waiting period, or marries her while one of them is in pilgrimage consecration, when both know that this is unlawful:

> "They are separated, and she is never lawful for him afterward."

If they were ignorant of the prohibition, they are separated, and a new marriage contract may be concluded after she becomes lawful for marriage. It is transmitted from Abū ʿAbd Allāh Jaʿfar ibn Muḥammad, from his father, from his grandfather, from the Commander of the Faithful ʿAlī—peace be upon them—that the Messenger of God—may God bless him and his family—forbade a man from marrying the midwife who attended his birth or the daughter of that midwife.

On the Missing Husband

We have transmitted from Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—that he said:

> "If news reaches a man's family that he has died, and his wife observes her waiting period and then marries, but afterward the first husband returns, he has the stronger right to her, whether or not the second husband consummated the marriage.

If the second husband did consummate it, she receives the dowry from him for the sexual relations he lawfully had with her."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "The wife of a missing man is left as she is so long as she remains silent.

If she brings her case before the ruler, the ruler appoints for her a period of four years and writes to make inquiry concerning him." When four years have passed without any news of him, the ruler summons the missing man's guardian and asks whether the missing man possesses property. If he has property, maintenance is provided to the wife from it if she wishes, and she has no right to remarry so long as she is maintained from his property or his guardian maintains her. If the guardian does not maintain her and the missing man possesses no property, the ruler compels the guardian to divorce her with a single divorce at the beginning of a proper waiting period while she is ritually pure. This divorce then takes the place of the husband's own divorce. If the husband returns before her waiting period has ended, he has the stronger right to her. If her waiting period has ended, she becomes lawful for other husbands.

He was asked:

> "Son of the Messenger of God, if the guardian maintains her but she says, 'I cannot remain patient; I desire what women desire,' what then?"

He said:

> "She has no such right—no honor is due to that claim—so long as the guardian maintains her."

The "missing person" is one who leaves his home and disappears, so that no one knows what became of him; or one seen between the battle-lines during fighting, after which the people disperse and he cannot be found; or one traveling by sea whose ship becomes lost or wrecked and who is not found among those who survived. But if a man merely travels and his precise place of residence is initially unknown, then his location later becomes known, his ruling is not that of a missing person. The ruling concerning his wife is that of a woman whose husband is absent. She may not marry unless he dies or divorces her.

ʿAlī—peace be upon him—said:

> "When the place of the missing man becomes known, his wife may not marry."

On Breastfeeding

We have already mentioned the saying of God, Mighty and Exalted:

> "And your mothers who nursed you and your sisters through nursing."

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and them—that they said:

> "Whatever is forbidden through lineage is forbidden through nursing."

We have already mentioned the women forbidden in marriage. Whoever occupies through nursing the same degree of relationship as one of those women is likewise forbidden. There is no harm in a man marrying the woman who nursed his sons, and a son of his whom she did not nurse may marry her, because she is neither his nursing-mother nor his father's wife. Likewise, whichever of her daughters he wishes may be married. And if a woman nurses his brother or sister, whichever of that nursing woman's sons wishes may marry the man's sister. Likewise, a man may marry the daughters of a woman who nursed his own child, and their daughters, because they did not drink his milk and no relationship through nursing or otherwise exists between them and him. The prohibition applies only to the one who was actually nursed. The daughters of paternal uncles, paternal aunts, maternal uncles, and maternal aunts through nursing are lawful in marriage, just as such cousins are lawful through lineage.

A man may marry a woman while his father marries her daughter from another man. Likewise, a father and son may marry two sisters.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "Both a small and a large amount of nursing establish prohibition.
>
> A single suckling is sufficient to prohibit."

This is because God, Mighty and Exalted, says:

> "Your mothers who nursed you."

The term "nursing" applies to both little and much. Even a small amount contributes, in its measure, to nourishment, the growth of flesh and blood, and strengthening of bone.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "The nursing which establishes prohibition is that which occurs within the first two years."

This accords with the saying of God Most High:

> "Mothers shall nurse their children for two complete years, for whoever wishes to complete the nursing."

Whatever occurs after two years is not legally nursing and establishes no prohibition.

The Messenger of God—may God bless him and his family—said:

> "There is no nursing after weaning."

It is transmitted from ʿAlī, Abū Jaʿfar, and Abū ʿAbd Allāh—peace be upon them—that they said concerning a woman who gives her husband some of her milk to drink, imagining that she thereby makes herself unlawful to him, or who gives it to his slave-girl or nurses the slave-girl in order to make her unlawful to him:

> "He should discipline his wife, but none of this makes anything unlawful for him."

Nursing an adult is not legally nursing once two years have passed from the person's birth. If an adult drinks a woman's milk, it establishes no prohibition. Whatever occurs within the first two years—whether suckling directly, drinking a woman's milk, milk poured into the mouth, or administered through the nose—is nursing.

They—peace be upon them—said:

> "The milk of the male establishes prohibition."

This means that if a man has several wives or slave-concubines who have borne his children, and one of them nurses a boy while another nurses a girl, those two children become brother and sister through nursing. They need not have drunk from the breast of the same woman. The same man has caused both women's milk, and the milk is therefore attributed to him. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man's wife who had nursed a young girl: would that girl be lawful for one of his sons by another woman?

He said:

> "No."

It was asked:

> "Does she occupy the position of his sister through nursing?"

He said:

> "Yes, through the father."

And he—peace be upon him—said concerning a man with two wives who each bore him a son, and one of the wives then nursed an unrelated girl:

> "The other son should not marry that girl because she was nursed with the milk of the same man.

Whatever is forbidden through lineage is forbidden through nursing." He—peace be upon him—was asked about a slave-girl belonging to a man where his wife and the mother of one of his children claimed that they had nursed her.

He said:

> “Their statement is not accepted, because they thereby bring benefit to themselves.”

He was asked about a woman who claimed that she had nursed a boy and a girl and afterward denied it.

He said:

> “Her denial is accepted.”

It was asked:

> “If she later retracts the denial and again claims she nursed them?”

He said:

> “Her statement is not accepted.”

The testimony of one upright woman is admissible concerning nursing. If she is not upright, her testimony is not admissible. They—peace be upon them—forbade employing as a wet nurse a woman whose milk resulted from fornication, such as a woman who committed fornication and bore a child from it. Neither she nor her daughter born from fornication should be employed as a wet nurse. They—peace be upon them—permitted employing polytheist women as wet nurses when their milk resulted from lawful marriage. They disliked nursing from the milk of hostile sectarians and persons known for hostility toward the family of Muḥammad—peace be upon them. Nursing with milk resulting from fornication establishes no prohibition.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> “Unlawful milk does not make the lawful unlawful.”

For example, if a woman first nurses with milk resulting from her husband, then later nurses with milk resulting from fornication, this latter nursing does not establish prohibition.

And he said:

> “Whoever nurses a girl with milk resulting from fornication does not thereby make marriage to her unlawful, because unlawful milk does not make the lawful unlawful.”

It is transmitted from ʿAlī—peace be upon him—that he judged concerning a man who married a woman, gave her the dowry, but had not yet consummated the marriage, and it was then established that a nursing relationship existed between them.

He said:

> “She must return to him what she took from him.”

It is transmitted from the Messenger of God—may God bless him and his family—that he forbade women from nursing large numbers of children whose identities and families they did not know.

On Marriage to Slave-Women

God, Mighty and Exalted, says:

> “Whoever among you lacks the means to marry free believing women may marry from your believing slave-girls whom your right hands possess…”

through His saying:

> “That is for whoever among you fears falling into sin; but that you remain patient is better for you.”

It is transmitted from ʿAlī—peace be upon him—that he said concerning the saying of God Most High:

> “That is for whoever among you fears falling into sin”:
>
> “He means fornication.”

Thus a free Muslim man should not marry a slave-woman unless he fears falling into fornication and lacks the means to marry a free woman. If he possesses the means to marry a free woman, he should not marry a slave-woman. If he does not fear falling into fornication, he likewise should not marry her. For God, Mighty and Exalted, permitted marriage to slave-women by free men only upon these two conditions.

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "A free man may not marry a slave-woman until both conditions are present:

fear of falling into sin, and lack of means." When both are present, he may marry her. If a free man marries a slave-woman and she bears him children, the children are slaves belonging to her master unless he stipulated that whatever children she bears from him are free. If he stipulated this, they are free. The legal status of children follows that of the mother concerning freedom and slavery. If a male slave marries a free woman, his children by her are free. His master may not stipulate to the free woman that her children by the slave will themselves be slaves, in the way that the husband of a slave-woman may stipulate that her children be free. The reason is that the emancipation of a slave-woman's children lies within the power of their master, who may free them if he wishes. A woman, however, cannot make her own free children into slaves, nor can anyone else. A slave-woman may not be married without her master's permission and without witnesses, in accordance with the saying of God, exalted is He:

> "Marry them with the permission of their people."

If a slave-woman is jointly owned by two men, sexual intercourse with her is lawful for neither of them, even if one grants permission to the other, because sexual access cannot be divided, given away, or made permissible piecemeal. If one of the two owners marries her off without the other's permission, the marriage is not valid unless the other subsequently ratifies it. The husband should not consummate the marriage until the other owner approves it. If he does not approve, the marriage is annulled. Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—was asked about a slave-woman jointly owned by two men whom one of them married off while the other was absent. Is the marriage valid?

He said:

> "If the absent owner objects, it is not valid."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "It is not lawful for a free Muslim man to marry a Jewish or Christian slave-woman."

For God Most High says:

> "From your believing slave-girls."

Likewise, a free man may not marry a Magian or polytheist slave-woman. Were this permitted, polytheists could enslave the children of Muslims. When a man wishes to marry his own slave-girl, he should emancipate her and then marry her if he wishes and if she wishes. The Messenger of God—may God bless him and his family—married Ṣafiyya daughter of Ḥuyayy ibn Akhṭab and placed the veil upon her.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Any man who emancipates a slave-girl and wishes to marry her should do so with witnesses and a specified dowry."

If he makes her emancipation itself her dowry, that is valid. We have already explained how this may validly be done. A female slave under a contract of emancipation may marry with her master's permission. ʿAlī—peace be upon him—was asked concerning the marriage of a *mukātaba* slave-woman.

He said:

> "She may marry.
>
> Any children she bears during the period of her contract follow her status:

whatever portion of her becomes free, the same portion of them becomes free; whatever portion of her remains enslaved, the same portion of them remains enslaved." We shall explain in the chapter on slaves under contracts of emancipation how this is calculated, God Most High willing. It is transmitted from ʿAlī—peace be upon him—that he said concerning a man who marries a slave-woman while already married to a free woman:

> "They are separated.

He must pay the slave-woman her dowry in return for the sexual relations he had with her. If he did not consummate with her, nothing is due to her."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If a free man has married a slave-woman and later obtains the means to marry a free woman, he may marry a free woman in addition to the slave-woman, provided the free woman knows about her."

He divides his time between them by giving the free woman two shares and the slave-woman one share. If the free woman did not know when she married him that he already had a slave-wife, and later learns this, she has the option. If she wishes, she may remain. If she wishes, she may leave his marital bond. If he had consummated with her, she receives the dowry for the sexual relations he lawfully had with her. If he had not consummated and she chooses separation, nothing is due to her.

It is transmitted from him—peace be upon him—that he said:

> "A free man may not marry more than one slave-woman."

If he marries a free woman and a slave-woman in a single contract, it is examined whose name he mentioned first. If he first named the free woman, the marriage to the slave-woman is invalid. If he first named the slave-woman, and the free woman consents to remain with her, both marriages are valid—provided that the man was among those legally permitted to marry a slave-woman according to the conditions already explained. It may happen that he contracts marriage with the free woman while still lacking the means for her dowry. But if he does possess the means to marry a free woman, the slave-woman's marriage is invalid whether her name was mentioned first or second. Likewise, if it is unknown which woman was named first, the slave-woman's marriage is invalid. ʿAlī—peace be upon him—was asked about maintenance for a married slave-woman.

He said:

> "When a free man marries a slave-woman, she serves her owners during the day and comes to her husband at night.

He owes her maintenance if they allow this. If they prevent her from being with him at night, he owes her no maintenance." Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man whose young children own a slave-girl: may he have intercourse with her?

He said:

> "If he desires her, let him assess her against himself at a fair value.

Her price then becomes a debt he owes his children. He thereby acquires ownership of her and may have intercourse with her if he wishes." If the children are adults, however, she does not become lawful to him unless they sell her to him. Nothing from a child's property is lawful to his father without the child's willing consent, except where the father is in need. If he is poor and the son is wealthy, he may consume from it reasonably for his necessary maintenance, but not for luxury or indulgence. It is transmitted from him—peace be upon him—that he was asked about a man who owned a slave-girl and whose wife feared that he might take the slave-girl for himself. So she ordered one of her sons to have intercourse with the slave-girl.

He said:

> "She has sinned and her son has sinned.

If the son is an adult, the prescribed punishment applies to him. It is disliked for the man afterward to approach the slave-girl, though she has not become unlawful to him, because the unlawful does not make the lawful unlawful." It is transmitted from ʿAlī—peace be upon him—that he disliked a man having intercourse with a slave-woman subject to certain restrictive conditions of ownership. A *mudabbara* slave-woman may marry with her master's permission. Her ruling is that of any other slave-woman until her master dies, at which point she becomes free. If a slave-woman is emancipated while married:

if her husband is free, she remains his wife and has no option to leave him; if her husband is a slave, she has the option upon becoming free. The Messenger of God—may God bless him and his family—gave Barīra this choice. She had been a slave-woman married to a male slave. She entered a contract of emancipation and eventually became free. The Messenger of God—may God bless him and his family—gave her the choice, and she chose herself. He ordered her to observe a waiting period of three menstrual cycles.

ʿAlī—peace be upon him—said:

> "If the husband of a *mukātaba* slave-woman assists her in making the payments of her contract until she becomes free, she has no option against him."

On the Marriage of Male Slaves

God Most High says:

> "A slave owned by another who has no power over anything."

The Messenger of God—may God bless him and his family—forbade a male slave from marrying without his master's permission.

And he said:

> "Any free woman who marries herself to a slave without his master's permission has made herself sexually available unlawfully and receives no dowry,"

meaning if the master rejects the marriage. But if the master ratifies the marriage for his slave, it becomes valid and the woman's dowry is owed by the master once he approves it. Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man marrying one of his slave-women to one of his male slaves.

He said:

> "He says:
>
> 'I have married her to you,' and gives her something, whatever it may be."

The right to separate them belongs to the master. Whenever he wishes, he may separate them without divorce. If he sells the slave-woman, that itself separates them. If he sells both of them together, the purchaser may separate them if he wishes without divorce.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If a slave-woman who has a free husband is sold, she remains his wife.
>
> Her purchaser may not have intercourse with her until her husband divorces her or dies, after which she observes the waiting period."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "If a woman comes to own her husband, or any share of him, the marriage between them is dissolved.
>
> She then has authority over herself. A woman may not marry her own slave unless she first emancipates him. Afterward, if he wishes and she wishes, he may marry her."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "A male slave may purchase and have intercourse with such slave-women as his master permits him.

He may marry no more than two free women and may marry four slave-women. Divorce of the women he has married lies in the hand of his master, who may divorce them on his behalf whenever he wishes."

On the Marriages of Polytheists

Marriages between polytheists belonging to the same religion or to different religions are recognized when they contract them according to what is valid in their own religion. Such marriages should not be annulled for them.

We have transmitted from ʿAlī—peace be upon him—that he said:

> "If a man and his wife are both among the spoils of war, they remain married to one another.

If her husband is captured several days after her, they likewise remain married, unless one of them is actually carried away and brought into the territory of Islam. When that occurs, their marriage is dissolved and she is not lawful to him except through a new marriage." If she is captured before him, or he before her, and whichever of them has been captured remains among the spoils for however long, their marriage remains in force. When one of them enters the territory of Islam, however, their marriage is dissolved. If she accepts Islam and her husband is afterward captured after she has accepted Islam, and she has already menstruated three times but has not yet been removed into the territory of Islam, and her husband also accepts Islam, then they remain married.

The owner who has acquired them does not possess the right to separate them merely because of ownership, as he may with his other slaves, unless at the time of capture they had sought protection on the condition that they not be separated and that agreement had been made for them. In that case, separation between them is not permitted.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "It is not lawful for Muslims to marry polytheist women in enemy territory while the authority of the polytheists remains operative over them."

And it is transmitted from him—peace be upon him—that he said:

> "If a woman from the enemy seeks protection and leaves for the territory of Islam while she has a polytheist husband, his marital bond over her is severed.

After confirming that her womb is empty, she may marry if she wishes." If her husband later comes as a Muslim under safe-conduct, he has no claim over her except through a new marriage, because his marital bond was severed when she entered the territory of Islam. If a man accepts Islam while his wife remains a polytheist, she remains his wife. If a woman accepts Islam while her husband remains a polytheist, they are separated. If her husband accepts Islam before her waiting period ends, they remain married. If her waiting period ends first, she has authority over herself. It is transmitted from ʿAlī and Abū Jaʿfar—peace be upon them—that they forbade marriage to the women of Arab Christians and forbade eating animals slaughtered by them.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "If an apostate renounces Islam and joins enemy territory, he is treated as though dead.

His property is divided among his heirs, his wives observe the waiting period of women whose husbands have died, and afterward they may marry whom they wish."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If a woman accepts Islam while she has a polytheist husband, she has become separated from him if he does not accept Islam.

She is entitled to her dowry. If he had not consummated the marriage, she receives half the dowry." When polytheists accept Islam, their existing marriages remain in force.

The Messenger of God—may God bless him and his family—said:

> "Confirm the people of the Age of Ignorance upon whatever marriage, divorce, or inheritance arrangements they had when they accepted Islam."

It is transmitted from ʿAlī—peace be upon him—that he said concerning a polytheist man who accepts Islam while married to two sisters or to more than four free women:

> "He retains the one of the two sisters whom he married first, and he is separated from the second.

Likewise, he retains the first four free women he married and is separated from those he married after them."

And it is transmitted from him—peace be upon him—that he said:

> "God permitted the women of the People of the Book to Muslims when Muslim women were few.

When Muslim women became numerous, God, Mighty and Exalted, said:

> 'Do not marry polytheist women until they believe,'"

and He said:

> "Do not hold fast to the marital bonds of unbelieving women."

The Messenger of God—may God bless him and his family—forbade a Muslim man from marrying a non-Muslim woman when he can find a Muslim woman, and forbade a polytheist man from marrying a Muslim woman. If a polytheist man accepts Islam while married to a polytheist woman, there is no harm in his keeping her if he desires her, in the hope that God, Mighty and Exalted, may guide her. He may marry up to three Muslim women in addition to her, provided they know of her. If he marries a Muslim woman while already having a polytheist wife and the Muslim woman did not know of this, but later discovers it after consummation, the matter is in her hands. If she wishes, she may remain together with the polytheist wife. If she wishes, she may leave the marriage. She receives the dowry for the sexual relations he lawfully had with her. After her waiting period ends, she may marry whom she wishes without any divorce being required.

If he divorces the polytheist wife before the Muslim woman's waiting period has ended from the day she chose separation, he has the stronger right to take the Muslim woman back.

On Division of Time between Co-Wives

God, exalted is His mention, says:

> "You will never be able to be completely just between women, even if you strive, so do not incline entirely toward one and leave another suspended."

God thus informs us that perfect equality between women in love, desire, and eagerness for intercourse cannot be achieved. As for maintenance, overnight stays, gifts, and similar matters, equality is possible. When a man has several wives, he must spend one day and one night with each of them in turn. Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who has several wives but has intercourse with some and not others.

He said:

> "He must spend the night with each one on her allotted night and remain with her through the following morning.

If he feels no desire for intercourse, there is nothing upon him. But when a man feels desire while with one of his wives, he should not suppress it and preserve his energy for another." It is transmitted from ʿAlī—peace be upon him—that he was asked about a man who has several wives and leaves on a journey.

He said:

> "When he returns, he begins with the wife whose turn is due."

And it is transmitted from him—peace be upon him—that he said:

> "If a man has only one wife, he should not leave her without spending a night with her for more than three nights out of every four.
>
> He may use the remaining three nights for whatever God Most High has made lawful for him."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If a man has two wives, he may choose one of them during the two nights that remain his own, while giving each wife her obligatory night."

Likewise, if he has three wives, he gives each her night and may choose whichever of them he wishes for the fourth. If he has four wives, he may not favor one over another in the division. It is transmitted from him—peace be upon him—that he said concerning a man who already has one or more wives and then marries another:

> "If he marries a virgin, he stays with her for seven nights.
>
> If he marries a previously married woman, he stays with her for three nights. After that he divides his time equally among his wives." He—peace be upon him—was asked concerning the saying of God Most High:
>
> "If a woman fears ill-treatment or aversion from her husband, there is no blame upon them if they make a settlement between themselves, and settlement is better."

He said:

> "This concerns a man who has two wives and becomes unable or unwilling to maintain his relationship with one of them, or one of them is unattractive to him, so that he turns away from her and wishes to divorce her while she dislikes divorce.
>
> She may then reach an agreement with him that he come to her only from time to time, or that she relinquish to him her share of his time."

On Maintenance of Wives

God, Mighty and Exalted, says:

> "We know what We have prescribed for them concerning their wives and those whom their right hands possess…"

And He, Mighty and Exalted, says:

> "Provide for them from it, clothe them, and speak to them honorable words."

We have transmitted from the Household of the Messenger of God—may God bless him and his family—that during the Farewell Pilgrimage he addressed the people, mentioned women, and instructed them to treat women well.

He said:

> "They are entitled from you to their provision and clothing according to what is recognized as proper."

The Messenger of God—may God bless him and his family—forbade a man from eating his fill while leaving his household hungry.

And he said:

> "It is sufficient sin for a man that he neglect those whom he is responsible to support."

It is transmitted from him—peace be upon him—that he said:

> "Seven things are among the deeds that precede a person in reward, so hold fast to them."

Among those he mentioned was spending upon one's dependents.

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

> "Among the severest afflictions are many dependents and little wealth.

Yet having little wealth is one of the two forms of ease."

And it is transmitted from him—peace be upon him—that he said:

> "Whoever is moderate in his livelihood, God provides for him.

Whoever squanders, God deprives."

And it is transmitted from the Messenger of God—may God bless him and his family—that he said:

> "When God wills good for a household, He gives them understanding in religion, grants them gentleness in their livelihood, and gives them moderation in their affairs."

And he—may God bless him and his family—said:

> "Gentleness is half of livelihood, and no person becomes impoverished through moderation."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "If a man cannot find anything with which to support his wife, he is given time.

If he can bring her something," meaning enough to sustain her,

> "they are not separated.

If he can find nothing at all, he is granted a term and then they are separated." It is transmitted from him—peace be upon him—that a woman brought a complaint before him against her husband because he was deliberately refusing to maintain her. He imprisoned him until he provided her maintenance.

And it is transmitted from him—peace be upon him—that he said:

> "Any woman who leaves her husband's house without his permission has no right to maintenance until she returns."

It is transmitted from him—peace be upon him—that he said concerning a man who divorces his wife while she is nursing their child:

> "She has the strongest claim to nurse him and receives from the father what he would otherwise pay to a wet nurse."

If her husband dies leaving with her a child of his whom she nurses, she receives the customary wage of a woman like her from the child's own property if the child possesses property by inheritance or otherwise. The guardian has no right to remove the child from her care. Maintenance upon wives and upon relatives whose maintenance is legally due is according to means and capacity.

God Most High says:

> "Let the person of abundance spend according to his abundance, and whoever's provision is restricted, let him spend from what God has given him."

Thus the judge assigns to the person upon whom maintenance is due an amount appropriate to someone of comparable condition, without extravagance and without stinginess.

God, Mighty and Exalted, says:

> "Those who, when they spend, are neither extravagant nor miserly, but hold a balance between the two."

This is something known and not obscure. It does not require speculative judgment or independent reasoning when the customary standard for a comparable person is known. People know what constitutes ordinary sustenance in every place and time, according to scarcity and abundance, means and limitation, cheapness and high prices, poverty and wealth. Every poor person who is incapable of earning or working is to be maintained by those who would inherit from him if he died, in proportion to the shares they would receive from his inheritance. The wife is the exception. Her maintenance is due from her husband, while no maintenance of the husband is due from her. If the person from whom maintenance is due is himself poor, nothing is due from him. The person who would otherwise be entitled to maintenance is then like one who has no guardian to support him and seeks sustenance from the provision of God.

The obligation does not pass onward to a more remote relative who would not inherit from him if he died merely because the nearer heir is poor and possesses no property. The obligation belongs to that nearer heir, and God, Mighty and Exalted, has excused him because of his inability, in accordance with His saying:

> "God does not burden a soul beyond its capacity,"

and:

> "God does not burden a soul except according to what He has given it."

If he later becomes prosperous, he must provide maintenance from that point forward. He is not liable for what passed previously.

On Establishing That the Womb Is Empty

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that a man of the Anṣār invited the Messenger of God—may God bless him and his family—to a meal. The Prophet accepted. At the man's house there was a slave-girl with a greatly enlarged abdomen moving about serving the food.

The Messenger of God—may God bless him and his family—asked:

> "What is this woman?"

The man replied:

> "A slave-girl of mine whom I purchased a few days ago.
>
> She is pregnant."

He asked:

> "Perhaps you have had intercourse with her?"

The man replied:

> "Yes, O Messenger of God, I did."

He said:

> "Were it not for the sanctity of your food, I would curse you with a curse that would enter your grave with you.
>
> Emancipate what is in her womb, for your semen has nourished its hearing, sight, flesh, blood, hair, and skin."

ʿAlī—peace be upon him—said:

> "It is not lawful for a man to have intercourse with a woman pregnant by another man until she has delivered what is in her womb and become pure.
>
> If he purchases a pregnant slave-girl, he should not approach her until she gives birth and becomes pure."

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

> "A slave-woman whom a man has had intercourse with is cleared by one menstrual period."

And he said:

> "Whoever purchases a young slave-girl who has not reached puberty and does not menstruate, and concerning whom pregnancy is not feared, may have intercourse with her if he wishes.
>
> He is not required to wait for clearance."

And he said:

> "Whoever purchases a slave-girl who has ceased menstruating should abstain from her for two months and then may have intercourse with her if he wishes."

This applies where there remains some doubt as to whether she might still menstruate although her menses have stopped.

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever purchases a very elderly woman and knows that she no longer menstruates and has no doubt about her condition may have intercourse with her if he wishes and need not wait for clearance."

And he said:

> "Whoever purchases a slave-girl from a woman may have intercourse with her before waiting for clearance.

If he nevertheless waits as a precaution for himself, that is good." The obligatory waiting for clearance falls primarily upon the seller when he has had intercourse with the slave-girl and then wishes to sell her. He should not sell her until she has menstruated once, lest she have conceived from him and he thereby sell his own child.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "If a man purchases a slave-girl who does not menstruate, or one who has reached puberty but has not menstruated, he must wait forty-five nights before intercourse."

ʿAlī—peace be upon him—was asked about a man who purchased a slave-girl who had reached puberty but had not menstruated and was a virgin, but whose seller had deflowered her before selling her.

He said:

> "Her matter is serious.

He must wait nine months. After nine months, if no pregnancy appears, he may have intercourse with her if he wishes." It is transmitted from him—peace be upon him—that he said concerning a man who purchases a slave-girl while she is ritually pure and the seller tells him:

> "I have not approached her since she menstruated, nor during this present period of purity."

He said:

> "If the seller is trustworthy in his eyes, he may have intercourse with her if he wishes.
>
> If he waits for clearance, that is safer for him."

And he—peace be upon him—said:

> "Whoever purchases a slave-girl who had no husband and whose master did not have intercourse with her must nevertheless wait for one menstrual period."

It is transmitted from him—peace be upon him—that he was asked about a man who purchases a slave-girl, then emancipates and marries her. May he have intercourse with her?

He said:

> “He should wait until her womb has been cleared by one menstrual period.

But if he has intercourse with her before waiting, there is no harm.” Jaʿfar ibn Muḥammad—peace be upon him—was asked about a man who had intercourse with a slave-girl belonging to him and then wished to marry her to another before waiting for clearance.

He said:

> “No.”

It was asked:

> “How long should he wait?”

He replied:

> “One menstrual period.

Two menstrual periods are more beloved to me.” A man must wait for clearance before selling a slave-girl just as he waits after purchasing her.

It is transmitted from ʿAlī—peace be upon him—that he said:

> “If a man purchases a slave-girl, there is no harm in his enjoying from her anything short of intercourse before her period of clearance is complete,”

meaning touching, kissing, and other intimacy short of penetration. It is transmitted from him—peace be upon him—that he was asked about a man who purchases a slave-girl and fears that she may be pregnant.

He said:

> “He waits forty-five nights.”

And he—peace be upon him—was asked about a slave-girl who committed fornication: may her master have intercourse with her?

He said:

> “He should not have intercourse with her until he has established that her womb is empty.”

If a man commits fornication with a slave-girl and later purchases her, he should not have intercourse with her until her womb has been cleared. If she became pregnant by him through fornication, the child is not attributed to him, because the Messenger of God—may God bless him and his family—said:

> “The child belongs to the marital bed, and the fornicator receives the stone.”

Jaʿfar ibn Muḥammad—peace be upon him—said:

> “Whoever purchases a slave-girl while she is menstruating may have intercourse with her once she becomes pure, if he wishes.”

It is transmitted from ʿAlī—peace be upon him—that he said concerning a woman captured in war who has a husband:

> “Her womb is cleared by one menstrual period.”

And if a woman is forcibly violated, her husband should not have intercourse with her until her womb has been cleared by one menstrual period.

Collection of the Chapters on Divorce

God, Mighty and Exalted, says:

> "O Prophet, when you divorce women, divorce them for their waiting periods and count the waiting period…"

And He says:

> "If they separate, God will enrich each of them from His abundance."

Thus God, Mighty and Exalted, permitted divorce in His Book and placed it in the hands of men rather than women. A man therefore has the right to divorce his wife whenever he wishes, whether for a cause or without a cause. It is transmitted from ʿAlī—peace be upon him—that he disliked divorce without a cause, though he did not declare it unlawful and did not invalidate the divorce of one who divorced without cause.

Umm Saʿīd, one of his slave-women, said:

> "One day I was pouring water over the hands of the Commander of the Faithful—peace be upon him.

He raised his head toward me and said:

> 'Umm Saʿīd.'

I said:

> 'At your service, Commander of the Faithful.'

He said:

> 'I have developed a desire to be newly married.'

I asked:

> 'What prevents the Commander of the Faithful from doing so?'

He said:

> 'Woe to you! After four wives in my household?'

I said:

> 'Divorce one and bring another in her place.'

He said:

> 'Woe to you! Divorce is ugly, and I dislike it.'"

Al-Ḥasan—peace be upon him—frequently divorced and divorced many women without any particular cause. It is said that he once passed a group of women who sent word to him:

> "Do you recognize this group of women?"

He replied:

> "No."

They said:

> "There is not one among us whom you did not marry and then divorce."

The strongest thing ʿAlī—peace be upon him—is reported to have said to the people of Kūfa concerning this was:

> "Do not marry your daughters to al-Ḥasan, for he is a man who divorces frequently."

On Forbidden Divorce and Permissible Divorce

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that it was reported to the Messenger of God—may God bless him and his family—that ʿAbd Allāh ibn ʿUmar had divorced his wife three times while she was menstruating. He said to ʿUmar:

"Order him to take her back.

Then, if he wishes to divorce her, let him divorce her according to the established practice." Whoever divorces a wife with whom he has consummated marriage while she is in a period of purity in which he has had intercourse with her, or while she is menstruating, or divorces her without witnesses as God Most High has commanded, or during post-partum bleeding, or swears by divorce and then breaks the oath—none of these divorces counts as a valid divorce. She remains his wife. This is the divorce of innovation because it contradicts what God commanded and what the Messenger of God—may God bless him and his family—established. God commanded divorce in accordance with the waiting period, and the Messenger of God—may God bless him and his family—commanded divorce according to the established practice. These two are one in meaning, even if the expressions differ. The manner is this:

When a man wishes to divorce a menstruating wife, he leaves her until she menstruates and becomes pure. Once the bleeding has ended and she has washed after menstruation, he divorces her before having intercourse with her, while she is pure in a period of purity in which he has not touched her. He divorces her once and calls two upright witnesses, as God, Mighty and Exalted, commanded. He has the stronger right to take her back during her waiting period. If he wishes, he returns her. She then remains with him with two divorces still available. This continues until she has menstruated three menstrual periods. When she has completed three menstrual periods, she has authority over herself. He has no right of return over her unless he wishes and she wishes, in which case he marries her anew with a new dowry, guardian, and witnesses. She then remains with him with two divorces still available.

This is the divorce according to the established practice and is recommended because God, Mighty and Exalted, says:

"You do not know; perhaps God will bring about something afterward,"

meaning reconciliation. If he divorces her once in the manner just described, then takes her back before her waiting period ends—or marries her anew after the waiting period has ended—he may not divorce her again until he has had intercourse with her. If he later wishes to divorce her a second time, he leaves her until she menstruates and becomes pure. Then he divorces her while she is pure in a period in which he has not had intercourse with her and calls two upright witnesses. If he wishes to take her back, he does so in the same manner described previously, before her waiting period ends. If her waiting period ends, she has authority over herself. If he wishes and she wishes, he may marry her anew in the manner already described. If he takes her back or remarries her in this way, she remains his wife with only one divorce left. If he wishes to divorce her a third time, he must not do so until he has had intercourse with her.

Then he leaves her until she menstruates and becomes pure, and divorces her while she is pure in a period in which he has not had intercourse with her. This third divorce makes her finally separated from him. She is not lawful for him again until after another husband, as God has said. This is the divorce according to the waiting period:

he divorces her, then takes her back and has intercourse with her, then divorces her, then takes her back and has intercourse with her, then divorces her a third time, all in the manner described. This is the valid and proper divorce concerning which there is no disagreement. If he divorces her twice or three times in one period of purity, that is not valid. Once he has divorced her once, she has become divorced. A second divorce cannot fall upon her until he first takes her back and she again becomes his wife. For whoever attempts to divorce someone upon whom divorce cannot presently fall does not effect a divorce until she again becomes his wife. It is just as if a man attempted to divorce a woman who was not his wife and had not been appointed as her

husband's agent: his divorce would not be valid. Thus if he says "three divorces" or names any number of divorces in one sitting and during one period of purity, only one divorce takes effect, provided she was pure in a period in which he had not had intercourse with her.

If he says "three divorces," or whatever number he wishes, while she is menstruating, or while she is pure but he has had intercourse with her during that period of purity, or divorces her without witnesses, none of it is valid, because he has contradicted what God commanded concerning divorce and the practice of the Messenger of God—may God bless him and his family. Even those among the generality who regard such divorce as effective admit that it contradicts the Book and the established practice and that the man who does it has acted wrongly and transgressed. Yet they claim that the divorce nevertheless takes effect and becomes binding. It is said to them:

What do you say if a man marries a woman contrary to the Book and the established practice—for example, marrying her during her waiting period or while she is already married? They themselves say such a marriage is invalid. When they are asked why they validate divorce contrary to the Book and the established practice while invalidating marriage contracted in the same way, they possess no proof. It is further said to them:

The divorce that you validate contrary to the Book and established practice is itself what makes lawful the subsequent marriage, also contrary to the Book and established practice, which you claim not to allow. For this divorce makes the woman unlawful to the one who divorced her and lawful to another man who may marry her. If the divorce were not valid, that later marriage would not be valid either, because she would still be another man's wife. Thus, by invalidating her first marriage through such a divorce, you establish the validity of her marriage to a second man. It therefore necessarily becomes, according to your own position, a marriage contrary to the Book and established practice, even though you deny such a thing. Arguments of this kind are lengthy and fall beyond the bounds of this book. The testimony of women is not admissible in divorce, because God, Mighty and Exalted, specifically says concerning it:

"Call two upright persons from among you as witnesses."

Divorce may fall upon five categories of women in every circumstance, without waiting for menstruation or purity:

a pregnant woman whose pregnancy has become manifest; a young girl who has not yet reached menstruation; an elderly woman whose menstruation has ceased; a wife with whom her husband has not consummated the marriage; and a wife whose husband has been absent from her for a long distance. Whenever one of these is divorced, the divorce takes effect. Those among them who must observe a waiting period do so by months, each month standing in place of a menstrual period, except for the woman with whom the marriage was not consummated. If he divorces her, she has no waiting period, in accordance with the saying of God Most High:

"You have no waiting period to count against them."

On Expressions Used in Place of Divorce

The explicit formula of divorce is for the man who intends it to say to his wife:

"You are divorced,"

or:

"So-and-so is divorced,"

naming her; or for her to be identified to him and for him to say:

"She is divorced."

He may also say to her:

“Observe your waiting period,”

while intending divorce, or send such words to her, or say:

“Let so-and-so observe her waiting period.”

There is no indirect expression for divorce and no legally effective formula other than these two forms, because they are the expressions God used in His Book.

He said:

“O Prophet, when you divorce women, divorce them for their waiting periods and count the waiting period.”

He mentioned only divorce and the waiting period. If a man says to his wife:

“You are free,”

or:

“You are released,”

or:

“You are separated,”

or:

“You are irrevocably cut off,”

or:

“You are forbidden,”

or whatever other expression he wishes apart from divorce and the waiting period, it has no legal effect. It is like any other ordinary speech that is not divorce.

If he says:

“You are forbidden to me,”

or:

“Your sexual relations are forbidden to me,”

or whatever else he declares forbidden concerning her, nothing results from this and she does not become forbidden to him. Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said concerning a man who says to his wife:

“You are forbidden to me”:

“If I had authority over him, I would strike his head painfully and say:

‘God made her lawful for you, and now you declare her forbidden?’

All he has done is lie, claiming that what God made lawful is forbidden to him. No divorce takes effect by this, nor is any expiation required.” It was said to him:

“What then of the saying of God Most High:

‘O Prophet, why do you forbid what God has made lawful for you?’

God imposed expiation upon him for that.”

He—peace be upon him—said:

“This confirms what we have said.

God, Mighty and Exalted, reproached His Prophet—may God bless him and his family—for declaring lawful things forbidden. The expiation was imposed because he had also sworn an oath." This is made clear by the continuation of God's saying:

> "God has prescribed for you the dissolution of your oaths."

The account is that the Messenger of God—may God bless him and his family—had been alone with Māriya the Copt, his slave-woman, before she bore Ibrāhīm—peace be upon him. ʿĀʾisha discovered this and was distressed. The Messenger of God—may God bless him and his family—wished to satisfy her. So he declared Māriya forbidden to himself and swore to ʿĀʾisha that he would not approach her again. He confided this to her and instructed her to conceal it. She informed Ḥafṣa, and the two supported one another against the Messenger of God—may God bless him and his family. Then God, Mighty and Exalted, revealed:

> "O Prophet, why do you forbid what God has made lawful for you, seeking the satisfaction of your wives…"

through His saying:

> "…virgins."

He was commanded to expiate the oath he had sworn. He expiated it and returned to Māriya. She later bore him Ibrāhīm—peace be upon him—and became the mother of his child—may God bless him and his family.

On the Option and Delegation of Authority

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that the wives of the Messenger of God—may God bless him and his family—became jealous of him and sought from him worldly things women ordinarily seek. Ḥafṣa was the harshest of them in this regard. She said to him:

> "If you divorce us, we would certainly find suitable husbands among our people."

The Messenger of God—may God bless him and his family—was patient with them, withdrew from them, and revelation ceased from him for twenty days. Then God Most High revealed:

> "O Prophet, say to your wives: If you desire the life of this world and its adornment, then come, I shall provide for you and release you with a gracious release. But if you desire God, His Messenger, and the abode of the Hereafter, then God has prepared for the doers of good among you a tremendous reward."

He withdrew from all of them for twenty-nine nights in the upper room of Umm Ibrāhīm. Then he summoned them and recited to them what God Most High had revealed concerning them. He gave them the choice, and they chose him—may God bless him and his family.

Abū Jaʿfar and Abū ʿAbd Allāh—peace be upon them—said:

> "That choice itself was not a divorce.
>
> Had they chosen themselves, it would have counted as one irrevocable divorce."

Abū ʿAbd Allāh—peace be upon him—said:

> "When a man wishes to give his wife the choice, he should abstain from her just as the Messenger of God—may God bless him and his family—did until she menstruates and becomes pure.

Then he gives her the choice while she is pure in a period of purity in which he has not had intercourse with her, and he calls witnesses." If she chooses herself, it counts as one irrevocable divorce. He has no right of return over her. He may propose to her again, and if he wishes and she wishes, they may conclude a new marriage. If she chooses him, no divorce occurs. The choice is expressed by her saying:

"I choose myself,"

if she chooses herself, or:

"I choose you,"

if she chooses him. If she remains silent until one of them stands and they separate from the place, the option he granted her has ended. If he revokes the option before she chooses, she no longer has the right to choose. If he rises toward her, places his hand upon her, kisses her, or has intercourse with her before she speaks, the option he granted her has ended.

If, when he gives her the choice, she says:

"I do not accept your choice,"

she has no further option. If he gives her the choice while she is menstruating, or in a period of purity in which he had intercourse with her, or without calling two witnesses, it has no legal effect.

And he—peace be upon him—said:

> "No divorce, *khulʿ*, mutual release, or option is valid except with two witnesses and during a period of purity in which no intercourse occurred."

And he—peace be upon him—said:

> "If a man gives the choice concerning his wife to her, her father, her brother, or her guardian, and she approves the choice being placed in that person's hands concerning her affair, it is valid."

The same applies to delegation of authority. It is equivalent to giving her the choice. He says to her:

"I have made you owner of yourself,"

or:

"I have placed your affair in your own hands."

All of this has the same legal effect as saying:

"Choose."

On Divorce That Is Binding and Divorce That Is Not

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—from him—may God bless him and his family—that he said:

"There is no divorce except after marriage."

And he said:

"There is no divorce by one who has not married."

It is transmitted from ʿAlī—peace be upon him—that he said:

"There is no divorce except after marriage;

no emancipation except after ownership; no continuous fasting without breaking the fast; no vow of silence from morning until night; no nursing after weaning; and no orphanhood after puberty." A man asked Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him:

"I have a female relative who has been offered to me and whom I wish to marry.

Before today I had said: 'If I marry her, she is divorced.'"

He asked:

"Had you already married her?"

The man replied:

"No."

He said:

"Then marry her if you wish.

Your divorce of one whose marital bond you did not own is not a divorce."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—was asked about a man who says:

"If I marry so-and-so,"

or:

"if I marry in such-and-such a land,"

or:

"if I purchase so-and-so,"

or:

"if I take a slave-concubine,"

or:

"if I purchase such-and-such,

then the woman I marry is divorced, the slave-woman I purchase or take as concubine is free, and what I purchase is charity."

He—peace be upon him—said:

"None of this has any effect.

He cannot divorce what is not yet under his marital authority, nor emancipate or give in charity what he does not own." He—peace be upon him—was asked about a man who divorces his wife while ill, and then either her waiting period ends or does not end, and one of them dies.

He said:

"If her waiting period has ended, whether he is still ill or has recovered, he does not inherit from her.

But she inherits from him if he dies from that same illness, whether her waiting period has ended or not, unless he recovers."

It is transmitted from ʿAlī—peace be upon him—that he said:

"Every divorce is valid,"

meaning when performed according to the required conditions,

"except the divorce of one who is mentally incapacitated."

Abū Jaʿfar and Abū ʿAbd Allāh—peace be upon them—said:

"The mentally incapacitated person whose reason has departed cannot validly divorce or emancipate."

He—peace be upon him—was asked about a man who saw in a dream that he divorced his wife.

He said:

"That is from Satan.

The divorce of a sleeping person has no effect, even if words come from his tongue while asleep, until he wakes and divorces in the required manner." The divorce of a mentally incapacitated person, one suffering delirium, one raving, a boy who has not reached puberty, or an intoxicated person who does not understand what he is doing is not valid.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> “Whoever is coerced into divorcing his wife does not effect a valid divorce.

Neither divorce nor emancipation by one under coercion is valid.” And he said concerning a man who says to his wife, in a situation where divorce may validly be pronounced:

> “You are divorced by half a divorce.”

He said:

> “She is divorced once.

Divorce cannot be divided.”

The same applies if he says:

> “You are divorced by one third,”

or:

> “one quarter,”

or:

> “one sixth of a divorce,”

or any named or unnamed fraction of a divorce. She is divorced once. If he has up to four wives and says to them in circumstances where divorce is legally valid:

> “I divorce you all with one divorce,”

then each woman receives one divorce.

Likewise, if he says:

> “I divorce all of you with two divorces divided among you,”

or:

> “three divorces,”

or:

> “four divorces,”

each woman receives only one divorce.

If he says:

> “I divorce all of you with five divorces divided among you,”

still only one divorce is binding upon each woman. This follows the principle already explained: in one period of purity, only one divorce can take effect. Anything beyond it has no legal effect.

On *Khulʿ* and Mutual Release

God, Mighty and Exalted, says:

> “It is not lawful for you to take back anything of what you have given them unless both fear that they will not maintain the limits of God. If you fear that they will not maintain the limits of God, then there is no blame upon either of them concerning what she gives to ransom herself.”

We have transmitted from the Imams—peace be upon them—from ʿAlī—peace be upon him—that he said:

> “*Khulʿ* is permissible when a man applies it in its proper place.”

That is when his wife says to him:

> “I fear that I will not maintain the limits of God concerning you.

I will therefore give you such-and-such, so release me.” Or if her husband proposes such an arrangement. Whatever they mutually agree upon in such a case is permissible.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> “He may not take anything from her unless she goes beyond proper bounds in speech and says to her husband:
>
> ‘I will not obey any command of yours;

I will not fulfill an oath you place upon me; I will not perform the ritual bath for you after sexual impurity; I will allow onto your bed someone you dislike; I will bring into your house someone without your permission; or I will not maintain the limits of God concerning you,’” even if she does not spell out every detail. When she says such things, it becomes lawful for him to take as ransom whatever she gives him, whether equal to what he gave her or more than what he gave her. But if she does not say such things, he should not take from her except less than what he originally gave her.

And he—peace be upon him—said:

> “*Khulʿ* and mutual release are valid only under the same conditions as divorce: during a period of purity in which he has not had intercourse with her…”
>
> “…and in the presence of witnesses.

If he effects *khulʿ* or mutual release with her upon this basis, and divorces her with one divorce in the manner we have already described, she thereby becomes irrevocably separated from him. He has no right of return over her unless both he and she wish it, in which case they may return to one another through a new marriage contract. She then remains with him with whatever number of divorces remains. If he wishes and she wishes, he may remarry her either before her waiting period has ended or after it has ended. As for the saying of God Most High:

> “If you fear a breach between the two, appoint an arbiter from his family and an arbiter from her family. If they both desire reconciliation, God will bring harmony between them.”

It is transmitted from ʿAlī, Abū Jaʿfar, and Abū ʿAbd Allāh—peace be upon them—that this concerns a man and woman who quarrel, fail to agree, and whose dispute continues for a long time until they bring their case before the ruler. The ruler sends an arbiter from the man’s family and an arbiter from the woman’s family. If they are able to reconcile the two, they do so. If reconciliation is impossible, they may separate them. But they have no authority to separate them until they first seek the permission of both the man and the woman. If the two do not authorize separation, the arbiters may not separate them.

On Īlāʾ

God Most High says:

> “For those who swear abstinence from their wives there is a waiting period of four months. If they return, then God is Forgiving, Merciful. But if they resolve upon divorce, then God is Hearing, Knowing.”

We have transmitted from the Imams of the Household—peace be upon them—from ʿAlī—peace be upon him—that he said:

> “Īlāʾ is when a man swears to his wife that he will not have intercourse with her, then abandons her until four months have passed.”

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "A woman has no right to bring proceedings against a husband who has sworn *īlāʾ* from her until four months have passed from the day he swore it."

Once four months or more have passed, she may bring proceedings against him whenever she wishes. She brings him before the ruler. When she does so, the ruler gives him the choice either:

to return to her—that is, to have intercourse with her in the vagina— or to divorce her. He must do one of the two. If he abandons her without having sworn an oath, however long he chooses to remain apart from her, that is not *īlāʾ*. Nor does *īlāʾ* itself constitute divorce until the woman brings the matter before the ruler and the ruler formally stops him on her behalf. He must then either return or divorce immediately. Īlāʾ is valid only in a period of purity in which he has not had intercourse with her and in the presence of witnesses, just as with divorce. Īlāʾ applies only to a wife with whom marriage has been consummated. There is no *īlāʾ* with respect to a woman with whom he has not consummated marriage. A man has latitude if he swears not to approach his wife for four months or less. When the four months have passed and she brings proceedings against him, he may not remain as he is. He must either return and have intercourse with her in the vagina or divorce her.

"Returning" means sexual intercourse.

If he is unable to have intercourse because of illness, some physical impediment, or travel, but verbally declares that he returns to her, that is sufficient. When he becomes capable of intercourse, he then has intercourse with her. If he states verbally that he has returned and calls witnesses to this, it is valid.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "When the man who has sworn *īlāʾ* is brought before the ruler and resolves upon divorce, he leaves her until she menstruates and becomes pure.

Once she becomes pure, he divorces her and calls two upright witnesses." He has the stronger right to take her back until three menstrual periods have ended. When those periods have ended, he becomes one suitor among other suitors and she has authority over herself. If he wishes and she wishes, he may marry her through a new marriage contract. She then remains with him with whatever number of divorces remains.

A man came to ʿAlī—peace be upon him—and said:

> "My wife gave birth to a boy, and I feared that if I had intercourse with her she might conceive again before weaning him and that the child might die.

So I swore by God that I would not approach her until she had weaned him."

ʿAlī—peace be upon him—said:

> "There is no *īlāʾ against you in an act intended for benefit and reform."

And he—peace be upon him—said:

> "If a slave swears *īlāʾ* from his wife, the *īlāʾ* is binding upon him, but his term is two months.

After that he is formally stopped." There is no *īlāʾ* for a term below the legal limit. What he—peace be upon him—means is that if a man swears not to approach his wife for one month or for any period less than four months, this is not *īlāʾ*. If he then continues abstaining until four months have passed, it still does not become *īlāʾ*, because *īlāʾ* exists only through an oath and *īlāʾ* itself means swearing.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "If the man who has sworn *īlāʾ* says, 'I have had intercourse with her,' his statement is accepted together with his oath,"

meaning where he had previously been able to have intercourse with her. For if a man has previously had intercourse with his wife and then becomes unable, they are not separated merely for that incapacity. But if he

was originally incapable or had never had intercourse with her, he is granted a period and afterward they may be separated. We shall mention this in its proper place.

And he—peace be upon him—said:

> "If he swears for more than four months, he is a person who has sworn *īlāʾ*."

On Ẓihār

God, Mighty and Exalted, says:

> "Those among you who declare their wives to be as the backs of their mothers…"

through the remainder of the passage concerning *ẓihār*.

We have transmitted from the Imams of the Household of the Messenger of God—may God bless him and his family—that they said:

A man came to the Prophet—may God bless him and his family—and said:

> "O Messenger of God, I have pronounced *ẓihār* against my wife."

He said:

> "Go and free a slave."

The man replied:

> "I do not possess one."

He said:

> "Then fast two consecutive months."

The man replied:

> "I cannot."

He said:

> "Then go and feed sixty needy persons."

ʿAlī—peace be upon him—said:

> "If the man who has pronounced *ẓihār* possesses a slave whom he can free, he must free one and fasting does not suffice for him.

If he is capable of fasting, he must fast and feeding does not suffice. If he can find no slave to free and is incapable of fasting, then he feeds."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whenever the Qurʾān uses the wording 'or…or,' the person has a choice and may perform whichever of the alternatives he wishes."

An example is the saying of God, Mighty and Exalted:

> "Its expiation is feeding ten needy persons from the average of what you feed your families, or clothing them, or freeing a slave."

The person making expiation may choose whichever of these he wishes.

But whenever the text says:

> "If he does not find…"

or:

> "If he is unable…"

then he may not move to the later alternative unless he cannot find or cannot perform the first.

And he—peace be upon him—said:

> "Ẓihār is valid only in a period of purity in which he has not had intercourse with her, and in the presence of two witnesses, just as with divorce.

If it is pronounced otherwise, it has no legal effect." Ẓihār does not arise from an oath any more than divorce does. Rather, it is when the man deliberately intends *ẓihār* and says to her while she is pure, in the presence of two upright witnesses:

> "You are to me like the back of my mother."

He does not say:

> "If I do such-and-such…"

Only one pronouncement of *ẓihār* can take effect in one period of purity. If he repeats it several times in a single sitting, only one expiation is due. If he repeats *ẓihār* on separate valid occasions, one expiation is due for each occurrence. If he pronounces *ẓihār* upon four wives, one expiation is due for each wife. Ẓihār is binding when the comparison is made with any permanently forbidden female relative. For example, he may say:

> "You are to me like the back of my mother,"

or:

> "…my sister,"

or:

> "…my paternal aunt,"

or:

> "…my maternal aunt,"

or name any other woman permanently forbidden to him. The legal effect of *ẓihār* attaches through such language. There is no *ẓihār* until marriage has been consummated. There is no *ẓihār* between a man and his slave-woman. If he wishes to have intercourse with the wife against whom he has pronounced *ẓihār*, he must first make expiation. He must not approach her before expiating. If he has intercourse before expiating, he has acted wrongly. He must make expiation afterward, seek God's forgiveness, and repent to Him. If he divorces her after pronouncing *ẓihār* but before intercourse, no expiation is due. If he takes her back after divorcing her, he must not approach her until he makes the expiation for *ẓihār*. If he leaves her until she becomes irrevocably separated from him and then later marries her through a new marriage contract, the earlier *ẓihār* no longer binds him because she had completely separated from him. A slave is bound by *ẓihār* just as a free man is when he pronounces it against his wife.

He is not required to free a slave or feed others unless his master voluntarily provides the means for him. If his master does not do so, he fasts for one month, which is half the fasting imposed upon a free man. The fasting for *ẓihār* imposed upon a free man is two consecutive months, as God, Mighty and Exalted, has said. If he fasts one month or less and then breaks the fast, whether because of an excuse or without one, his previous fasting is nullified. He must begin the fast again from the start and does not count what he had already fasted. If he fasts one complete month and then one day, two days, or more of the second month and afterward breaks the fast before completing it, he makes up only what remains. This is because he has already established continuity between the two months. Any slave may suffice in the expiation for *ẓihār*, whether young or old, Muslim or non-Muslim, male or female, because God, Mighty and Exalted, said:

> "Free a slave,"

without imposing a further qualification. A person who is insane or suffers from a disabling defect does not suffice for emancipation in *ẓihār*. Nor does a *mudabbar* slave unless the owner first revokes the *tadbīr*. Nor does a *mukātab* slave who is continuing to make the installments of his emancipation contract.

It is transmitted from ʿAlī—peace be upon him—that he said:

> "If a man who has pronounced *ẓihār* possesses no slave to free and begins fasting, then acquires the means to free a slave before completing the fast, he must free the slave and the fasting is nullified.
>
> But if he has completed the fast before acquiring the means to free a slave, nothing further is required."

And it is transmitted from him—peace be upon him—that he said:

> "The person making expiation for *ẓihār* feeds sixty needy persons, giving each needy person half a *ṣāʿ*."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "It suffices for him to give each needy person one *mudd*."

What ʿAlī—peace be upon him—said is what one who possesses the means is instructed to do. The lesser amount suffices for one who cannot manage more.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "My saying that one *mudd* suffices is by way of allowance.
>
> What ʿAlī—peace be upon him—said is what one is instructed to do. Whoever gives each needy person one *mudd* has nevertheless fulfilled the obligation." As Jaʿfar ibn Muḥammad—peace be upon him—said, neither *ẓihār* nor *īlāʾ* applies except with respect to a wife with whom marriage has been consummated. Whoever pronounces *ẓihār* upon his wife must not approach her until he has made expiation. If he does approach her before expiating, he has acted wrongly and committed a grave sin. Let him seek God's forgiveness and repent to Him.

On Liʿān

God, Mighty and Exalted, says:

> "Those who accuse their wives and have no witnesses except themselves…"
>
> through His saying:
>
> "…and indeed God is Oft-Returning, Wise."

ʿAlī—peace be upon him—said:

> "If a man accuses his wife, no *liʿān* occurs between them until he claims direct sight."
>
> He must say:
>
> "I saw a man between her legs committing fornication with her,"
>
> or deny paternity of her child. Jaʿfar ibn Muḥammad—peace be upon him—said that this occurs only before the judge. If the husband persists in his accusation and does not retract it, while she denies what he says, the judge orders him to perform *liʿān* with her.

The *liʿān* is that he says:

> "I bear witness by God that I saw a man committing fornication with her,"
>
> or:
>
> "I bear witness by God that this child is not mine."
>
> He says this four times.

On the fifth he says:

"If I am lying, may the curse of God be upon me."

The judge says:

"Amen."

The judge then questions the woman. If she admits what he alleged, she is stoned.

If she denies it, she says:

"I bear witness by God that he is among the liars concerning what he has accused me of."

She says this four times.

On the fifth she says:

"If he is telling the truth, may the wrath of God be upon me."

Then the judge says:

"Amen."

When this has been completed, the judge separates them. She is never lawful to him again. The child whose paternity he denied is not attributed to him and does not bear his lineage. The child is attributed to his mother and maternal uncles, and his inheritance belongs among them. The woman's dowry remains due from the man who performed *liʿān* against her. Liʿān occurs only before the judge. There is no *liʿān* between a man and his wife until he has consummated marriage with her. If he accuses her of fornication or denies paternity of her child but refuses to perform *liʿān*, and she brings him before the ruler, he is flogged with the prescribed punishment for accusing her—unless he produces evidence supporting what he said. If he has evidence consisting of four upright witnesses who testify to fornication against her, she is stoned and *liʿān* falls away. Likewise, if he denies paternity of her child and does not perform *liʿān*, he is flogged with the prescribed punishment.

If she brings him before the ruler, she remains his wife unless he divorces her. If he performs *liʿān* and later retracts what he said and declares himself to have lied, he is flogged with the prescribed punishment. She does not return to him. The child inherits from him, but he does not inherit anything from the child. Liʿān may take place between a Muslim and a protected non-Muslim woman, between a free man and a slave-woman, between a male slave and a free woman, between two slaves, and between any two adult spouses. There is no *liʿān* between two minors until they reach maturity. Once they reach maturity, they do not perform *liʿān* concerning an accusation the husband made while they were still minors. There is no *liʿān* between a mute woman and a mute man. Liʿān can be performed only verbally. If a man accuses his wife while she is mute, they are separated without *liʿān*. He does not perform *liʿān* with her while she is pregnant until she gives birth.

If a man merely fabricates an accusation against his wife without the qualifying claim required for *liʿān*, there is no *liʿān*. If he says to her:

"I did not find you a virgin,"

nothing results from this and there is no *liʿān*, because virginity may be lost without sexual intercourse. If he accuses her before consummating the marriage, he is flogged with the prescribed punishment. She remains his wife. The two participants in *liʿān* perform it while standing. If a man accuses his wife and then divorces her, and she brings him before the ruler while still in her waiting period, he performs *liʿān* with her. If she brings him after her waiting period has ended, he is flogged with the prescribed punishment unless he provides evidence supporting what he said. If he accuses her and she dies before he performs *liʿān*, and one of her guardians comes forward and performs *liʿān* on her behalf, the husband receives no inheritance from her. If none of her guardians does so, he inherits from her. If a man divorces his wife before consummating the

marriage and she claims to be pregnant by him while he denies this, then if she provides evidence that he secluded himself with her behind a drawn curtain, he performs *liʿān* with her.

If she cannot provide such evidence, he swears that he neither secluded himself with her behind a curtain nor had intercourse with her. All of this is the doctrine of the People of the Household—peace be upon them.

On Waiting Periods, Maintenance, and Mourning

God, Mighty and Exalted, says:

> "Those among you who die leaving wives behind shall have them wait concerning themselves for four months and ten days."

And He says:

> "Divorced women shall wait concerning themselves for three menstrual periods."

And He says:

> "For pregnant women, their term is until they give birth."

And He Most High says:

> "Then if you divorce them before you have touched them, you have no waiting period to count against them."

When a man dies leaving a wife, she observes a waiting period of four months and ten days whether or not he had consummated the marriage with her, and whether she is an adult or a young girl.

For God, Mighty and Exalted, says:

> "Those among you who die leaving wives behind shall have them wait concerning themselves for four months and ten days."

He did not exclude wives with whom marriage had not been consummated, nor young girls, nor adults. She may observe her waiting period wherever she wishes, whether in her husband's house or elsewhere. When a man divorces a wife who menstruates, she observes three menstrual periods and should observe them only in her husband's house. A pregnant woman whose husband dies observes whichever of the two periods is longer. If she gives birth before four months and ten days have passed, she completes four months and ten days. If four months and ten days pass before she gives birth, she waits until she gives birth.

For God, Mighty and Exalted, says:

> "For pregnant women, their term is until they give birth,"

and He says:

> "Those among you who die leaving wives behind…"

through His saying:

> "…four months and ten days,"

without making an exception. If a pregnant woman is divorced, her waiting period ends when she gives birth. Whenever she gives birth, she becomes completely separated from him. Whatever she delivers that is recognizably a pregnancy ends the waiting period. If she carries twins or more, she does not become separated until she has delivered the last of what is in her womb.

And he said:

> "If a man divorces his wife once or twice and then dies while she is still in her waiting period, she observes the waiting period for death."

This is because she had not become irrevocably separated from him. He died while she remained within his marital bond.

God, Mighty and Exalted, says:

> "Those among you who die leaving wives behind shall have them wait concerning themselves for four months and ten days."

If a man divorces his wife while absent from her and news of the divorce does not reach her until some time later, she calculates her waiting period from the day on which he divorced her. Once that period is complete, she becomes lawful for other husbands. But if he dies while absent from her, she begins the waiting period only from the time news of his death reaches her. She does not count the earlier period, because mourning is obligatory upon her, whereas mourning is not obligatory upon a divorced woman. If a man divorces his wife before consummating the marriage, she has no waiting period and may marry whenever she wishes. A woman suffering irregular bleeding who is divorced calculates her waiting period by the onset of menstrual blood. We have already discussed how menstrual blood is distinguished from irregular bleeding. Menstrual blood is thick, dark, foul-smelling, and hot. Blood of irregular bleeding is thin, clear, not hot, and not foul-smelling. When she sees the blood of menstruation, she counts it as a menstrual period.

If she cannot distinguish the two and does not recognize their difference, she observes the waiting period by months. If a divorced woman menstruates once or twice and then her menstruation ceases, she begins a new waiting period measured by months. She does not count the previous menstrual periods. This is because God required three menstrual periods for one who menstruates and three months for one who has despaired of menstruation. Since this woman did not complete three menstrual periods before becoming one whose menstruation ceased, she must observe three months. If menstruation returns before she completes the three months, she resumes calculating by menstrual periods. The waiting period of a slave-woman married to a slave is two menstrual periods if she menstruates, or one and a half months if she does not menstruate. Her divorce consists of two divorces, because divorce cannot be divided into one and a half divorces. The same principle applies to menstrual periods.

Her waiting period upon the husband's death is two months and five days. A free woman married to a slave observes the complete waiting period just as she would with a free husband. A divorced pregnant woman is entitled to housing and maintenance. A widow has neither maintenance nor housing. A woman divorced according to the waiting-period form or the established practice receives maintenance and housing until her waiting period is complete. An irrevocably divorced woman has no maintenance and no housing. Mourning is obligatory upon a woman whose husband has died. There is no mourning for an ordinary divorced woman, a woman separated by *khulʿ*, one separated by mutual release, or one separated through *liʿān*. Mourning consists in this:

during her waiting period after her husband's death, she does not comb her hair, does not use henna, does not apply perfume, does not apply eye-powder, does not adorn herself, and does not wear dyed clothing except black. She does not leave her house during the daytime and does not spend the night outside her house. If she wishes, she may go out late at night but must return before evening. This is mourning.

On the Consolatory Gift after Divorce and on When a Divorced Woman Becomes Lawful Again

God, Mighty and Exalted, says:

> "There is no blame upon you if you divorce women before you have touched them or fixed a dowry for them. But provide for them—the wealthy according to his means and the one of restricted means according to his means—a provision according to what is proper, a duty upon those who do good."

And God, Mighty and Exalted, says:

"For divorced women there is a provision according to what is proper, a duty upon the God-fearing."

The consolatory gift is obligatory for a woman divorced according to the established practice or according to the waiting-period form, whether marriage had been consummated or not. There is no such gift for a woman separated through *khulʿ* or mutual release. There is no fixed amount for the gift.

It is according to the means of the wealthy and the means of the one of limited resources, just as God, Mighty and Exalted, says:

"The wealthy according to his means and the one of restricted means according to his means."

Whatever the divorcing husband gives her suffices. It is recommended, when he possesses abundant means, that he be generous in it. He may provide her with dinars, dirhams, a male slave, a female slave, goods, or food. All of these have been transmitted from the Imams—peace be upon them. The consolatory gift is given only after the waiting period has ended and after she has become completely separated from him. As long as each remains hopeful of returning to the other, he does not give her the gift. When a man divorces his wife in the manner already described, according to the waiting-period form or established practice, three times, she is not lawful to him again—as God, Mighty and Exalted, has said—until after another husband has married her, consummated marriage with her, and then either divorces her or dies. After her waiting period from the second husband ends, the first husband may marry her anew if both he and she wish. She then returns to him with a fresh count of divorces.

If he again divorces her in this manner three times, with her marrying another husband in between and then returning to him, and this cycle occurs three times, she is thereafter never lawful to the first husband again even if she subsequently marries someone else. The husband through whom she becomes lawful to the first must marry her in a genuine marriage of desire, must be an adult man, and must consummate the marriage by intercourse in the vagina. A castrated man does not make her lawful to the first husband. Nor does a boy who has not reached puberty unless he later reaches puberty and then has intercourse with her in the vagina. Temporary marriage does not make her lawful to the first husband. Nor may the first husband arrange with another man that the latter marry her merely in order to make her lawful to him. Nor may anyone else make such an arrangement on his behalf.

If he divorces her once or twice, she becomes irrevocably separated, then marries another man, and the second husband dies or divorces her, and after her waiting period from the second husband ends the first husband remarries her, she returns to the first husband with whatever number of divorces remained from before. If he then completes the full three divorces in the manner already described, she does not become lawful to him again until after another husband. All of this is the doctrine of the People of the Household—peace be upon them.

On Taking a Wife Back, the Divorce of Slaves, and What Is Due to Wives from Their Dowries

We have already explained in the description of divorce that when a man divorces his wife, he may take her back so long as her waiting period has not ended. Once it has ended, he is merely one suitor among other suitors. If he wishes and she wishes, he may marry her through a new marriage contract. She then remains with him with whatever number of divorces remains. If he takes her back before the waiting period ends, he may do so whether she wishes it or not. She remains with him with whatever number of divorces remains. He must call two upright witnesses to the return. If he takes her back before the waiting period has ended, he takes her back without any compensation or new dowry. If the waiting period has ended and they agree to return to one another, he may not take her back except through a new dowry specified for her. If a man divorces his wife, he need not seek permission before entering upon her so long as he retains a right of return over her.

When he divorces her and she enters her third menstrual period, he no longer has a right of return. A male slave's divorce of a free wife consists of three divorces. The divorce of a slave-woman, whether by a free man or a slave, consists of two divorces. If a man divorces his wife before consummating the marriage, she receives half the dowry, as the Messenger of God—may God bless him and his family—said. If he gave her livestock as her dowry and the animals reproduce while in her possession, then he divorces her before consummation, the matter is examined. If the animal was already pregnant when he gave it to her as the dowry, he recovers half of the original animal and half of its offspring. If the animal became pregnant while in her possession, all the offspring belong to her and she returns only half of the mothers. If he gave her a dowry and she later gifted it back to him or gave it to him in charity, and he then divorces her, he may recover from her one half of its value.

If she was his slave-girl and he made her emancipation her dowry in the manner already described, then divorces her before consummating the marriage, he recovers from her one half of her value on the day he married her. If he dies while no dowry had been specified and he had not consummated the marriage, she receives no dowry, but she inherits from him.

Collection of the Chapters on Emancipation

On Complete Emancipation

God, Mighty and Exalted, says:

> "But he has not attempted the steep path. And what will make you know what the steep path is? The freeing of a slave."

The Messenger of God—may God bless him and his family—said:

> "Whoever emancipates a Muslim or believing person, God protects one of his own limbs from the Fire for every limb of the person he freed."

It is transmitted from ʿAlī—peace be upon him—that he emancipated one thousand slaves, all of them from the earnings of his own hands.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "There are four deeds: whoever God grants the opportunity to perform even one of them, Paradise becomes obligatory for him:

giving water to a thirsty living creature, feeding a hungry stomach, clothing a naked body, or freeing a slave." The best slave to free is a believing adult male who can support himself. Next is a believing adult female who can support herself. Then comes a Muslim man of that kind, and then a Muslim woman. Among them, the most meritorious to free is the one who is most expensive and most valued by his owners. After that comes the younger person who is capable of some self-support, down to the newborn. Within those categories, the older is generally preferable to the younger. There is no harm in freeing someone who does not follow the religion of Islam. It is transmitted from ʿAlī—peace be upon him—that he emancipated a Christian slave of his, who accepted Islam at the time he was freed. Emancipation must be for God.

The Messenger of God—may God bless him and his family—said:

> "There is no valid emancipation except one by which the face of God is sought."

If a man swears an oath that he will free his slave or slaves and then breaks the oath, they do not thereby become free, because an oath is made only by God. Whatever is sworn by something other than Him is not an oath. Whoever is coerced into emancipating his slave or slaves, and emancipates them while under coercion, they do not become free. If a man emancipates part of his slave at the time of death, or while suffering from the illness from which he subsequently dies, the whole slave becomes free from the one-third of the estate

available for testamentary dispositions. If the slave's full value cannot be covered by the one-third and the heirs do not authorize emancipation beyond that amount—or if the heirs are minors—then only the portion that can be borne by the one-third is emancipated… …by the one-third, while the remainder beyond the one-third remains enslaved.

For example, if the slave is worth ten dinars and the deceased leaves twenty dinars apart from the slave whose partial emancipation he ordered, the slave becomes entirely free because his full value fits within the disposable one-third. If the slave is worth ten dinars and the deceased leaves only five dinars, one half of the slave becomes free, because the one-third of the estate available in this case amounts to five dinars, which is half his value. Anything greater or less than this is calculated in the same way. If the heirs approve the emancipation and are legally competent to act, the entire slave becomes free. For each heir who validly approves it, an additional portion is freed corresponding to that heir's share after the portion already freed by the deceased's own disposition. Whoever emancipates part of his slave while healthy causes the whole slave to become free, whether he possesses other property or not, because a human being is not divisible into portions and God has no partner in what has been devoted to Him.

If a man owns a share in a slave and emancipates his share, he must compensate his partners for the remaining shares if he has sufficient property, and the entire slave becomes free. If he is poor and owns nothing beyond the share he emancipated, only that share becomes free. If a man emancipates one slave or several of his slaves while suffering from the illness from which he dies, and he has no other property, and the heirs do not authorize more than what the one-third permits, only one-third of their total value is emancipated. If at the time of death he named the slaves individually, one after another, then the first named is freed first, then the next, until the value reaches the one-third. If the one-third reaches only part of one of them, that portion becomes free and the remainder stays enslaved. Those whose names came after the one-third was exhausted remain slaves. If he named them collectively, saying:

> "My slaves are free for the sake of God,"

or:

> "These are free,"

while they were present before him, lots are drawn among them and one-third of them are freed if they can be divided evenly into thirds. If they consist of a number that cannot be divided evenly into thirds, then one-third of each slave is emancipated. If he emancipated them while owing a debt equal to their full value, his emancipation of them is not valid. Likewise, if the debt exceeds half their value, the emancipation is not valid. If the debt equals half their value or less, they remain suspended in relation to the debt and the heirs. Once the debt is paid, they become free, because when one share of a slave has been emancipated he is not to be returned fully to slavery. The shares are six. If one-sixth of a slave or more is freed by testamentary disposition, he is not returned entirely to slavery. Whoever emancipates a slave subject to a lawful condition imposes a binding condition upon the slave, while the emancipation itself remains valid.

Whoever comes to own a close relative whom he is permanently forbidden to marry causes that relative to become free immediately upon acquisition, whether he wishes it or not. No form of enslavement over such a relative is possible. A permanently forbidden relative in this context is one such that, were one of the two female, marriage between them would be unlawful. Other relatives between whom marriage would be lawful may be owned when ownership arises through a lawful means.

On Slaves under Contracts of Emancipation

God Most High says:

> "Those among those whom your right hands possess who seek a contract of emancipation—contract with them if you know good in them."

Whoever wishes to enter into a contract of emancipation with his slave may do so. Outwardly, this is not an obligatory duty imposed upon him. The saying of God, Mighty and Exalted:

"Contract with them"

is, in its apparent meaning, a command of recommendation rather than obligation. This is the position of the generality of the People of the Qibla. Not every slave in whom good is found and who asks his master for a contract of emancipation can compel the master to enter into one if the master refuses. The master remains free either to do so or not.

"Good" here means the ability to earn and upright conduct.

It does not mean property, as it does in the saying of God, Mighty and Exalted:

"Prescribed for you, when death approaches one of you, if he leaves good, is a bequest…"

where "good" means wealth. A slave owns no independent property; his property belongs to his master. There is no harm in a master entering into a contract of emancipation with a slave who has neither a craft nor property. If the master contracts with him for a sum to be paid by a specified term, whether in one installment or in several installments falling due at fixed times, then when the slave has paid the amount in full, he becomes free. A contract of emancipation of this kind is valid. For whatever portion he has paid, the corresponding portion of him becomes free. With respect to the portion paid, his legal rulings are those of a free person. With respect to the portion remaining, his legal rulings are those of a slave. If the master stipulates when making the contract that, should the slave fail to pay any installment when due, or fail to pay the entire amount at the appointed time where there is only one installment, he returns to full slavery and the master keeps whatever he has received, that condition is valid.

In such a case, no part of him becomes free until the final installment has been paid. If he becomes unable to complete it, the master keeps what he has received and the slave remains as before. Where the contract consists of several installments, he is not judged incapable after missing only one. At least two successive installments must pass unpaid. Any children born to a female slave under a contract of emancipation during the period of her contract follow her status. They become free when she becomes free and remain slaves if she remains enslaved. Likewise, children born to a male slave under a contract of emancipation from a slave-woman owned by him follow his status. All of this is the doctrine of the People of the Household—peace be upon them.

On Mudabbar Slaves, Mothers of Children, and Walāʾ

Tadbīr is that a master says:

"When I die, my slave so-and-so,"

or:

"my slaves,"

or:

"my slave-woman,"

or:

"my slave-women are free."

When he says this, they remain his slaves for as long as he lives. He may have intercourse with a slave-woman whom he has made *mudabbara* and may employ her and his *mudabbar* male slaves. Any child borne by his *mudabbara* slave-woman by another man follows her status: the child becomes free when she becomes free and remains enslaved if she remains enslaved. When the master dies, they emerge free after his death from the one-third of his estate, unless the heirs authorize their emancipation from beyond the one-third. If their

value exceeds the one-third, only as much of them becomes free as the one-third can bear, calculated according to the method already explained concerning emancipation during terminal illness. If the master revokes the *tadbīr* before he dies, they remain slaves. *Tadbīr* is a testamentary disposition, and the testator may revoke any of his testamentary dispositions whenever he wishes until death.

If a man makes *tadbīr* for a pregnant slave-woman without expressly excluding her child, the child follows her status and becomes free when she becomes free and remains enslaved if she remains enslaved, unless the master specifically intended otherwise. He may revoke the *tadbīr* of a slave-woman if he wishes. The legal rulings concerning an *umm walad*—a slave-woman who has borne her master a child—are those of other slave-women except that she may not be sold, save in payment of her own purchase price under the following circumstances:

if her master purchased her while having no property, did not pay her purchase price, then had a child by her, and her seller successfully claimed against him while he still possessed no property. Likewise, if he emancipated her while in this condition, the emancipation would not be valid against the seller. An *umm walad* is not sold except for her own purchase price in this specific manner. If the master purchased her while solvent but did not immediately pay the price, then later became insolvent, she remains an *umm walad* and is not sold either for his debts generally or for her purchase price. When the man who made her an *umm walad* dies, she becomes free through his death. Anything she gives birth to that is recognizably offspring, whether fully formed or incomplete, alive or dead, establishes her status as an *umm walad*. Her *walāʾ* belongs to the person who freed her and does not pass to him through any other cause afterward. *Walāʾ* belongs to the person who emancipates, unless the slave is emancipated as a *sāʾiba*.

That is when the master says at the time of emancipation:

"I have emancipated you for the sake of the noble face of God and released you as a *sāʾiba*.

Neither I nor anyone related to me has any *walāʾ* over you." If he says this, the freed person may enter into *walāʾ* with whomever he wishes, and the person who freed him possesses no *walāʾ* over him. If the master does not say this, the *walāʾ* belongs to him. *Walāʾ* cannot be sold or gifted. After the emancipator, *walāʾ* passes to his heirs by blood relationship, male and female alike, in proportion to what they would inherit from him. Whoever inherits the estate inherits the *walāʾ*, except spouses. A husband and wife inherit nothing through *walāʾ*, just as no surplus remaining after the fixed inheritance shares is returned to them—unless they are also blood relatives entitled through kinship. A woman possesses the *walāʾ* of one whom she emancipates. After her death, that *walāʾ* passes to her heirs in the manner already described. If a male slave marries a free woman, their children are free and are attributed in lineage to the people to whom their mother is attributed.

When the father is later emancipated, his emancipator draws the children's *walāʾ* to himself, and their *walāʾ* belongs to the person who freed their father. *Walāʾ* follows seniority. For example, if a man frees a slave and the emancipator later dies leaving two sons, then one of those sons dies leaving a son, and afterward the freed slave dies with no heir except those entitled through *walāʾ*, his inheritance belongs to the surviving son of the original emancipator rather than to the grandson through the deceased son. This is because the surviving son is one degree closer to the emancipator. This is the meaning of the rule that *walāʾ* follows seniority. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

On Gifts and Acts of Beneficence

Gifts, donations, and acts of kindness performed for the sake of God Most High and in pursuit of His reward possess merit, righteousness, and recompense.

The Messenger of God—may God bless him and his family—said:

"Creation is God's dependents.

The most beloved of creation to God is the one who benefits His dependents and brings happiness into the household of a believer. Walking with a Muslim brother to fulfill one of his needs is more beloved to God than two months of retreat in the Sacred Mosque."

ʿAlī—peace be upon him—said:

> "Those who perform acts of kindness have greater need to perform them than those who desire to receive them.

For the doers possess the praise, reward, and remembrance arising from them. Whoever performs a favor for another created being has in reality honored himself and beautified his own reputation by it."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "When God raises the believer from his grave, a beautiful form comes out together with him.

Whenever he passes through one of the terrors, that form says:

> 'Do not fear. No harm will come to you.'

It continues reassuring him and giving him good news until it brings him before God. God reckons with him by an easy reckoning and then commands him to Paradise. The believer asks the form:

> 'Who are you, may God have mercy upon you?

You promised me and fulfilled your promise, and you gave me security.' It replies:

> 'I am a creature whom my Lord created from the happiness you used to bring into the hearts of believers.

Today I bring happiness to you.'"

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Nothing is better than an act of kindness except its reward.

An act of kindness is a gift from God to His believing servant. Not everyone who wishes to do good to people is given an opening to do so. Not everyone who desires it is capable of it. Not everyone who is capable of it is granted permission to perform it. When God bestows favor upon a servant, He combines for him the desire to do good, the ability to do it, and permission to do it. Then happiness and honor are completed both for the one who seeks to do good and for the one to whom good is done."

And he—peace be upon him—said:

> "An act of kindness is not complete except through three qualities:

regarding it as small, making it easy, and hastening it. When you regard it as small, it becomes great in the eyes of the recipient. When you make it easy, you complete it for him. When you hasten it, you make it pleasant for him. If you do not do this, you erase its merit and make it burdensome."

And he—peace be upon him—said:

> "The best Muslims are those who maintain ties, assist, and benefit others."

And he said:

> "I heard my father say:
>
> 'Performing acts of kindness wards off evil deaths.

Every act of kindness is charity. The people of kindness in this world are the people of kindness in the Hereafter. The first people to enter Paradise are the people of kindness.'"

The Messenger of God—may God bless him and his family—said:

> "Whoever receives a favor should repay it.

If he is unable, let him praise the person who did it. If he does not even do that, he has shown ingratitude for the blessing."

On Gifts

We have transmitted from the Imams of the Household—peace be upon them—that they said:

A man may favor some of his children over others with his property and gifts if he wishes. A gift and a charitable donation are valid once accepted, whether physical possession has occurred or not. Whoever gives a gift for the sake of God, Mighty and Exalted, or gives it to a close relative or kinsman, has no right to revoke it. If a man gives a gift or donation in expectation of receiving compensation in return, this is disliked. He may revoke it if compensation has not yet been given. If a man gives a gift or charity to a close relative and that property later returns to him by inheritance after the recipient dies, there is no harm in his taking it. *ʿUmrā*, *ruqbā*, and *suknā* are among acts possessing merit and reward. *ʿUmrā* is when a man gives another person a house, estate, or other property from which benefit is derived for the duration of that person's life. *Ruqbā* is similar, except that it contains a condition that when either one of the two dies, the property returns to the giver or to his heirs.

When a man grants another something as an *ʿumrā*, it belongs to the recipient for the duration of his life. If the condition is tied to the life of the giver and the giver dies, the property returns to the giver's heirs. If the condition is tied to the recipient's life, it remains his for his lifetime. If the giver dies, the giver's heirs cannot remove it from the recipient. He may continue dwelling in or benefiting from it until he dies. If it was granted to the recipient and his heirs, it belongs to him and then to them after him according to the terms set by the giver. Gifts are recommended when given for God's sake and seeking His face. There is no good in gifts used to purchase cooperation in falsehood, to demand a matching return, to obtain the fulfillment of a private need, or to secure service or influence from the person to whom the gift is given. Fulfilling the needs of a believer and helping him in what is right are among the obligations of one believing brother toward another.

If someone takes compensation for doing that, what he takes is unlawful gain. The same applies to compensation taken for assisting in falsehood. As for obligatory duties such as *zakāt* and similar obligations, it is preferable to give them openly and publicly. As for voluntary charity, it is preferable to conceal it. There is no harm if it is given openly.

God, Mighty and Exalted, says:

> "If you disclose charitable donations, how excellent they are; but if you conceal them and give them to the poor, that is better for you."

The same principle applies to all righteous deeds. Displaying and mentioning obligatory deeds is good. Concealing voluntary deeds and keeping them private is better. Thus obligatory prayer is better in mosques and congregations, while supererogatory prayer is better in private.

If a man says:

> "I prayed the noon and afternoon prayers,"

or mentions any other obligatory prayers, there is no harm in saying so.

Likewise, if he says:

> "I fasted the month of Ramadan."

But if he says:

> "I stood in prayer throughout the night,"

or:

> "I fasted such-and-such days voluntarily,"

such speech is disliked because of the ostentation that may enter it. All deeds follow this same principle. Whoever owns something even though he has not yet physically taken possession of it may give it in charity or as a gift. Whoever gives something in charity may not revoke it. If a man places property in a restricted endowment for his children, clients, or named persons, removes it from his own possession, and hands it over to them, that is valid according to the conditions he places upon it. If after his death they disagree over it and corruption among them is feared, they may sell it if they wish and divide its price according to the shares he assigned to them, provided he had restricted it to those named persons themselves.

But if he restricted it to them and their descendants, or said:

> "When they cease to exist, it becomes charity,"

they may not sell it. If he makes its final destination charity and those upon whom he first restricted it become extinct, it passes to the poor and needy. If he did not make its final destination charity and those for whom it was restricted become extinct, it returns to him if he is still alive or to those entitled to inherit from him if he has died. If he stipulates concerning women for whom he established such an endowment that any one of them who marries loses her right in it, and that if she later becomes widowed or divorced she returns to it, that condition is valid.

But if he says:

> "If I become needy, I have the stronger right to it,"

the endowment is invalid. If he dies, it forms part of the inheritance of his heirs, and during his lifetime he may revoke it whenever he wishes.

On Wills

God, Mighty and Exalted, says:

> "Prescribed for you, when death approaches one of you, if he leaves wealth, is the making of a bequest…"

Death is present before every living person because no one knows when it will come.

And God, Mighty and Exalted, says:

> "O you who believe, testimony between you when death approaches one of you at the time of making a bequest…"

The Messenger of God—may God bless him and his family—said:

> "A Muslim should not spend two nights without his written will beside his head."

And he—peace be upon him—said:

> "Whoever does not make his will properly when death approaches him suffers a deficiency in his dignity and reason."

They asked:

> "O Messenger of God, how should a dying person make his will?"

He replied that people should be summoned when death approaches, testimony taken, and the bequest declared. He mentioned this in a lengthy statement.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> "Making a will is a right upon every Muslim."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Making a will is obligatory upon every Muslim.

No one should spend two nights without having his will written. No dying person dies except that God restores to him his reason, hearing, and sight before death so that he may make a will—whether he takes advantage of this or leaves it." We have transmitted from the Imams—peace be upon them—that they permitted a bequest of one-third or less of what the testator leaves behind. They did not permit anything beyond one-third unless the heirs approve it. If a man makes several bequests, including instructions that pilgrimage be performed on his behalf, slaves emancipated, and expiations made for his oaths, and if he had never performed the pilgrimage while alive and the one-third is insufficient for all the bequests, the pilgrimage is given priority. Then come the expiations. Then emancipation. Whatever the one-third cannot cover from the remainder falls away. This applies when he specifically limits the bequests by saying:

> "Take out my one-third and spend it on such-and-such and such-and-such."

But if he gives instructions without mentioning a one-third or any other limit and says that pilgrimage should be performed on his behalf when he had never performed the obligatory pilgrimage, the pilgrimage expense is taken from the entirety of his estate. Likewise, if he acknowledges unpaid *zakāt* or any other obligatory duty and instructs that it be discharged on his behalf, it is paid from the whole estate. Voluntary acts, however, are taken only from the one-third. If he had already performed the pilgrimage and then instructs that another pilgrimage be performed for him, this is voluntary and is paid only from the one-third. There is no bequest to an heir unless the other heirs approve it. God, Mighty and Exalted, has already fixed the inheritance shares of the heirs, so nothing is added to them unless the testator makes a bequest to his parents or close relatives who do not inherit from him.

Examples include parents who are slaves or polytheists, or persons treated as parents through nursing, or other non-inheriting parental relations. If a man, during the illness from which he dies, acknowledges a debt owed to his heirs or to one of them, his circumstances are examined. If he is suspected of favoritism, the acknowledgment is not accepted unless evidence establishes the original debt or the remaining heirs approve it. If he is upright, trustworthy, and not suspected, his acknowledgment is valid. If a man makes a bequest, he may revoke it, increase it, or reduce it for as long as he remains alive and mentally competent concerning what he is doing. If he makes bequests exceeding one-third, and his heirs know of this during his lifetime and approve and allow them, they may not revoke their approval after his death.

Collection of the Chapters on Inheritance Shares

On the Inheritance Shares of Children, Parents, Spouses, Grandfathers, Grandmothers, and Siblings

God, Mighty and Exalted, says:

> "God instructs you concerning your children: for the male is the share of two females. If there are more than two females, they receive two-thirds of what he leaves; if there is one, she receives one-half. For his parents, each one receives one-sixth of what he leaves if he has a child. If he has no child and his parents inherit from him, his mother receives one-third. If he has siblings, his mother receives one-sixth, after any bequest he makes or debt."

We have transmitted from the People of the Household—peace be upon them—that when a person dies leaving sons and daughters and no other heir, his estate is divided among them, with each male receiving the share of two females. Likewise, if he leaves one son and one daughter, the son receives two-thirds and the daughter one-third. If he leaves one son only and no other heir, the entire inheritance belongs to him. If he leaves two sons or more, the inheritance is divided equally among them. If he leaves one daughter only and no

other heir, she receives one-half by the fixed share God named for her in the verse just recited. The remaining half is returned to her on account of kinship, in accordance with the saying of God, Mighty and Exalted:

"Those of blood relationship are nearer to one another in the Book of God."

If there are two daughters, or a larger number of daughters, they receive two-thirds equally among them by fixed designation. The remaining one-third is returned to them on account of kinship. If there are heirs possessing fixed shares together with the children—such as a husband, wife, grandmother, or the two parents—those heirs receive the fixed shares God named for them. Whatever remains belongs to the child or children according to the principles already explained. If there are no children but there are descendants through children, those descendants take the place of the children. The descendants of sons stand in the position of sons, and the descendants of daughters in the position of daughters. This continues however far the descendants descend, provided there is no nearer descendant. A nearer descendant excludes a more remote one. Everyone for whom God has named a fixed share in the Book has priority over one for whom He has not named such a share.

If anything remains after the named share is given, the remainder is returned to that heir—or to two or more of them if there are several—in proportion to their fixed inheritance shares, except for a husband and wife. No surplus is returned to spouses unless they possess another blood relationship that entitles them to the return. For example, suppose a man dies leaving his two parents and a daughter. The parents receive one-sixth each. The daughter receives one-half by fixed designation. One-sixth remains. That remainder is returned to them in proportion to their shares. The calculation is as follows:

the parents together have two shares out of six, the daughter has three-sixths, making five shares in all, with one share remaining. The estate is therefore recalculated upon five shares. The daughter receives three-fifths of the estate, and the parents together receive two-fifths. If the deceased leaves a daughter and either his father or his mother, the daughter receives the one-half already described and the father or mother receives one-sixth. The calculation is then returned in the manner described to four shares:

one-quarter belongs to the father or mother, and three-quarters to the daughter. Comparable cases are treated in the same manner. If the deceased leaves only his two parents and no other heir, the father receives two-thirds and the mother one-third. If there is also a child, the ruling is as already explained. If there are several children, male and female, they receive whatever remains. If there are two daughters, they receive together with the parents whatever remains, namely two-thirds. We have already explained what belongs to one daughter. If the deceased leaves his parents together with full siblings or paternal siblings, those siblings receive nothing. The mother receives one-sixth and the father receives the remainder, as God named in His Book. If the siblings are maternal siblings, they do not reduce their mother from one-third and they themselves inherit nothing in the presence of the parents. The father receives two-thirds and the mother one-third.

Together with children and parents, no one inherits except a husband or wife and a grandmother. It is transmitted from the Messenger of God—may God bless him and his family—that he assigned a grandmother an inheritance share while her children looked on and divided the estate. He allotted her one-sixth. Thus a grandmother inherits one-sixth together with both parents or with either one of them. If she is the only heir and no one else survives, she receives one-sixth by fixed designation and the remainder by return, thereby taking the entire inheritance. If there are two grandmothers, the paternal grandmother receives two-thirds and the maternal grandmother one-third. Among grandmothers, a nearer one excludes a more remote one. The paternal grandfather occupies the position of full siblings. He inherits as they inherit, becomes like one of them, and is excluded by whoever excludes them. The maternal grandfather occupies the position of maternal siblings. He inherits as they inherit and is excluded as they are excluded.

This is because the grandfather's degree of relationship to the deceased is equal to that of the sibling. Each reaches the deceased through a parent. The grandfather is the parent's father, while the sibling is the parent's child. If the deceased leaves neither father nor mother nor child, but leaves siblings, the inheritance belongs to the siblings. Full siblings exclude paternal siblings. If there are no full siblings, paternal siblings take their

place. If siblings inherit alone and are full or paternal siblings, the inheritance is divided with each male receiving the share of two females.

If they are maternal siblings, males and females share equally, as God, Mighty and Exalted, says:

> "If a man or woman is inherited from collaterally and has a brother or a sister, each one of them receives one-sixth. If they are more than that, they share equally in one-third."

It is transmitted that the revealed wording concerning this verse was:

> "and he has a brother or sister from the mother."

If full siblings, paternal siblings, and maternal siblings all survive together, the full siblings receive two-thirds, divided among them with each male receiving twice the share of a female, whether they are few or many. If there are also two or more maternal siblings, whether male, female, or mixed, they receive one-third equally among them. The paternal siblings are excluded. If there is only one full brother together with several maternal brothers and sisters, the maternal siblings receive no more than one-third collectively, while a single maternal brother or sister receives one-sixth. If the surviving full sibling is a sister, she receives one-half and the remainder is returned to her through kinship. Siblings inherit together with spouses. The spouse's fixed share is assigned first. Whatever remains goes to the siblings according to the principles already described. A husband receives one-half of his wife's estate if she leaves no child, and one-quarter if she leaves a child, whether male, female, one, or several.

A wife receives one-quarter of her husband's estate if he leaves no child, and one-eighth if he leaves a child, whether male, female, one, or several, in accordance with the explicit text of the Book. If there are two, three, or four wives, they together share the same one-eighth when there is a child, or the same one-quarter when there is none. They divide it equally among themselves and receive nothing beyond it. If a man dies leaving his parents and a wife, or a woman dies leaving her parents and a husband, the husband receives one-half from his wife and the wife one-quarter from her husband. The mother receives one-third. The father receives whatever remains, according to the explicit text of the Book. Just as the father receives an increase over the mother when siblings exist, he likewise bears the corresponding reduction here.

For God Most High says:

> "If he has siblings, his mother receives one-sixth,"

while the siblings themselves do not inherit in the presence of both parents, so the remainder belongs to the father.

And here He says:

> "If his parents inherit from him, his mother receives one-third."

Thus He gives her one-third when no siblings are present and one-sixth when siblings are present. All of this is the doctrine of the People of the Household—peace be upon them.

On the Inheritance of Blood Relatives and Agnates, the Allocation of Shares without ʿAwl, and Exclusion

We have transmitted from the Imams—peace be upon them—that they said:

When a person dies leaving heirs who possess fixed shares named in the Book, those heirs inherit according to the shares God named for them. If he leaves no fixed-share heirs among those named by God, the inheritance belongs to the nearest of his blood relatives. If several are equally near, the inheritance is divided among them. Whoever is related to the deceased through a person who possesses a fixed share has priority over one related through a person who possesses no fixed share. A nearer relative excludes a more remote one. Whoever is related to the deceased through his father inherits the share his father would have received had he been alive. Whoever is related through his mother inherits the share his mother would have received. Whoever

is related through a brother inherits that brother's share. Whoever is related through a sister inherits that sister's share. For example, if a man dies leaving the son of his son and the son of his daughter…

…if the deceased left several sons and daughters of a son who had died before him, and one son or daughter of a daughter who had died before him, then one-third belongs to the single son or daughter—or however many descendants there are—through the daughter, while two-thirds belongs to the descendants of the son. Among the descendants of the son, each male receives the share of two females, whether they are few or many. They inherit the share their father would have received had he been alive. The descendants through the daughter inherit the share their mother would have received had she been alive, whether each group is large or small. Whoever is related through the maternal side among blood relatives divides the inheritance in the same manner as maternal siblings: the male and female receive equal shares. Whoever is related through the paternal side divides the inheritance with each male receiving twice the share of a female.

The sons and daughters of brothers and sisters inherit in the manner we have already described when there are no descendants through children, just as descendants through children inherit according to the principles already explained. If they are descendants of one full brother or one paternal brother, the children of the brother divide his share among themselves, with each male receiving twice the share of a female. Likewise, the children of paternal uncles and the children of sisters inherit the share of the person through whom they are related, whether few or many. A maternal uncle and maternal aunt divide the estate equally between them. A paternal uncle and paternal aunt divide it with the male receiving the share of two females. The same principle applies to their children. The children of a maternal uncle and maternal aunt receive one-third between them, with males and females sharing equally.

The children of a paternal uncle and paternal aunt receive two-thirds between them, with each male receiving twice the share of a female. Whoever is nearer to the deceased among blood relatives excludes whoever is more remote. Thus a paternal uncle excludes the son of a paternal uncle and the son of a maternal uncle. A maternal uncle excludes the son of a paternal uncle and the son of a maternal uncle. A paternal aunt excludes the son of a paternal uncle and the son of a maternal uncle. A maternal aunt likewise excludes them, because each of these nearer relatives is one degree closer to the deceased. Whoever is related through a full brother has priority over one related through a paternal brother. Those related through a paternal brother receive their share according to the one-sixth that would have belonged to the person through whom they are related, dividing it equally among males and females. Whoever is related through a person possessing a fixed share excludes one related through a person possessing no fixed share.

When several groups are related through persons who themselves possess fixed shares, each group receives the share of the person through whom it is related, according to the principles already stated. There is no *ʿawl* in an inheritance share. One begins with the person whom God mentioned first and with those for whom God named fixed shares. If God gave a person one share when alone and then reduced it in the presence of another heir, nothing is taken away from the second, reduced share. Thus the husband is not reduced below one-quarter, the wife below one-eighth, and neither parent below one-sixth. Any deficiency falls upon the person who receives the residue, just as any increase belongs to that person. For example, suppose a woman dies leaving her husband, maternal siblings, and one paternal sister. God named one-half for the husband because she has no child. He named one-half for the sister. He named one-third for the maternal siblings in the apparent wording of the fixed shares.

Those who adopted *ʿawl*, when they looked at this, became perplexed and raised the denominator from six shares to eight.

But God, Mighty and Exalted, says:

> "If a person dies leaving no child but has a sister, she receives one-half of what he leaves, and he inherits from her if she has no child."

God thus made clear that this occurs where she is alone, not together with competing fixed-share heirs.

Likewise, God, Mighty and Exalted, says:

> "If a man or woman is inherited from collaterally and has a brother or sister, each receives one-sixth; if they are more than that, they share in one-third."

Yet those who use *ʿawl* say that if the male brother whom God named as entitled to the whole estate stood in place of the sister, they would give him only one-sixth. In this case, therefore, the husband receives one-half, the maternal siblings one-third, and the paternal sister the remaining one-sixth. Likewise, if a woman leaves a husband, two parents, and a daughter, the husband receives one-quarter, the parents each receive one-sixth, and whatever remains belongs to the daughter. Had she been a son, he would have received no more than the same residue. Thus the reduction falls upon the heir to whom any surplus would otherwise belong. All cases of *ʿawl* are treated according to this principle. As for cases involving brothers and sisters together with the mother, we have already explained that the siblings receive nothing in her presence. All cases customarily treated through *ʿawl* are therefore resolved according to this understanding. All of this is the doctrine of the People of the Household—peace be upon them.

On the Inheritance of the Child of Liʿān, the Child of Fornication, the Foundling, the Captive Claiming Kinship, the Fetus, the Muslim from the Unbeliever, Magians, Apostates, and Slaves

We have already discussed *liʿān*, how it is performed, and that when a man denies a child born by his wife and performs *liʿān* with her concerning it, the child is not attributed to him. The child's lineage follows that of his mother. His inheritance belongs through his mother and her relatives. The man who denied him does not inherit from him, nor do the man's parents or anyone related through him. The child inherits only through his mother and persons related to him through her. Likewise, the child does not inherit from the man who denied him, nor from the man's parents or anyone related through him. An exception occurs if the man later acknowledges him after the *liʿān*. We have already mentioned that when he acknowledges him after *liʿān*, the child may inherit from him, but the man who performed *liʿān* against the child's mother does not inherit from the child, nor does anyone related to the man through him. The child himself and those related to him through the child may inherit in the manner applicable to them.

A child born from fornication is not attributed to the man who committed fornication with his mother and from whom she bore him. He does not bear that man's lineage, and the two do not inherit from one another whether the man acknowledges him or denies him. His mother inherits from him and he inherits from her. Kinship is traced through her and to him through her. No inheritance relationship is traced through his father. A foundling whose father and mother are unknown neither inherits through them nor is inherited from through them, and no kinship is traced to him through them. A *ḥamīl* is a person captured from the land of unbelief along with—or before or after—another person, and the two recognize one another in the territory of Islam and mutually acknowledge their kinship. If they persist in that acknowledgment throughout their lives until one dies, the survivor inherits from the deceased according to the kinship they acknowledged.

They inherit from one another upon that basis and kinship is traced through the relationship they affirmed. A fetus, if born alive, inherits and may itself be inherited from, whether it cries at birth or does not. Life is known through movement, breathing, and similar signs. A child's cry occurs because of pain that reaches it. A child may die before such pain occurs, or it may be mute.

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

> "People of two religions do not inherit from one another."

Thus members of two different religions do not mutually inherit. The meaning of the reciprocal form "inherit from one another" is that each side inherits from the other. In Arabic, this reciprocal verbal pattern requires two acting parties.

Thus one says:

"The two men fought one another"

when each struck the other, whereas one says:

"The man struck the other man"

when only one struck the other. A Jew does not inherit from a Christian. A Christian does not inherit from a Jew. Neither a Magian, Jew, nor Christian inherits from a Muslim. A Muslim, however, inherits from them through kinship, as transmitted from the Imams—peace be upon them. An unbeliever does not exclude him.

On this interpretation, the report is sound: the two religious groups do not mutually inherit, since polytheists do not inherit from Muslims, though Muslims inherit from them.

Members of each non-Muslim religion inherit among themselves according to the rules of inheritance when their cases are brought before Muslims. If they inherit according to the rules of their own religion and community and do not bring the matter before Muslim authority, they are left as they are and not interfered with. If an apostate dies, is killed, or joins enemy territory, his estate belongs to his heirs. His apostasy is legally treated as his death. A slave does not inherit from a free person, nor does a free person inherit from a slave on the basis of kinship. A slave's property belongs to his master. If a polytheist accepts Islam or a slave becomes free after the death of someone from whom he would inherit, but before the estate has been divided, he receives his share. If the estate has already been divided, he has no share. All of this is the doctrine of the People of the Household—peace be upon them.

On the Inheritance of the Killer, Blood-Money, the Intersex Person, Those Who Die Together by Drowning or Similar Causes, the Mukātab, the Divorced Woman, Clients, One Who Has No Heir, Acknowledgment by Some Heirs, and Various Inheritance Cases

Whoever kills another person, whether intentionally or accidentally, does not inherit from that person or from the blood-money if he would otherwise have been entitled to inherit. Blood-money is inherited according to the inheritance shares established by God. A man inherits from the blood-money of his wife, and a woman from the blood-money of her husband, except that maternal siblings inherit nothing from blood-money. An intersex person is one possessing a male organ like that of a man and an opening like that of a woman. Such a person inherits and is inherited from, marries or is married according to the legally determined sex, and the rulings applied depend upon that determination. If the person urinates from the male organ, the person is treated as male. The rulings of men apply. He marries women and is not married by men, and inherits and is inherited from according to the shares of men. If urination occurs from the female opening, all such rulings are those of women. The person is treated entirely as female and not as male.

If urination occurs from both, it is observed which passage emits urine first. If the male organ is first, the ruling is male. If the female opening is first, the ruling is female. If both begin simultaneously, or if the person possesses neither a male organ nor a female opening, the condition is ambiguous. The judge then draws lots. He writes on one slip:

"Servant of God,"

and on another:

"Maidservant of God."

Each slip is placed inside a small clay pellet.

He mixes them in his hand and says:

"O God, You know this soul better and know how You created it.

Bring forth the lot corresponding to what You created it to be, so that we may assign inheritance and legal rulings accordingly. You are the best of judges." Then someone who did not see the slips and does not know what each contains breaks open one of the two clay pellets. Whatever comes out determines the legal ruling. Urination may also be tested by placing the person before a wall with the hands extended and telling the person to urinate toward the wall from a distance corresponding to how far the urine of a man ordinarily reaches. If the stream reaches the wall, it is known to have emerged from the male organ. If it flows down between the legs, it is known to have emerged from the female opening. Neither men nor women should look directly at the person before the sex has been determined.

If people drown together in a ship, are crushed by a collapsed building, burned in a fire, or killed in battle, and it is unknown which of related persons died first, each inherits from the other in the amount he would have inherited had the other died first. Then the other likewise inherits his corresponding share. Thus each is made to inherit from what the other originally left. For example, suppose two brothers die together in such circumstances. One is a client of one group and the other a client of another group. Neither has any heir other than his respective patrons. One brother leaves one thousand dinars and the other leaves one hundred dinars. The owner of the one hundred is treated as though he remained alive until his brother died and therefore inherits from the one thousand. The owner of the one thousand is likewise treated as though he remained alive until his brother died and therefore inherits from the one hundred.

The patrimonial heirs of the brother who originally left one thousand therefore receive what ultimately remains attributable to him, and those of the brother who originally left one hundred receive what ultimately remains attributable to him. Comparable cases are treated on the same principle. Each person is treated as inheriting from his deceased relative, and then the heirs of each inherit from him. If a man divorces his wife irrevocably so that he has no right to take her back, there is no inheritance between them. An exception is when he divorces her while terminally ill. She continues to inherit from him as long as he remains in that illness, unless he recovers or she marries another man. If he recovers or she remarries, she no longer inherits from him. If a man divorces his wife with a revocable divorce, each inherits from the other so long as her waiting period has not ended. If a person dies leaving no heir except clients who emancipated him, or persons related through them, his estate belongs to those clients.

If he has blood relatives, his estate belongs to the blood relatives rather than the clients. *Walāʾ* is inherited by whoever inherits by ordinary inheritance among men and women. A woman inherits through a person whom her father emancipated and through those connected to him by that relationship, and the same applies to men. Whoever is one degree nearer in *walāʾ* has priority over one more remote, as already explained in the chapter on seniority in *walāʾ*. Thus if a man emancipates a slave and then dies leaving two sons, one son dies leaving a son, and afterward the freed client dies leaving no blood relative, his inheritance belongs to the surviving son of the emancipator rather than to the grandson through the deceased son. The surviving son is one degree nearer, just as in inheritance through blood kinship. If a person leaves no heir except a slave whom he himself had previously emancipated, that freed slave inherits from him just as the deceased could have inherited from him.

But if he leaves both a slave whom he had emancipated and a patron who had emancipated him, the inheritance belongs to his own patron—the person who emancipated him—not to the slave whom he himself had freed. If some heirs acknowledge an additional heir who is otherwise unknown and for whom no evidence is produced, while the remaining heirs deny him, then the heir who acknowledged him must give him from his

own share the amount corresponding to what the newly acknowledged person would have inherited had all the heirs acknowledged him or had his kinship been judicially established. The heirs who deny him owe nothing and retain their shares in full. For example, suppose a man dies leaving two sons. One son acknowledges a third brother, while the other denies him. The son who denies him receives one-half of the father's estate.

The son who acknowledges him treats his own proper entitlement as one-third and gives the newly acknowledged brother the extra one-sixth from his own half, so that the acknowledged brother receives the amount he would have received had there been three brothers. The dead person's shroud is paid from the gross estate before division. Then any debt owed by him is discharged. Then any bequest he made is executed from one-third or less, unless the heirs choose to authorize its full amount. Whatever remains is then divided according to the inheritance shares. A *mukātab* and a person partially emancipated inherit and are inherited from in proportion to the part of them that is free. We have already explained the ruling of the *mukātab* and how emancipation proceeds in his case in the chapter on contracts of emancipation. Whoever has no known heir, his estate belongs to the treasury of the Muslims. If one heir acknowledges a debt owed by the deceased, he is liable for that debt only in proportion to his own inheritance share.

If one upright witness testifies to the debt, his testimony is admissible against the remaining heirs. If a man acknowledges a child born by his slave-woman or wife and later denies the child, his denial is not accepted. The child remains his. All of this is the doctrine of the People of the Household—peace be upon them.

Collection of the Chapters on Blood-Money

On Retaliation for Killing and Wounds

God Most High says:

> "Do not kill the soul which God has made sacred except with right. Whoever is killed unjustly, We have given his heir authority."

And He Most High says:

> "Whoever intentionally kills a believer, his recompense is Hell, abiding therein; God is angry with him, curses him, and has prepared for him a tremendous punishment."

And He Most High says:

> "Do not kill yourselves. Indeed, God is Merciful toward you. Whoever does that in aggression and wrongdoing, We shall cast him into a Fire, and that is easy for God."

And He Most High says:

> "Because of that We prescribed for the Children of Israel that whoever kills a person not in retaliation for another person or for corruption upon the earth, it is as though he had killed all mankind; and whoever saves one, it is as though he had saved all mankind."

The Messenger of God—may God bless him and his family—said:

> "If the entire community joined together in killing one believer, God would cast them all headlong into the Fire of Hell."

And he—may God bless him and his family—said:

> "Among the most insolent of creation toward God is one who kills someone other than the person who killed his relative."

And he—may God bless him and his family—said:

> "In Hell there is a valley called Saʿīr.
>
> When that valley is opened, the fires themselves cry out because of it. God has prepared it for murderers."

ʿAlī—peace be upon him—said:

> "Intentionally killing a believer is among the major sins."

And concerning the saying of God Most High:

> "Our Lord, show us those two among jinn and mankind who led us astray, that we may place them beneath our feet so that they become among the lowest,"

he—peace be upon him—said:

> "They are Iblīs, who was the first to establish sin and commit it, and the son of Adam who killed his brother, who was the first to establish killing and carry it out."

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said concerning the saying of God:

> "Whoever kills a person not in retaliation for another person or for corruption upon the earth, it is as though he had killed all mankind":
>
> "He has a place in Hell such that, even if he had killed all mankind, his punishment would not be increased beyond it."

And he—peace be upon him—said:

> "A man may come on the Day of Resurrection carrying an amount of blood equal to what a cupping-glass would hold.
>
> He says:
>
> 'By God, I neither killed anyone nor participated in bloodshed.'
>
> It is said to him:
>
> 'Rather, you mentioned so-and-so in a way that was passed onward until he was killed.
>
> This portion of his blood therefore reached you.'" God, Mighty and Exalted, has magnified wrongful killing and threatened punishment for it in His Book and upon the tongue of His Messenger. Whoever intentionally and wrongfully kills a believer is himself killed in retaliation when the heirs of the victim demand this. It makes no difference which Muslim was killed, whether young or old, noble or lowly. Likewise, any adult intentional killer is subject to retaliation, whoever he may be.

The Messenger of God—may God bless him and his family—said:

> "The blood of the believers is equal."

A woman is killed in retaliation for a man if she kills him. If a man kills a woman and her heirs wish to retaliate against him, they pay one-half of the blood-money—five hundred dinars—to his heirs and then may kill him in retaliation for her. If they instead accept blood-money, the blood-money of a woman is five hundred dinars, half that of a man. If one woman kills another woman, she is killed in retaliation for her.

God says:

> "The free for the free, the slave for the slave, and the female for the female."

If a slave kills a free person, he is handed over to the victim's heirs. If they wish, they may kill him. If they wish, they may enslave him. His master bears no liability beyond surrendering him for his offense. If a free man kills a slave, he pays the slave's value to the owners. The ruler also subjects him to a painful disciplinary punishment severe enough to deter others, so that people do not become bold in killing. If a protected non-Muslim kills a Muslim, he is killed in retaliation. If a Muslim kills a protected non-Muslim, he pays his blood-money. The blood-money of a protected non-Muslim is eight hundred dirhams. The Muslim killer is also subjected to a painful disciplinary punishment. If he habitually kills such persons, he is killed. The ruler himself carries out the execution and does not surrender him to the heirs of the protected non-Muslim. A child

is killed in retaliation for intentionally killing his father or any other relative when the person legally entitled to retaliation demands it.

A father, however, is not killed in retaliation for killing his child. Retaliation is carried out between slaves for one another, and likewise among protected non-Muslims for one another. The heirs entitled to demand retaliation are those entitled to inherit from the victim. If some of them pardon the killer or accept blood-money, the killer is not executed once one of them has pardoned him or accepted blood-money. Those who did not pardon may, if they wish, take their proportional share of the blood-money. If some of the heirs are minors or absent while others are adults and present, the adult heirs may exact retaliation. The killer is not kept waiting until the minors reach maturity or the absent heirs return. Al-Ḥasan ibn ʿAlī—peace be upon him—killed the enemy of God Ibn Muljam—may God curse him—although ʿAlī—peace be upon him—had children who had not yet reached maturity.

Whoever kills another with an iron weapon or with something other than iron, if he deliberately intended the victim and deliberately struck him with the object used, and the victim died because of that blow, is subject to retaliation when the heirs demand it. The execution itself, however, is carried out only with an iron weapon.

The Messenger of God—may God bless him and his family—said:

> "There is no retaliation except with iron."

What is prescribed is that the killer's neck be struck with a sword. He is not tortured or mutilated. There is no harm in questioning one suspected of murder and using gentle means to obtain an acknowledgment. But if he is beaten and then confesses, the confession does not bind him, because the confession of one under coercion is not binding. If two upright witnesses testify that he killed, or if he freely acknowledges it, he is executed. The testimony of women is not admissible in homicide, prescribed punishments, or retaliation. It is admissible in matters for which financial liability is due. If two or more persons jointly kill one man, each participating and striking him until he dies from their blows, the victim's heirs may select one of the killers and execute him for their relative, in accordance with the saying of God Most High:

> "A life for a life."

They may not kill more than one person in retaliation for one victim. The heirs of the executed killer then recover from the remaining killers proportional amounts of blood-money. If there were three killers and one is executed, his heirs receive two-thirds of a full blood-money from the two remaining killers. If there were two killers and one is executed, his heirs receive one-half of a full blood-money from the remaining killer. If there were more than this, the amount is calculated proportionally. If one man restrains a person while another kills him, the killer is executed. The man who restrained him is flogged and then imprisoned until he dies. If a man kills his own slave, he is subjected to a severe and painful disciplinary punishment. If the heirs pardon the killer, no claim remains against him. If one of the heirs then kills him afterward, that heir is himself killed in retaliation. Likewise, if the heirs accept blood-money, they have no right beyond it.

God Most High says:

> "Whoever transgresses after that will have a painful punishment."

For every wound in which exact retaliation can be carried out without exceeding the injury or creating danger to the person from whom retaliation is taken—such as a wound exposing the bone (*mūḍiḥa*) or anything less severe—retaliation is carried out. The length of the wound upon the skin is measured and marked. The person exacting retaliation cuts the corresponding location to the same length and to the same depth in the flesh. Likewise, a tooth is taken for a tooth, an eye for an eye, a nose for a nose, an ear for an ear, or the corresponding portion of whatever was severed.

God Most High says:

> "An eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and wounds are subject to retaliation."

This applies when the injury was intentional. If it was accidental, or if exact retaliation would pose danger to the person from whom it is taken, or the injury penetrated a body cavity, or involved a broken bone, or was more severe than a wound exposing the bone, then blood-money is due instead. We shall mention these amounts in their proper place. A person who deliberately causes such an injury is also disciplined so that wealthy people for whom payment of blood-money is easy do not become bold in inflicting such injuries. A woman may be subjected to retaliation for a man in wounds, and a man for a woman, up to the level of a wound exposing the bone. Retaliation involving an eye is carried out by protecting the unaffected eye and treating the injured eye in the prescribed manner until its contents flow out. All of this is the doctrine of the People of the Household—peace be upon them.

On Blood-Money and the ʿĀqila

The blood-money for a free Muslim, whether young or old, is one thousand dinars for those who deal in gold, or its equivalent value in the customary property of each people. They are not compelled to sell what they possess. For those whose wealth is in silver, the equivalent value of one thousand dinars is taken in silver. For those who possess camels, it is one hundred camels. For those who possess cattle, two hundred cattle. For those who possess sheep, two thousand sheep. For those who possess cloth, two hundred garments of equivalent value. This is the established practice. This is the blood-money for a human life. Blood-money applies primarily to accidental killing. Accidental killing is when the killer did not intend to kill the victim—for example, he intended to shoot someone or something else and struck the victim instead. But if he deliberately intended the person with whatever object he used, that is intentional killing and retaliation is carried out, unless the victim's heirs accept blood-money or pardon him.

After paying the blood-money, the accidental killer must also make expiation by freeing a believing slave. If he cannot find one, he fasts two consecutive months. If he cannot do that, he feeds sixty needy persons. The blood-money is borne by his *ʿāqila*—his agnatic liability group—namely those heirs who would inherit from him if he died, except his maternal brothers, who do not contribute on his behalf and inherit nothing from his blood-money. The deliberate acts of children and insane persons are treated as accidental. The blood-money is borne by the *ʿāqila*. A poor member of the *ʿāqila* is liable for nothing. The *ʿāqila* is liable only for an offense established by evidence. Nothing arising from a settlement, confession, or an act committed by a slave is charged to the *ʿāqila*. The *ʿāqila* bears liability for accidental injuries only when the amount reaches one-third of a full blood-money or more. Anything below one-third is paid from the offender's own property.

For offenses committed by protected non-Muslims, payment comes from their own property and nothing is imposed upon their *ʿāqila*. If someone injures a woman who has had intercourse so that she expels fluid from the womb after conception has become established, the offender owes twenty dinars. If she expels an *ʿalaqa*—a clot of blood—the amount is forty dinars. If it has become a *muḍgha*, the amount is sixty dinars. If bone has formed within it, the amount is eighty dinars. If she expels a fully formed fetus before the spirit has been breathed into it, the amount is one hundred dinars. If the spirit has been breathed into it, the full blood-money becomes due. If someone mutilates a corpse by cutting off its head or doing to it an act that would have caused death had the person been alive, the offender owes one hundred dinars. For any lesser wound or other injury inflicted upon the dead body, a proportional amount is due based upon that hundred-dinar valuation. The money is spent on the deceased's behalf in avenues of righteousness.

If he had not performed the pilgrimage, pilgrimage may be funded from it. The heirs inherit none of it. Liability for harm to animals is measured by their value. Whoever kills an animal pays its full value. Whoever wounds it or breaks one of its limbs pays the reduction in its value caused by the injury. If an animal escapes and causes harm on its own, the harm is without compensation. The same applies if another person enters upon it in the place where it is lawfully kept. But if its owners release it or leave it standing somewhere they have no right to place it, they are liable for whatever harm it causes. If a thief attacks a man intending to take his property and the owner fights him and kills him, the thief's blood is without compensation. Whoever is killed defending his property is a martyr. If the owner chooses not to resist, however, there is no blame upon him. If

a man attempts to violate a woman and she defends herself, then kills or wounds him, whatever she inflicts upon him is without compensation.

Whoever dies while a prescribed punishment or lawful retaliation is being carried out gives rise to no liability. If someone peers into the private quarters of a household and the householders put out his eye, the eye is without compensation. The Messenger of God—may God bless him and his family—judged by *qasāma*. This applies when a person is killed and the killer is not known.

If, before dying, the victim says:

"So-and-so killed me,"

or if his heirs possess circumstantial evidence implicating someone they accuse and say:

"He killed him,"

they establish a *qasāma* of fifty men among themselves who swear that the accused killed him. Retaliation may then be carried out for them. If they number fewer than fifty, those who are present repeat the oaths until fifty oaths have been completed. If instead they wish to require oaths from the accused parties, the accused are made to swear. If the accused produce evidence proving their innocence, that evidence is accepted. If a slain person is found in a village and no one knows who killed him, and the residents all belong to one tribe with no outsiders living among them, they swear that they neither killed him nor know who killed him. They then pay his blood-money. If he is found between several villages, liability is assigned to the village nearest to the place where he was found.

But if the place where the body is found is a large city, a village containing mixed populations, or a public road traveled by people between settlements, then evidence is required against whoever is accused unless specific circumstantial evidence exists against them sufficient to establish *qasāma*. If two horsemen collide while each is charging toward the other, and one dies, one-half of his blood-money is due because his death resulted partly from his own act and partly from the act of the other. If only one of them caused the collision while the other was stationary or merely walking, and the one who collided dies, nothing is due from the person struck. If the person struck dies, his blood-money is due from the one who collided with him when the collision was accidental. If he deliberately intended the collision, retaliation is due. A physician and a veterinarian are liable for harm caused by transgression when they are ignorant. If they are knowledgeable and did not intend to destroy or harm anything, they are not liable.

A circumciser is liable for whatever he cuts beyond what is proper from the glans of a boy or elsewhere. The same applies to a woman who performs female circumcision if she cuts beyond the proper place. Whoever digs a well or pit in a public road, or places something there, is liable for whatever injury occurs because of it. If the road lies within his own lawful property, however, he bears no liability. A rider is liable for whatever his mount strikes with its forelegs, head, or chest. He is not liable for what it strikes with its hind legs, because he has no control over those. If a wall begins to lean and its owner knows this, or has been warned concerning it, but does not repair or demolish it before it falls, he is liable for whatever damage it causes. If a man hires a worker and the worker dies while performing the work, there is no liability upon the employer merely because of that.

If a dog is inside its owners' house or other lawful premises and someone enters without their permission and the dog bites him, the owners bear no liability. If they gave him permission to enter, they are liable. If a woman cuts off a man's penis, or a man destroys a woman's genital organ, there is no retaliation between them because there is no equivalent organ upon the offender against which retaliation can be taken. Blood-money is due, and if the act was deliberate the offender is also subjected to a severe disciplinary punishment. If a man has intercourse with a female not ordinarily capable of intercourse, or treats a woman violently in intercourse and causes a fistula so severe that she can no longer give birth or retain urine and feces, or if she dies from his violence against her, then in all such cases he owes a full blood-money. If a person is found dead with no

visible injury and it is not known that anyone killed him, no liability arises except that the person accused may be required to swear an oath.

All of this is the doctrine of the People of the Household—peace be upon them.

On Injuries to Limbs and Head Wounds

We have already mentioned that retaliation applies to intentional injuries whenever exact retaliation can be carried out without exceeding the original injury and without placing the person against whom retaliation is taken in danger. As for injuries for which exact retaliation cannot be achieved, or in which safety cannot be assured, blood-money is due from the offender if the injury was intentional, and from the *ʿāqila* if it was accidental. Whatever exists singly in the human body carries a full blood-money. Whatever exists in pairs carries one-half of the blood-money for each member. If the hair of the head is plucked out, scalded away, or burned so that it does not grow back, the full blood-money is due. Likewise, if the scalp itself is stripped away. If the forehead is fractured and heals without defect, one hundred dinars are due. If the nose or tongue is cut off, or the beard is damaged so that it does not grow again, a full blood-money is due for each.

For each eyebrow, eye, ear, hand, foot, and testicle, one-half of the blood-money is due. For both together, the full blood-money is due. If speech is completely lost, the full blood-money is due. If sight is completely lost, the full blood-money is due even if the eyeballs themselves remain intact. Any partial loss in these faculties is compensated proportionally. If a man is struck or injured so that some of the sight in one eye is lost, the affected eye is covered and the healthy eye left open. An egg is emptied and suspended by a hair.

He is told to look at it while it is moved farther and farther away until he says:

"I can no longer see the hair."

That point is marked and measured without his knowing the measurement. The same test is then performed in four directions. If the measurements are consistent, his statement is known to be truthful. Then the healthy eye is covered, the injured eye uncovered, and the same procedure is repeated in four directions. If his answers correspond consistently, the result is accepted. If they do not, he is told:

"You have acted dishonestly. Return to the truth."

If his statements become consistent and the measurements from the four directions agree, the loss in the injured eye is compared with the sight of the healthy eye. He receives from the blood-money the proportion corresponding to the loss. If he has lost one-half, he receives one-half. If one-third, one-third. Whether more or less, the amount is calculated accordingly. If sight has been diminished in both eyes, comparison is made with a just person of average eyesight—or with two or three such persons. If they agree, or nearly agree, upon the normal range, the injured person's sight is then measured in the manner already described, from four directions. If the results agree and his truthfulness is established, he receives the proportion of the full blood-money corresponding to the amount of vision lost. If hearing has been diminished, the same method is used.

A coin is struck so that he hears its sound, then gradually moved farther away until he says:

"I no longer hear it."

The measurement is made in the same manner already described for sight, whether the loss concerns one ear or both ears. If the injury concerns smell, something with a scent is brought near him and then moved gradually farther away, using a comparable method to that employed for sight and hearing. He receives compensation according to the proportion lost. If the injury concerns speech, one considers which letters he can no longer pronounce. These are calculated out of the full number of letters, which is twenty-eight. He receives a proportion of the blood-money corresponding to the number of letters he has lost the ability to pronounce. If the upper lip is completely severed, one-half of the blood-money is due. For the lower lip, two-thirds of the blood-money are due: one-half for the lip itself and an additional one-sixth because of the role it

plays in retaining food and saliva. For the front teeth—four incisors, four lateral incisors, and four canine teeth—fifty dinars are due for each tooth.

For the molars at the back of the mouth, twenty-five dinars are due for each. The total amounts to a full blood-money on the basis that there are four molars in each upper jaw and four in each lower jaw as part of complete natural dentition. Some people possess five molars in each jaw. The fifth is an extra tooth. The blood-money is apportioned according to complete natural formation. Whether the injured tooth is one of the standard teeth or an extra one, twenty-five dinars are due for a molar. If only part of a tooth is broken, compensation is proportional to the part broken. If a tooth turns black, its full compensation has become due. If a child's tooth is knocked out before it naturally falls, ten dinars are due. For a molar, five dinars are due if it later grows back. If it does not grow back, its full compensation is due. If the shoulder, upper arm, or elbow is broken or dislocated and then heals without defect, one hundred dinars are due for each. For each forearm and each wrist, one-third of the blood-money is due.

For each finger or toe, one hundred dinars are due. For the shoulder blade, forty dinars are due. For each rib connected with or adjoining the chest, twenty-five dinars are due. For each rib not attached to or adjoining the chest in that way, ten dinars are due. For the hip, thigh, and knee, one-fifth of the full blood-money is due for each. For a penetrating wound reaching a body cavity, one-third of the blood-money is due. For a blow to the face that causes redness without bloodshed and without turning black or green, two and a half dinars are due. If it turns black or green, three dinars are due. If the injury is around the eye and turns green, three dinars are due. If it turns black, six dinars are due. For the lesser *dāmiya*, where blood merely oozes but does not flow, five dinars are due. For the greater *dāmiya*, where blood flows, ten dinars are due. For the *fāqira*, which splits the skin and reaches the flesh without cutting into it, twelve dinars are due.

For the *bāḍiʿa*, which cuts through the skin and cuts into some of the flesh, twenty dinars are due. For the *mutalāḥima*, which cuts through the skin and penetrates more deeply into the flesh, thirty dinars are due. For the *siḥāq*, also called the *malṭāh*, which cuts through all the skin and flesh until reaching the membrane covering the bone without cutting that membrane, forty dinars are due. For the *mūḍiḥa*, which cuts through all of that and exposes the bone, fifty dinars are due. For the *hāshima*, which does this and fractures the bone, one hundred dinars are due. For the *munaqqila*, which does this, fractures the bone, and causes some of the bone to be displaced or removed, one hundred and fifty dinars are due. For the *maʾmūma*, which reaches and exposes the brain without injuring the brain itself, one-third of the blood-money is due. All of these amounts apply when the injury is to the head or face. If the corresponding injury occurs on the body, one-half of that amount is due.

If it occurs on a particular limb such as a finger or similar organ, the compensation is calculated proportionally from that limb's own blood-money. We have already mentioned this principle. All of this is the doctrine of the People of the Household—peace be upon them.

Collection of the Chapters on Prescribed Punishments

On Carrying Out the Prescribed Punishments

God, Mighty and Exalted, says:

> "Whoever transgresses the limits of God has wronged himself."

The Messenger of God—may God bless him and his family—forbade neglecting the prescribed punishments.

He said:

> "The Children of Israel were destroyed because when a person of rank among them committed an offense carrying a prescribed punishment, they did not punish him.

But when a lowly person committed it, they carried out the punishment upon him." A woman stole a cloak during the time of the Messenger of God—may God bless him and his family. He ordered that her hand be cut.

A group of Quraysh gathered around him and said:

> "O Messenger of God, she is one of us and possesses rank among her people, and what she stole was of little value."

The Messenger of God—may God bless him and his family—said:

> "Those before you were destroyed by this very thing.

They carried out the prescribed punishments upon their weak and abandoned them for their powerful and noble. They were destroyed because of that." It is transmitted from him—may God bless him and his family—that he forbade intercession in prescribed punishments.

And he—may God bless him and his family—said:

> "Whoever intercedes concerning one of God's prescribed punishments in order to invalidate it has shown insolence toward God and has striven to annul His limits.

Whoever acts insolently toward God, Mighty and Exalted, and strives to annul His limits, God will punish him on the Day of Resurrection." Ṣafwān ibn Umayya brought to the Messenger of God—may God bless him and his family—a man who had stolen a cloak from him. The Messenger of God ordered that the man's hand be cut.

Ṣafwān said:

> "O Messenger of God, will his hand be cut because of my cloak?

I have given it to him."

The Messenger of God—may God bless him and his family—said:

> "Why did you not do that before bringing him to me?

Once a prescribed punishment has been brought before the authority, he should not abandon it." He then ordered the punishment carried out.

It is transmitted from him—peace be upon him—that he said:

> "The back of the believer is inviolable except where a prescribed punishment is due."

The Messenger of God—may God bless him and his family—forbade anyone from exceeding one of God's prescribed punishments either by reducing it or increasing beyond what God fixed.

He said:

> "God, Mighty and Exalted, has made the limits clear.

Whoever transgresses them has wronged himself, as God has said. And He has appointed a punishment for one who transgresses the limit."

And he—may God bless him and his family—said:

> "Among the most hated of creation before God is one who bares the back of a Muslim without a prescribed right."

The Messenger of God—may God bless him and his family—forbade carrying out prescribed punishments inside mosques.

And it is transmitted from him—may God bless him and his family—that he said:

"Whoever commits a sin and is punished for it in this world, God is too just to punish His servant for it a second time in the Hereafter.

Whoever commits a sin and God conceals it for him in this world, God is too generous to return to something He has already pardoned and concealed." It is transmitted from ʿAlī—peace be upon him—that he wrote to Rifāʿa ibn Shaddād, his judge in al-Ahwāz, a letter containing:

"Carry out the prescribed punishments upon the near so that the distant may avoid them.

Do not let blood go unavenged. Do not neglect the prescribed punishments." When ʿUthmān dealt with al-Walīd ibn ʿUqba after witnesses had testified against him, and appeared to delay proceedings concerning him, Muslims objected and said:

"He has neglected one of God's prescribed punishments."

So al-Walīd was taken into a room in one side of the house.

It was said:

"Whoever thinks the punishment is due upon him, let him go in and carry it out for God."

Whenever a man entered intending to flog him, al-Walīd would say:

"I adjure you by God not to sever my kinship with you and not to expose yourself to the displeasure of the Commander of the Faithful."

So each person would turn back. When ʿAlī—peace be upon him—saw this and saw that one of God's prescribed punishments was being neglected, he took the whip and entered. Al-Walīd said the same thing to him.

Al-Ḥasan ibn ʿAlī—peace be upon him—followed and said:

"Father, what concern is this of yours? Leave him.

You see what the people have done concerning him." ʿAlī—peace be upon him—pushed al-Ḥasan in the chest and spoke harshly to him until he withdrew. Then he took the whip and flogged al-Walīd until the full prescribed punishment had been completed.

It is transmitted from the Messenger of God—may God bless him and his family—that he said:

"Three things, if you perform them, affliction will not descend upon you:

striving against your enemy, bringing your prescribed-punishment cases before your Imams so that they judge them with justice, and submitting to their command." ʿUmar said to ʿAlī—peace be upon him:

"Advise me, Abū al-Ḥasan."

He said:

"I advise you to judge according to the Book of God in satisfaction and anger;

to divide with justice between red and black; and to carry out the prescribed punishments upon near and distant alike."

ʿUmar said:

"You have spoken briefly and comprehensively."

ʿAlī—peace be upon him—used to inspect the prisons every Friday. Whenever he found someone upon whom a prescribed punishment was due, he carried it out and did not delay it. Three men testified before him that a man had committed fornication.

He asked:

"Where is the fourth?"

No fourth witness was found.

They said:

"We will bring him later, Commander of the Faithful."

He said:

"There is not even an hour's delay in prescribed punishments."

He then flogged the three with the prescribed punishment for false accusation.

A group came to him and said:

"Commander of the Faithful, we have come to ask you for something."

He said:

"Ask me for anything I possess, and I will give it to you."

They had come to intercede for a man from Banū Asad upon whom a prescribed punishment had become due.

They said:

"Give us so-and-so."

He had the man brought out and carried out the punishment upon him.

They said:

"Did you not promise us, Commander of the Faithful, that you would leave him?"

He said:

"I promised you concerning what belongs to me.

This belongs to God and is not mine." ʿAlī—peace be upon him—ordered his client Qanbar to flog a man with a prescribed punishment. Qanbar made an error and added three lashes. The matter was brought before ʿAlī. He allowed the man to exact retaliation from Qanbar and had Qanbar flogged three lashes. And he—peace be upon him—wrote to Rifāʿa:

"Treat the believers gently as much as you can.

Their backs are under God's protection and their lives are precious to God. God's reward belongs to them, and the one who wrongs them has God as his adversary. Do not make God your adversary concerning one of the pillars of the faith." It is transmitted from him—peace be upon him—that he was asked about people who sought protection while in enemy territory and requested a covenant that they would not be pursued for offenses they had committed previously.

He said:

"No covenant is given that annuls one of God's prescribed punishments.

How could prescribed punishments be removed from those upon whom they are due, when the friends of God and those who strive in His path go forth precisely in order to establish them?"

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

"Nothing from the prescribed punishments belonging to God is pardoned.

Whoever comes to know of such an offense should do nothing except bring it before the Imam." As for prescribed punishments involving the private rights of people, there is no harm in the person entitled to them pardoning before the matter reaches the Imam. There is no harm in pardoning a thief before he is brought

before the Imam. But once he has reached the Imam, pardoning him is no longer permissible. Whoever pardons a prescribed claim belonging to him and then later wishes to revive it has no right to do so.

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever apprehends a thief and pardons him, there is no harm.
>
> But once he has brought him before the ruler, the ruler should cut his hand."

Even if the owner of the stolen property then says:

> "I give it to him as a gift,"

the prescribed punishment is not removed. The gift would have had to occur before the case was raised. Once the matter has reached the authority, the prescribed punishment is not to be neglected, in accordance with the saying of God Most High:

> "Those who preserve the limits of God."

Once a prescribed punishment has reached the Imam, no one possesses the right to abandon it.

On the Prescribed Punishment for Fornication

God, Mighty and Exalted, says:

> "Do not approach fornication. Indeed, it is an indecency, hateful, and an evil way."

And He, Mighty and Exalted, says:

> "Those who do not invoke another god together with God, do not kill the soul God has made sacred except with right, and do not commit fornication. Whoever does that will meet punishment. His punishment will be doubled for him on the Day of Resurrection and he will abide therein humiliated—except one who repents…"

The Messenger of God—may God bless him and his family—said:

> "God's anger is severe against a woman who introduces among a people a man who is not from them, so that he looks upon their private family matters and lies upon their beds.
>
> Among the people most severely punished on the Day of Resurrection is one who deposits unlawful semen in a womb forbidden to him."

And he—may God bless him and his family—said:

> "The fornicator on the Day of Resurrection will be above the people of the Fire.
>
> A drop will drip from his genitals and the people of Hell will be harmed by it. They will say to the keepers:
>
> 'What is this foul odor?'

It will be said:

> 'This is the odor of a fornicator.'
>
> A woman who committed fornication will likewise be brought, and a drop will drip from her genitals, and the people of the Fire will be harmed by its stench."

And he—may God bless him and his family—said:

> "There is no sin greater before God after associating partners with Him than unlawful semen placed by a man in a womb that is not lawful for him."

And he—may God bless him and his family—said:

> "Fornication and goodness do not gather together in one household."

He—may God bless him and his family—delivered a sermon in which he said:

> "Three people God will not speak to on the Day of Resurrection, nor purify, and they will have a painful punishment:
>
> an elderly fornicator, a tyrannical ruler, and a poor man who is arrogant."

And he—may God bless him and his family—said:

> "The fornicator does not commit fornication at the moment he commits it while being a believer."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "When the fornicator lies upon her belly, the spirit of faith departs from him.
>
> When he leaves the act and seeks God's forgiveness, it returns to him." Fornication is the placing of the sexual organ somewhere other than in a wife or a woman lawfully possessed by the man.

God Most High says:

> "Those who guard their private parts except from their wives or those whom their right hands possess—for then they are not blameworthy. Whoever seeks beyond that, those are the transgressors."

If a man is found committing fornication and four upright witnesses testify that they actually saw him committing fornication with a woman and personally observed his penis penetrate her vagina, and he had a wife within his marital bond with whom marriage had been consummated, while the woman with whom they testified he committed fornication likewise had a husband in whose marital bond she remained— or if the man or woman, or either one of them, confesses to fornication— then each person whose confession is established or against whom proof is established is flogged one hundred lashes. Afterward each is taken out and a pit is dug reaching to the navel. Each is placed standing inside it and earth is packed around them. If the conviction arose by confession, the judge before whom the confession was made begins the stoning. He orders that they be stoned. He stones them, then the people stone them with medium-sized stones, roughly what fills the palm or smaller, until they die. They are then taken out, washed, prayed over, and buried.

A confession of fornication is not established against the confessor until it has been made on four occasions while the person is of sound mind, acting voluntarily and not under coercion. If conviction arose from witness testimony, the witnesses begin the stoning. Then the judge, then the people. A person is not considered *muḥṣan* unless marriage has been consummated with a spouse who remains available to him. A slave-wife does not confer *iḥṣān* upon a free man, nor does a free wife confer it upon a male slave. If one of the two offenders is *muḥṣan* and the other is not, the *muḥṣan* person is stoned after being flogged, while the person who is not *muḥṣan* is flogged one hundred lashes. The harshest flogging is that for fornication. Next comes flogging for false accusation. Then flogging for drinking. Then disciplinary flogging. A pregnant woman is not flogged until she gives birth to what is in her womb and becomes pure from post-partum bleeding. There is no prescribed punishment upon a boy or girl.

If an adult commits fornication with one of them, the adult receives the prescribed punishment while it is averted from the child. Whoever commits the act of the people of Lot and penetrates the passive partner is stoned in the same manner as the fornicators. If penetration occurs only between the thighs, the prescribed flogging is due upon both. For sexual rubbing between women, each receives one hundred lashes. Whoever commits fornication with a permanently forbidden female relative is killed. She is likewise killed if she willingly participated, even if neither was *muḥṣan*. If they were *muḥṣan*, they receive the prescribed flogging and are stoned. Whoever rapes a woman is killed if he is not *muḥṣan*. If he is *muḥṣan*, he receives the prescribed flogging and is stoned. There is no prescribed punishment upon the woman who was coerced. If he deflowered her, she is entitled from him to the customary dowry of a woman like her.

If she was a slave-woman, he owes one-tenth of her value if she was a virgin and one-twentieth of her value if she was previously sexually experienced. There is no prescribed punishment upon an insane person. Nor is there a prescribed punishment in intercourse occurring under a mistaken semblance of legality. An example is

a man who marries a woman during her waiting period or under some other invalid form of marriage. If two men are found beneath one covering, or a man and a woman are found together beneath one covering, they are subjected to the prescribed punishment. If two women are found together in that condition, they are flogged below the level of the prescribed punishment. If a male or female slave commits fornication, each receives fifty lashes whether *muḥṣan* or not. The punishment of the fornicator is made public so that people attend it, in accordance with the saying of God Most High:

> "Let a group of the believers witness their punishment."

The fornicator is flogged with the whip in the condition in which he was found. If he was naked, he is stripped. If he was clothed, the garment remains upon him and he is flogged over it. But anything padded, furred, or otherwise thick enough to shield him from the blows is removed. A woman is flogged while seated and covered by a garment. Every part of their bodies may be struck except the face, genital area, and penis. It is also permissible to confine the blows to the back alone, and this is the practice followed. A woman in post-partum bleeding or menstruation is not flogged until she becomes pure. If a male or female fornicator confesses to fornication and then retracts the confession, they are left alone until they have confessed four times. If they retract after the fourth confession, the retraction is not accepted. Whoever commits fornication with his wife's slave-woman receives the prescribed punishment.

If a man has intercourse with a slave-woman in whom he owns a share together with another, he is subjected to that proportion of the prescribed punishment corresponding to the share he does not own. The punishment is reduced in proportion to the share he owns. Likewise with a *mukātaba* slave-woman: the punishment imposed upon him is proportionate to the portion of her that has become free, while the proportion corresponding to the portion remaining enslaved is averted. A man who imitates women is disciplined. If he persists, he is expelled from the dwellings of the people. Whoever has intercourse with an animal receives the prescribed punishment and must compensate the owner for the animal's value. If the animal is one whose flesh is ordinarily eaten, it is slaughtered and buried and may not be eaten. If it is not an edible animal, it is sold on his account and taken away to another place so that it will no longer be recognized and associated with what occurred.

A *mukātab* receives the punishment of a free person in proportion to the portion of him that has become free, and the punishment of a slave in proportion to the portion remaining enslaved. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

On the Prescribed Punishment for False Accusation

God, Mighty and Exalted, says:

> "Those who accuse chaste, unsuspecting believing women are cursed in this world and the Hereafter, and they will have a tremendous punishment."

And God Most High says:

> "Those who accuse chaste women and then do not bring four witnesses—flog them with eighty lashes and never accept their testimony thereafter. Those are the transgressors, except those who repent afterward and set matters right; indeed God is Forgiving, Merciful."

It is transmitted from ʿAlī—peace be upon him—that he said:

> "The major sins are:

associating partners with God; intentionally killing a believer; fleeing from the battle line; consuming usury after the proof has been made clear; wrongfully consuming an orphan's property; returning to the life of the desert after emigration; and accusing chaste women."

Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Whoever falsely accuses a believing man or believing woman of something not present in them will be raised by God in the mire of corruption until he produces a way out from what he said."

He—peace be upon him—was asked about a man who accuses a chaste woman.

He said:

> "The prescribed punishment is carried out upon him once the accusation is established against him.

His repentance is that he publicly declares himself to have lied before the people and repents from what he did. Once he does this, his testimony is accepted." The punishment for false accusation is eighty lashes. If one person accuses a group of people and they bring him forward one after another, he receives a separate prescribed punishment for each one. If a person accuses a man or woman of something that is in fact true of them and they themselves acknowledge it, or evidence is established against them in the manner God has prescribed, then no punishment falls upon the accuser. Whoever accuses a polytheist is not subjected to the prescribed punishment unless the polytheist has a Muslim child who brings the claim against him. In that case the accuser is punished out of respect for Islam. A Muslim should not falsely accuse either a polytheist or anyone else. If a free person accuses a slave, he is disciplined but not brought to the full prescribed punishment.

If a slave accuses a free person, the slave receives the full prescribed punishment. If a protected non-Muslim falsely accuses a Muslim, the prescribed punishment is carried out upon him and he is additionally subjected to a deterrent disciplinary punishment. If one man accuses another and that other man accuses him in return, and the two bring the matter before the ruler, both are disciplined. If a man says to his wife:

> "I did not find you a virgin,"

there is no prescribed punishment upon him. Whoever accuses a man of passive homosexual intercourse receives the prescribed punishment. If a man commits fornication with another person's wife or slave-woman and someone falsely accuses the innocent owner or husband instead, the accuser receives the prescribed punishment for accusing that innocent person. Whoever acknowledges a child as his own and afterward denies him receives the prescribed punishment, and the child remains legally attributed to him. There is no prescribed punishment for mere insinuation or indirect accusation. Whoever insults the Prophet—may God bless him and his family—is killed. Whoever insults one of the Imams—peace be upon them—is killed. False accusation expressed in any language incurs the prescribed punishment. Whoever is falsely accused and pardons the accuser before bringing him to the ruler may validly pardon him. Afterward he may not revive the claim.

If he brings him before the ruler and formally demands punishment there, he may no longer pardon him after that. If a child or insane person accuses someone, no prescribed punishment is imposed upon them. A child is nevertheless disciplined so that he does not become bold in making accusations. If a father or mother accuses their own child, no prescribed punishment is imposed upon them. If the child accuses either parent, the child receives the prescribed punishment on their behalf. If a man says to another:

> "You are a Lotite,"

there is no prescribed punishment, because literally he has merely attributed him to Lot—peace be upon him.

But if he says:

> "You are one who performs the act of the people of Lot,"

then the prescribed punishment becomes due. If a man accuses an absent or deceased woman and her guardian brings the claim against him, the punishment is carried out on her behalf. Whoever denies a man's legitimate lineage incurs the prescribed punishment. And whoever insults a man…or insults a man or woman, he is disciplined on their behalf. Examples include saying:

“O sinner,”

“O vile person,”

“O son of a Christian,”

“O son of a Magian,”

or similar forms of abuse and insult. All of this is the doctrine of the People of the Household—peace be upon them.

On the Prescribed Punishment for Intoxicants and Wine, and Various Judgments Concerning Prescribed Punishments

God Most High says:

> “O you who believe, wine, gambling, sacrificial stones, and divining arrows are filth from the work of Satan, so avoid them that you may prosper.”

The Messenger of God—may God bless him and his family—said:

> “May God curse wine, the one who presses it, the one for whom it is pressed, its seller, its purchaser, the one who serves it, the one who consumes its price, the one who drinks it, the one who carries it, and the one to whom it is carried.”

And he—may God bless him and his family—said:

> “No one drinks wine in this world and then drinks it in the Sacred Enclosure.”

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> “Whoever becomes addicted to wine meets God as an idol-worshipper.
>
> Whoever drinks one draught of it, God does not accept prayer from him for forty nights.”

The Messenger of God—may God bless him and his family—said:

> “Every intoxicant is forbidden.
>
> Whatever intoxicates in large quantity is forbidden even in small quantity.” Whoever drinks a small or large amount of wine and confesses to drinking it, or proof is established against him, receives eighty lashes. If he drinks it a second time, he is flogged in the same way. If he drinks it a third time, he is killed. He is not killed unless the prescribed punishment has already been carried out upon him twice for drinking it. Whoever drinks another intoxicant and becomes intoxicated until he no longer understands his condition likewise receives eighty lashes. If he repeats it, he is flogged again. If he repeats it after having been punished twice, he is killed on the third occasion. If he drinks from an intoxicant but does not become intoxicated, he is disciplined. If he repeats it, he receives a painful disciplinary punishment. Whoever drinks wine or another intoxicant without knowing that it is forbidden is not subjected to the prescribed punishment.
>
> Whoever confesses to drinking wine and afterward denies it is nevertheless flogged with the prescribed punishment, and his denial is disregarded. The prescribed punishment for a slave who drinks wine is eighty lashes, the same as for a free person. If protected non-Muslims openly display the drinking of wine or intoxicants, they are flogged just as Muslims are. Their covenant was made on the condition that they not publicly display anything forbidden by the religion of Islam. When a doubt arises concerning a prescribed punishment, its enforcement is suspended. There is no bail in a prescribed-punishment case. Nor is testimony upon testimony accepted in such a case. Nor is an oath used. Nor is a judge’s letter to another judge sufficient. A prescribed punishment is not established through intimidation, interrogation intended to compel confession, imprisonment, or beating. If several prescribed punishments are all due against one person, all are carried out.

If one of them is death, the punishments short of death are carried out first, then he is killed. A man does not carry out a prescribed punishment upon his own slave unless the ruler authorizes him. Whoever confesses that a prescribed punishment has become due upon him but does not specify which punishment is flogged until the flogger is ordered to stop. Whoever is accused by witness testimony of an offense carrying a prescribed punishment is detained until the witnesses have been established as upright. Once they have been declared upright and the prescribed punishment is carried out, he is not further imprisoned.

On the Rulings Concerning Thieves and Highway Robbers

God Most High says:

> "Do not consume your property among yourselves falsely."

And God, Mighty and Exalted, says:

> "As for the male thief and the female thief, cut their hands as recompense for what they earned, an exemplary punishment."

The Messenger of God—may God bless him and his family—said:

> "I saw in the Fire the man with the hooked staff who used to steal from pilgrims with his hook."

And he—may God bless him and his family—said:

> "The thief does not steal at the moment he steals while being a believer."

Whoever enters the house of another people without their permission and steals from their property, or removes from their secured place property worth one-fifth of a dinar, and confesses to this or proof is established against him, has his right hand cut at the joints of the four fingers of the palm. The thumb and palm are left. If he steals a second time, his left foot is cut from the middle of the foot, leaving the heel and the part adjoining it upon which he can walk. If he steals after that, he is imprisoned for life. If he steals while in prison, he is killed. After amputation, the site is cauterized with fire so that healing may occur quickly and death be avoided. If the person carrying out the punishment errs and cuts the left hand or the right foot instead, that suffices and no further limb is cut. Whatever of the stolen property is found in the thief's possession is returned to its owners. He is liable for whatever he destroyed from it.

When a thief has been subjected to amputation, he is banished to a town other than the one in which the punishment was carried out. A guest is not amputated for stealing from the house of the person who hosted him. Nor is a hired worker amputated for stealing from the person who hired him after being admitted into the house. Nor is someone who entered with the household's permission. There is no amputation for snatching property or openly seizing merchandise in a town, such as one who suddenly takes something and overpowers its owner within the settlement. If he does this upon the open road, however, he is a highway robber. When such a person is brought before the Imam, the Imam has a choice concerning him. If he wishes, he may kill him. If he wishes, he may crucify him. If he wishes, he may leave him alive upon the cross until he dies. If he wishes, he may cut off his hand and foot on opposite sides. If he wishes, he may banish him from one town to another.

This may be done to him whenever he terrifies travelers or confronts Muslims in fighting, whether or not he killed anyone and whether or not he took property. If he repents before being captured, he is pardoned. Whoever fights such a person in self-defense and kills or wounds him bears no liability. If the robber is apprehended and property is found with him, it is returned to its owners. If the owners are unknown but the robber admits, or witnesses establish, that it was property he had seized, it is placed in the treasury of the Muslims until someone entitled to it appears. Whoever steals property in which he himself has a share is not subjected to amputation. Neither the *khālis* nor the habitual predatory taker is amputated; both are subjected to deterrent punishment. Whoever makes a breach in a wall or opens a door but takes nothing out is not subjected to amputation. There is no amputation for stealing stones other than precious gems. There is no amputation for fruit when stolen, nor for palm-heart, nor for birds of any kind.

Nor is there amputation for property stolen from places generally open to the public, such as mosques, inns, bathhouses, open courtyards, and every place into which people may enter without permission—unless the stolen property was itself taken from a secured enclosure within such a place. Whoever steals sheep from pasture is not amputated. Whoever steals repeatedly without being apprehended and is later caught has one hand amputated and is liable for what he stole. If stolen property is found in someone's possession but no evidence proves that he stole it and he does not confess, he is not subjected to amputation. The property is nevertheless taken from him and returned to the person entitled to it. There is no amputation for an insane person who steals. Nor for a child or one who has not reached puberty. A child is instead disciplined so that he does not become bold in stealing. A grave-robber is amputated if he removes the shroud from the grave, because the grave is a secured place.

If a person subjected to amputation dies from it, no liability arises. The thief should be admonished after the amputation. It is transmitted that ʿAlī—peace be upon him—amputated a group of thieves. He cauterized their wounds with fire, then fed and gave them drink until they recovered. Then he clothed them and ordered them to take their severed hands in their sound hands.

He said:

> "Raise them toward heaven and say:
>
> 'O God, ʿAlī cut off our hands.'"

They said this.

He then said:

> "Yes, my Lord—according to Your Book and the practice of Your Messenger—may God bless him and his family."

Then he said:

> "These hands of yours have gone ahead of you to the Fire.

Whoever among you repents will draw his hand with him toward Paradise. Whoever does not repent will be drawn by it toward the Fire." If a slave steals from his own master, he is not amputated. If he steals from someone other than his master, he is amputated. If a parent steals from a child, or a child from a parent, or a wife from her husband, or a husband from his wife, or a sister from her brother, or a brother from his sister, no amputation is imposed. If a thief steals during a year of famine and severe hardship, he is not amputated. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

On the Rulings Concerning Apostates and Innovators

God, Mighty and Exalted, says:

> "How shall God guide a people who disbelieved after their faith…"

And He, Mighty and Exalted, says:

> "Whoever among you turns back from his religion and dies while an unbeliever—those are the ones whose deeds become void in this world and the Hereafter."

And He, Mighty and Exalted, says:

> "It has certainly been revealed to you and to those before you: if you associate partners with God, your deeds will surely become void and you will certainly be among the losers."

The Messenger of God—may God bless him and his family—said:

> "The killing of a believing person is not lawful except in one of three cases:
>
> unbelief after faith; fornication after *iḥṣān*; or killing a person without right."

And he—may God bless him and his family—said:

> "Every innovation is error, and every error is in the Fire."

And he—may God bless him and his family—said:

> "Whoever changes his religion, kill him."

Whoever was born into Islam and then leaves it for another religion of unbelief is killed and is not invited to repent. If the apostate is a woman, she is imprisoned until she repents or dies. If a person is a *zindīq* who does not believe in resurrection and reckoning and rejects the prophethood of the prophets— or if he originally followed a religion other than Islam, then accepted Islam and afterward apostatized— he is invited to repent. Islam and repentance are presented to him for three days. If he repents, he is left alone. If he persists in what he follows, he is killed on the fourth day. At that point no further formal invitation to repent is made. If he repents of his own accord before execution, he is left alone. If he does not repent, he is killed. A male slave in this situation is likewise killed. If a female slave apostatizes, conditions are made severe for her and she is put to the hardest service.

She is clothed with nothing beyond what covers her nakedness and is fed only enough to sustain her life until she repents or dies. She is not killed, thereby destroying her owner's property. The same applies to an *umm walad*. If an apostate flees, whatever property he leaves becomes inheritance for his heirs. His apostasy is treated as his death. His wife observes the waiting period and may marry afterward if she wishes. His children remain Muslims. Whichever parent accepts Islam, the minor children follow that parent in Islam, including children born thereafter. If they grow up and refuse Islam, they are treated as apostates and dealt with as apostates are dealt with. Whoever practices sorcery among the Muslims has disbelieved, in accordance with the saying of God Most High:

> "They did not teach anyone until they had said, 'We are only a trial, so do not disbelieve.'"

And His saying:

> "They followed what the devils recited during the reign of Solomon. Solomon did not disbelieve, but the devils disbelieved, teaching people sorcery."

The Messenger of God—may God bless him and his family—said:

> "The Muslim sorcerer is killed, but the polytheist sorcerer is not killed."

It was asked:

> "O Messenger of God, why is that?"

He replied:

> "Because the polytheism he already follows is graver than sorcery.

Sorcery and polytheism are joined together in one bond." Whoever accepts Islam and then engages in something forbidden by Islam is disciplined. If it is an offense carrying a prescribed punishment, that punishment is carried out upon him. All of this is the doctrine of the People of the Household—peace be upon them.

On Usurpation and Wrongful Encroachment

God Most High says:

> "Do not transgress. Indeed, God does not love the transgressors."

And God, Mighty and Exalted, says:

> "Do not consume your property among yourselves falsely."

The Messenger of God—may God bless him and his family—said:

> "The sanctity of your property among you is like the sanctity of this sacred day, in this sacred month, in this sacred land."

Whoever acquires unlawful property is required to repent and rid himself of it. There is no complete repentance for him until he has rid himself of it and returned it to its owners if he knows them. If he does not know them, he places it in the treasury of the Muslims until the person entitled to it comes. If he has no means of doing that, he gives it in charity. If the owners later become known, he must reimburse them. It is not lawful for him to retain the property or derive benefit from it. If someone transgresses against a person, usurps something from him, or steals from him, the victim may not himself transgress, usurp, or steal from the wrongdoer if he later gains power over him. Usurpation, betrayal, transgression, and theft are forbidden. A person against whom something unlawful has been done should not respond by committing the same unlawful act. Rather, he must fulfill trusts and neither betray nor steal.

Al-Ṣādiq Jaʿfar ibn Muḥammad—peace be upon him—said:

> "Return your trusts and do not betray one who betrays you."

Whoever usurps a slave-woman and has children by her must return her to the person from whom he usurped her. His children from her are slaves belonging to that person. If he usurps her and sells her to another man, and the purchaser has children by her while knowing she was usurped, she is returned and both she and the children belong to the person from whom she was usurped. If the purchaser did not know she was usurped, he returns her to her rightful owner and pays him the value of the children. He then recovers from the usurping seller the purchase price and the value of the children he was required to pay. Whoever usurps a slave, animal, or any other thing and it perishes while in his possession must compensate its highest value. If what he usurped increases while in his possession, the increase belongs to the original owner. If it decreases in value, the usurper is liable for the deficiency. If he hires it out, the hire belongs to the owner.

If what he usurped consists of sheep or other animals and they reproduce, both the original animals and all offspring belong to the person from whom they were usurped. Whoever wrongfully destroys an instrument of diversion or pours out wine or another intoxicant bears no liability for it. If property is stolen or usurped from a person and he later finds that exact property, he may take it back. It is not lawful for him instead to take some other property as compensation.

On Loans for Use and Deposits

God, Mighty and Exalted, says:

> "Do not forget graciousness between yourselves."

The Messenger of God—may God bless him and his family—said:

> "A borrowed item must be returned."

Jaʿfar ibn Muḥammad—peace be upon him—said:

> "A loan, a loan for use, and hospitality to a guest are obligations established by the Sunna."

ʿAlī—peace be upon him—said:

> "Whoever preserves the property of an orphan, God makes Paradise obligatory for him, just as He makes the Fire obligatory for one who consumes it."

Just as sin falls upon one who betrays what was entrusted to him, reward belongs to one who receives something in trust and faithfully returns it. Whoever borrows an item and guarantees it to its owner is liable if it perishes or is lost while in his possession, whether or not he transgressed concerning it. If he did not guarantee it but damaged it, transgressed concerning it, or neglected it, he is liable. If it perishes or is destroyed without any wrongful act or negligence on his part, he is not liable. He is a trustee so long as he is

trustworthy. If he borrows dinars or dirhams and they perish while in his possession, he is liable because these are in reality a loan of fungible property. A loan for use applies to something that can be individually recognized and returned. Dinars and dirhams are not ordinarily borrowed for use in that manner. Whoever borrows an item and then pledges it as security or sells it, and the owner establishes his claim against the person in whose possession it is, the owner takes it back.

The purchaser then recovers the price from the person who sold it to him. The pledgee recovers from the person who pledged it either another pledge of equal value or payment of the debt for which it was pledged. This is unless the owner of the borrowed item gave the borrower permission to pledge it or instructed him to sell it. If he did, he has no claim against the person currently possessing it. Whoever receives a deposit must preserve and secure it in the manner in which comparable property is ordinarily secured. If it perishes or is lost without any wrongful act after he has done so, he bears no liability. If he neglects it, damages it, or transgresses concerning it, he is liable.

If he claims that the owner ordered him to give it to another man and says:

> "I delivered it to him,"

but that man and the owner of the deposit deny it, his statement is not accepted without evidence. He must compensate the property after both of them are required to swear. Whoever holds a deposit may borrow from it if he is financially responsible, provided he calls witnesses to the borrowing. The amount then becomes a debt owed by him. Whoever deposits property with a child or an insane person and the deposit is lost has no claim, because he himself exposed his property to risk. Whoever deposits property with a slave without the master's permission, and the deposit is lost because of the slave's wrongful act, has no claim against the master. He may claim against the slave once the slave becomes free. If two men jointly deposit property with a person and one of them comes seeking it while the other is absent or dead, then if the claimant owns one-half, he receives his half.

But if, at the time they made the deposit, the two instructed the depositary not to deliver any of it to either one without the other, then if one comes alone seeking it he receives nothing until his companion is present as well. If the companion has died, his heirs must attend together with the surviving depositor, and the deposit is then delivered to them. All of this is the doctrine of the People of the Household—peace be upon them.

On Found Property, Foundlings, and Runaway Slaves

Whoever finds lost property within the Sanctuary at Mecca, or in any place where it is secure and there is no fear that someone will take it, should not interfere with it. He should leave it until its owner comes and takes it. If it is outside the Sanctuary in a place where loss or theft is feared, he should take it if he is capable of doing so. He is not permitted simply to leave it to be lost, because the Messenger of God—may God bless him and his family—forbade wasting property. Once he takes it, he announces it publicly. If no claimant appears for a full year while he continues to announce it, he places it in the treasury of the Muslims if he is able. If he cannot do so, he gives it in charity on the condition that, should its owner later appear, he will reimburse him. Alternatively, if he cannot place it in the treasury, he may continue holding it. It is disliked to take stray camels when they are in a place where they can graze and are secure, because they can endure thirst and hunger until their owners come.

If this lasts so long that harm to them is feared, they are taken and preserved until their owners arrive. The finder may spend upon them and then recover the expenses from the owners when they reclaim them. If a long period passes and no claimant appears, the matter is brought before the judge. The judge sells them and preserves the price, dealing with it as with other found property. If the stray animal is a sheep, slave, riding animal, or any other animal that cannot safely be left, it is taken and dealt with in the manner just described. If the owner later comes and the finder asks him for a reward merely for recovering it, the owner is not obliged to pay one, because God has imposed upon believers the duty of preserving one another's property. The finder nevertheless receives reward from God if he acted sincerely, and he may recover whatever necessary expenses

he incurred. Whoever finds property that will spoil if left as it is should sell it and deal with the price as with ordinary found property.

Whoever finds lost property inside an inhabited house belonging to particular people, and those people claim it, it belongs to them. If the building is a ruin into which people freely enter, the property is treated as ordinary found property. If it is found buried, it belongs to the occupants or owners of the house unless it is clearly ancient wealth belonging to former peoples. In that case it is transferred to the treasury of the Muslims. We have already mentioned previously what is due concerning such finds to the person who discovers them. A foundling is free. If neither father nor mother is known, the foundling's estate goes to the treasury of the Muslims. No relative inherits from him through unknown parents, nor does he inherit through them. He inherits and is inherited from only through marriage. If, after growing up and becoming prosperous, the foundling is asked by the person who found and raised him to reimburse the expenses incurred in supporting him, he must repay them.

Whoever promises a reward to someone who searches for a runaway slave or lost animal, and that person searches and returns it, is entitled to the reward the owner promised and stipulated. All of this is the doctrine of the People of the Household—peace be upon them.

On Partition and Building Rights

When real property or other wealth is held jointly by partners and can be divided without being ruined or materially harmed, and all or some of the partners request division, it is divided among them. If division would ruin the property or cause harm to all or one of them, it is sold and they divide the price. There is no harm in dividing a house so that the lower floor belongs to one partner and the upper floor to another. The roof of the lower floor and its walls are maintained by the owner of the lower floor. The roof and walls of the upper floor are maintained by the owner of the upper floor. Everything located in the upper portion belongs to the owner of the upper portion. The roof over the lower storey serves as the floor of the owner of the upper storey. If it deteriorates without wrongful action by the owner of the upper storey, the owner of the lower storey must repair it. The same applies to the lower walls which support the upper floor. Whoever wrongfully damages any of these must repair the damage he caused.

Everything belonging structurally to the lower storey must be repaired by the owner of the lower storey because it is his property. The upper storey is merely carried upon it, and this is taken into account when the property is originally divided. If a wall jointly owned by two men collapses, both must rebuild it. If one of them alone rebuilds it, the other may not make use of it until he has paid half of the expense. If a wall belongs to only one of them and collapses, its owner must rebuild it. If he abandons it to the other person and that person rebuilds it, the former owner retains no right in it. No one may open a window in his wall through which he can look upon the private quarters of his neighbor. If he opens it merely for light and air and it does not allow him to see into his neighbor's private quarters, the neighbor may nevertheless build a wall within his own property that blocks it if he wishes. He cannot be prevented from doing so.

Nor may a person be prevented from constructing a building upon his own property and raising it high even if it blocks his neighbors' view, provided he builds within his lawful right. Whoever opens a door onto a public thoroughfare, or digs a well in the open area adjoining his wall, is not prevented from doing so when it is a public, through road used by travelers. But if it is a private dead-end lane, he may not do so without permission from the people whose access passes through that lane. If his property lies at the very end of the dead-end and no one beyond him possesses a right of passage there, he may do whatever he wishes in the part adjacent to him through which no one has a right of way. No one should divert a public road away from its established course. If the road belongs privately to specified owners and all of them agree to relocate it, they may do so. All of this is the doctrine of the People of the Household—peace be upon them.

On Testimony

God, Mighty and Exalted, says:

> “Establish testimony for God.”

And God, Mighty and Exalted, says:

> “Call two witnesses from among your men. If there are not two men, then one man and two women from among those whom you approve as witnesses.”

And God Most High says:

> “Call two upright persons from among you as witnesses.”

And God, Mighty and Exalted, says:

> “Call witnesses when you conduct a sale, and let neither scribe nor witness be harmed.”

And God, Mighty and Exalted, says:

> “Do not conceal testimony. Whoever conceals it—his heart is sinful.”

And God Most High says:

> “That is nearer to their giving testimony in its proper form.”

And God, Mighty and Exalted, says:

> “Avoid false speech.”

The Messenger of God—may God bless him and his family—said:

> “Whoever conceals knowledge he possesses will come on the Day of Resurrection bridled with a bridle of fire.”

And he—may God bless him and his family—said:

> “The false witness will be raised on the Day of Resurrection with his tongue hanging into the Fire, just as a dog lets its tongue hang into a vessel.”

And he—may God bless him and his family—said:

> “A false witness is among the disgraced.”

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

> “Let the witness deliver exactly what he was called to witness, and let him fear God his Lord.

Falsehood includes a man testifying to what he does not know and denying what he does know.” Whoever bears false witness and this becomes known concerning him is subjected to a painful flogging, paraded publicly, and exposed so that his conduct becomes known. He is also liable for whatever property or right was destroyed through his testimony. The testimony of an upright believer is admissible for anyone on whose behalf he testifies, whether close relative or distant person. The testimony of an upright slave is admissible except on behalf of his masters or in a matter through which his own emancipation would result. If he later becomes free from the condition that previously prevented his testimony, his testimony concerning that matter becomes admissible. The testimony of children is admissible concerning bloodshed where there exists circumstantial evidence sufficient to support *qasāma*. Their testimony is not admissible in other matters until they reach maturity. The testimony of one under suspicion or accusation is not admissible.

Nor is that of a person born from fornication. A partner may not testify for his partner concerning property jointly held between them. He may testify for him regarding something outside the partnership if he is upright. A dependent, hired worker, or servant, if upright, may testify for the person he serves, works for, or follows, except where his testimony brings a benefit to himself or where suspicion attaches to him concerning it. The testimony of one who brings benefit to himself is not admissible. Nor is the testimony of an adversary. Nor is

the testimony of people of sectarian passions against the believers. If a person punished for false accusation repents, his testimony becomes admissible. If a witness's testimony has initially been established, but the person against whom he testified challenges his character and brings upright witnesses who establish against him some recognized form of misconduct, suspicion, or behavior inconsistent with uprightness, his testimony falls.

Whoever regularly prays in congregational mosques, outwardly displays goodness, and is not known for wrongdoing may have his testimony accepted unless grounds for disqualification are established. The testimony of a Muslim is admissible against polytheists. The testimony of a polytheist is not admissible against Muslims except in a will made during travel when no other witness can be found, provided the polytheist swears concerning it. The testimony of non-Muslims for one another is admissible when they are upright according to their religion and no disgrace or disqualifying fault is known concerning them. If an unbeliever bears witness while still an unbeliever, or a child bears witness while still a minor, and afterward the unbeliever accepts Islam or the child reaches adulthood, their testimony is admissible if they are upright at the time they actually deliver the testimony— unless they had previously delivered that same testimony and it was rejected. The testimony of women is admissible in marriage and in financial matters.

It is not admissible in divorce, prescribed punishments, or matters through which those punishments are either established or removed. If three men and two women testify concerning fornication, stoning becomes obligatory. If there are two men and four women, their testimony is not admissible in fornication. The testimony of women is admissible concerning whether a newborn was born alive. The testimony of the midwife alone is admissible if she is upright and no one else was present. Here, *istihlāl* means the newborn's cry when it is born and then dies, by which it is known that it was born alive. The testimony of women is not admissible for establishing the crescent of the month of Ramadan so as to begin or end the fast. Their testimony is admissible concerning waiting periods, post-partum bleeding, and matters relating to women into which men ordinarily have no access. Testimony upon testimony is not admissible in a prescribed-punishment case or in homicide.

For the testimony of one man to be transmitted second-hand, the testimony of two men is required. This is permissible only when the original witness is absent in a place sufficiently distant that prayer would be shortened and fasting could lawfully be broken in travel to such a place; or when he is ill or chronically disabled and unable to attend the judge's session; or when he has died after having called others to bear witness to his testimony. If he is present and healthy, he must testify personally. If two witnesses disagree concerning a divorce, one saying:

"He divorced her according to the waiting-period form,"

while the other says something contrary to that, their testimony is not admissible. If they disagree concerning the dowry, one testifying to the lesser amount and the other to the greater, the woman may, if she wishes, swear together with… …the testimony of the witness who testified to the greater amount and take it, together with her oath. Or, if she wishes, she may take the lesser amount without an oath, unless the person disputing with her asks her to swear. If he does so, she swears together with her witnesses, just as an oath may properly be required from one for whom a witness testifies when that person is legally competent to swear. This is because rights may be discharged in ways unknown to the witnesses and to the person against whom testimony is given. No one may testify merely on the basis of handwriting unless the witness establishes and recognizes his own testimony.

God Most High says:

"Except those who testify to the truth while knowing."

If witnesses give testimony and then ask to withdraw it before judgment is rendered, their withdrawal is accepted. If they ask after judgment has been rendered, it is not accepted. If they retract their testimony before judgment, their retraction is accepted and judgment is not rendered on the basis of their testimony. If they

retract after judgment has been rendered, they are liable for whatever was destroyed or lost through their testimony. Whoever is called upon to bear witness should not refuse.

God Most High says:

> "Let not the witnesses refuse when they are called."

Whoever has witnessed something and is then called upon to deliver his testimony must do so, in accordance with the saying of God Most High:

> "Do not conceal testimony. Whoever conceals it—his heart is sinful."

If a person hears others settling accounts among themselves, or hears one person acknowledge something owed to another without being formally called as a witness, and the person in whose favor the acknowledgment was made later asks him to testify to what he heard, he has a choice. If he wishes, he may testify. If he wishes, he may refrain. If he testifies, he testifies to the truth. If he does not, it is because he was not originally called to bear witness. Testimony concerning death, lineage, family standing, and ancient matters may be based upon widespread hearing and transmitted report. Through such hearing people recognize deaths and testify that someone died, and attribute a man to his father, even though most of them did not personally witness the event and did not hear an explicit acknowledgment concerning it. All of this is the doctrine of the People of the Household—peace be upon them.

On Claims and Evidence

God Most High says:

> "Do not consume your wealth among yourselves falsely, nor offer it to judges in order knowingly to consume part of the property of other people in sin."

And God Most High says:

> "God commands you to return trusts to their owners, and when you judge between people, to judge with justice."

The Messenger of God—may God bless him and his family—said:

> "I judge between you only by evidence and oaths.

Some of you may be more skillful than others in presenting an argument. Whichever man I award something from his brother's property on that basis, I have only awarded him a piece of the Fire." The Messenger of God—may God bless him and his family—forbade taking a Muslim's property through a false oath. A judge's ruling does not make unlawful property lawful for the person in whose favor the ruling is given. Whoever is awarded something that is not rightfully his may not lawfully take it. Judgment is rendered according to what is outwardly apparent. God knows the unseen and inward reality.

The Messenger of God—may God bless him and his family—said:

> "Whoever swears should swear by God.

Whoever swears by God should speak truthfully. Whoever is sworn to by God should accept the oath. Whoever does not do so is not acting as a Muslim should." When a claimant makes a claim and the defendant denies it, and the claimant asks that the defendant swear, but the defendant returns the oath to the claimant, saying:

> "Let him swear concerning what he has claimed against me, and I will give it to him,"

he may do so. For if he had wished to require the claimant to swear even together with evidence, he would have had that right. If the claimant swears, judgment is given in his favor upon his claim together with his oath. If he does not swear, nothing is awarded to him.

And if the defendant says:

"Let him swear to me,"

and refuses to swear himself while offering to give him whatever he swears to, then nothing further is required from the defendant beyond that. If evidence is produced, and the defendant asks that the claimant swear that the right remains due to him exactly as his witnesses testified and that none of it, little or much, has been discharged, he has the right to require this. For, as already mentioned, rights may be extinguished in ways unknown to the witnesses and to the defendant. If the claimant refuses to swear, nothing is awarded to him until he does so. If the defendant does not ask for this oath, the judge should inform him that he is entitled to request it, because most people do not know what rights they possess. Once informed, if he asks for the oath, the claimant is made to swear. If he does not ask, the matter proceeds without it. If testimony concerns a minor or an absent person, the judge does not award the claimant anything until he swears together with his evidence.

If the defendant has sworn and the claimant subsequently produces upright witnesses, judgment is nevertheless given to the claimant for his right. The defendant's earlier oath is disregarded. In financial matters alone, judgment may be given upon the testimony of one witness together with the claimant's oath. This is not done in matters other than property. If two opposing sets of evidence are equal concerning the same object—whether the object is in the possession of one of the litigants, in both their hands, or in neither one's possession—and witnesses testify for each side, all the witnesses being upright, then both litigants are made to swear. If one refuses the oath, judgment is given to the one who swears together with his evidence. If both swear, lots are drawn between them. Whichever one's lot is drawn receives the object. If both refuse to swear, then where the object is in both their possession, lots are likewise drawn between them.

If the object is in the possession of a third person and both claimants refuse the oath, judgment is given to neither. The same applies when it is in the hands of another possessor. If that possessor also refuses to swear, the object is not awarded to either claimant. If he swears, it remains in his possession. If the evidence of one claimant establishes that the property originally belonged to him or was produced or born while in his possession, whereas the other claimant's evidence merely establishes possession without establishing original ownership, the property is awarded to the one whose evidence establishes its origin. Whoever freely acknowledges himself to be a slave is a slave. If he later claims freedom, or freedom is claimed on his behalf, this is not established except through evidence. If he did not acknowledge slavery, or acknowledged it only under coercion, and afterward states that he is free, then the burden of proof lies upon the person claiming that he is a slave.

If a person receives dinars or dirhams from another and later returns saying that some among them were defective, while the giver denies this, the giver must swear that he gave him only sound currency—or that he does not know that the defective pieces were among what he gave. If the giver refuses the oath, the recipient swears that these defective pieces were among what he received, and the giver must replace them. If a man and woman dispute concerning household goods—or their heirs dispute after one or both of them have died—then whichever party has evidence concerning the particular property claimed receives it. If neither possesses evidence, they swear against one another. Whoever refuses the oath has judgment given against him concerning what the other claims. If both refuse or both swear and neither has evidence, what is ordinarily recognized as men's property belongs to the man, and what is ordinarily recognized as women's property belongs to the woman.

If two men or a group have intercourse with the same woman during a single period of purity—whether they are free, slaves, or some of them free polytheists—and she conceives, and each claims the child, lots are drawn among them. Whichever man's lot is drawn receives the child, and the child is attributed to him. If the lot falls to a polytheist while the mother is Muslim, the child is Muslim and the polytheist has no authority over the Muslim mother. If the mother is a polytheist and the lot falls to the polytheist man, the child follows her religion. If the lot falls to a Muslim or to a slave, the child is free and Muslim.

Whoever sends something with a man to deliver to another person, and the messenger says:

> "I delivered it to him,"

while the intended recipient denies receiving it, the messenger's statement is not accepted without evidence.

But if someone gives him property and says:

> "Give this in charity,"

and the man says:

> "I have given it in charity,"

his statement is accepted together with his oath if he is suspected. All of this is the doctrine of the People of the Household—God's blessings be upon them all.

On the Etiquette of Judges

God, Mighty and Exalted, says:

> "David, We have made you a vicegerent upon the earth, so judge between people with justice."

And God, Mighty and Exalted, says:

> "Judge between them by what God has revealed."

And God Most High says:

> "Whoever does not judge by what God has revealed—those are the unbelievers."

And He says:

> "Whoever does not judge by what God has revealed—those are the wrongdoers."

And He says:

> "Whoever does not judge by what God has revealed—those are the transgressors."

And He Most High says:

> "Have you not seen those who claim that they believe in what was revealed to you and what was revealed before you? They wish to seek judgment from false authority, though they were commanded to reject it, and Satan wishes to lead them far astray."

The Messenger of God—may God bless him and his family—said:

> "Do not ask for authority.

Whoever asks for it is left to it. Whoever is granted it by God without asking is assisted in it." The Messenger of God—may God bless him and his family—forbade anyone from putting himself forward for judgeship. One whom a just Imam summons to it, if he possesses the knowledge required, should not hold back and is not permitted to refuse. But it is not lawful for him to judge on behalf of an unjust Imam, nor to judge while lacking knowledge of judicial rulings.

The Messenger of God—may God bless him and his family—said:

> "Whoever gives a legal opinion without knowledge is cursed by the angels of heaven and the angels of earth.

Whoever judges and errs will come on the Day of Resurrection with his hands shackled." And he—may God bless him and his family—forbade appointing to judgeship one who does not possess knowledge. ʿAlī—peace be upon him—wrote to Rifāʿa:

> "Never employ anyone who does not affirm what you affirm concerning us.

Otherwise God will be your adversary and claimant." It was suggested to ʿAlī—peace be upon him—concerning Muʿāwiya:

"Why not employ him, and if he later disobeys you, dismiss him?"

He said:

"Then where is the saying of God Most High:

'I would never take those who lead astray as assistants'?"

ʿAlī—peace be upon him—delivered a sermon in which he said:

"To proceed:

My pledge is binding and I stand guarantee for what I say. The crop of a people founded upon God-consciousness is not stirred up and the root planted in God-consciousness does not thirst. Goodness and truth belong to the person who recognizes his own measure. It is sufficient ignorance for a man that he fail to recognize his own measure. The most hateful of creation before God, blessed and exalted, are two men. One is a man whom God, Mighty and Exalted, has abandoned to himself. He has deviated from the straight path, become infatuated with an innovation, and become devoted to it through fasting and prayer. He is a trial for those deceived by his worship. He has gone astray from the guidance of those before him and leads astray those who imitate him afterward. He bears the burdens of the sins of others whom he misled by his own sin. The second is a man who has gathered ignorance from the rabble of people, rushing blindly into the darkness of sedition.

Ignorant people have named him a scholar though he has never spent a sound day in knowledge. He rose early and gathered much of that of which a little would have been better than much. When he had drunk his fill from stagnant water and amassed useless things, he seated himself among the people as a judge, undertaking to resolve what was obscure to others. If he differs from a judge who preceded him, he has no confidence that his own judgment is sound. If one of the difficult problems descends upon him, he prepares for it a heap of his own opinion and then decides on that basis. He is entangled in confusions like a fly caught in a spider's web. He does not know whether he is right or wrong. If he happens to be right, he fears that he may have erred. If he errs, he hopes that perhaps he was right. He does not reckon knowledge to exist in anything he himself does not know. He does not imagine there to be any path beyond the point he has reached. If he analogizes one thing to another, he does not distrust his own judgment.

If a matter becomes obscure to him, he conceals it because he knows his own ignorance and fears that people may say: 'He does not know.' Then he rushes on and gives judgment. He is a key to obscure matters, a repository of ignorance, riding upon doubts. He neither withdraws from what he does not know and thereby remains safe, nor sinks his teeth firmly into knowledge and thereby succeeds. He scatters transmitted reports as the wind scatters dry straw. Inheritances weep because of him and blood cries out because of him. Through his judgments lawful sexual relations become forbidden and forbidden sexual relations become lawful. By God, he is neither capable of resolving what comes before him nor fit for what has been entrusted to him. People, discern the defects in the mines of injustice. Hold fast to obedience to those whose ignorance you will never need to excuse.

The knowledge that descended with Adam—peace be upon him—and everything by which the prophets—peace be upon them—were distinguished is gathered in the Seal of the Prophets, Muḥammad—may God bless him and his family—and in his purified descendants. Where then are you being led astray? Where are you going?"

ʿAlī—peace be upon him—said:

"When the Messenger of God—may God bless him and his family—sent me to Yemen, I said:

'O Messenger of God, you send me to judge among them while I am young, while there are elderly people among them, and I possess no knowledge of judging.'

He struck me upon the chest and said:

‘O God, guide his heart and make his tongue firm.’

By the One who created the seed and brought forth the living soul, after that I never doubted in a judgment between two people.”

And he—peace be upon him—said:

“The beginning of tribulations is desires that are followed and rulings that are innovated, through which the judgment of God is opposed and men take other men as allies.

If truth were entirely pure, there would be no disagreement. If falsehood were entirely pure, it would not be hidden from a person possessing reason. But a handful is taken from this and a handful from that, and the two are mixed together. At that point Satan gains mastery over his followers, while those for whom good from God has already preceded are saved.”

And he—peace be upon him—said:

“It is not proper to place over the Muslims:

a greedy man, lest he become miserly with their property; an ignorant man, lest he destroy them through his ignorance; a miser, lest he withhold their rights; a harsh man, lest he drive them through his harshness into harshness; one who fears changes of political fortune, lest he favor one group over another; one who accepts bribes in judgment, lest he cause people’s rights to disappear; or one who neglects the Sunna, lest he destroy the community.”

The Messenger of God—may God bless him and his family—said:

“Whoever judges unjustly, whether deliberately or mistakenly, is in the Fire.”

ʿAlī—peace be upon him—wrote to Rifāʿa, his judge in al-Ahwāz:

“Know that this authority is a trust.

Whoever turns it into betrayal is under the curse of God until the Day of Resurrection.” The Messenger of God—may God bless him and his family—forbade a judge from favoring one of two litigants by giving him more attention, greater concentration, or more regard. He also forbade the judge from speaking before hearing the statements of both litigants.

Abū Jaʿfar Muḥammad ibn ʿAlī—peace be upon him—said:

“Among the Children of Israel there was a judge who judged among them with justice.

When death approached him, his wife began to weep beside his head. He said to her:

‘Why do you weep for me when, God willing, I am going to something better?

I do not know myself ever to have judged unjustly.’

She asked:

‘What will be the sign of that?’

He replied:

‘When I am placed in my grave, come down to me and uncover my face.

You will see a sign of it.’ She did so and saw an enormous worm stretched across one of his nostrils. She became frightened, covered him again, and left. That night she saw him in a dream.

He said:

‘Were you frightened by what you saw?’

She replied:

‘Yes, I was frightened.’

He said:

‘What you saw happened to me only because of you.

Your brother once disputed with a man before me. I desired in my heart that your brother would turn out to be in the right so that I could judge for him. And it did turn out that way. What afflicted me came only because I desired beforehand that the truth should belong to him.’” Abū ʿAbd Allāh Jaʿfar ibn Muḥammad—God’s blessings be upon him—was asked concerning the saying of God, Mighty and Exalted:

> “Do not consume your property among yourselves falsely, nor offer it to judges in order knowingly to consume part of other people’s property in sin.”

He—peace be upon him—said:

> “God, Mighty and Exalted, knew that among this community there would be judges who act unjustly.

He did not mean the judges of the people of justice. He meant the judges of oppression. If a man possesses a right against another person and summons him before the judges of the people of justice, but the other refuses and insists on bringing the case before the judges of oppression, then he is among those who seek judgment from false authority.” This is the saying of God, Mighty and Exalted:

> “Have you not seen those who claim that they believe in what was revealed to you and what was revealed before you? They wish to seek judgment from false authority, though they were commanded to reject it.”

And he—peace be upon him—said:

> “Beware that some of you take disputes against others before the people of injustice—those who oppose you concerning your affair.

Rather, look for a man among yourselves who knows something of our judgments and appoint him between you. I have made him a judge, so bring your disputes before him.”

And he—peace be upon him—said:

> “Among unlawful gains is consuming a bribe in judgment.”

A judge should act equally between the two litigants in:

his judgment, his glance, his speech, his listening, and his inclination. He should not speak until he has heard the statements of both. He should not judge while angry, hungry, or drowsy. There is no harm in his judging inside a mosque, but he should not carry out a prescribed punishment there. There is no harm in administering disciplinary correction there to one upon whom discipline is due. The judge should possess dignity, deliberation, and carefulness. He should investigate the condition of those whose assistance he employs and whom he draws near to himself. He should preserve himself from excessive mixing with ordinary market people and from personally conducting buying and selling. He should appoint to such matters someone whose religion and trustworthiness he trusts. He should warn that person against showing favoritism to anyone on his behalf or allowing himself to be cheated. He should judge by the Book of God.

Whatever he does not find explicitly stated there, he should seek in what is firmly established from the Messenger of God and from the Imams among his descendants—may God bless him and them. If he does not possess knowledge of the matter, he should refer it to the Imam of his time and ask him about it. He should not judge according to personal opinion, desire, analogy, or subjective preference. He should not accept the intercession of an intercessor or the protection of someone whose influence might incline him. He should make equal before himself the noble and the less distinguished, the superior and the ordinary, the strong and the weak. He should not host one litigant without the other. He should not meet privately with one of them. He should not listen to one without the other. He should not prompt one litigant with his argument, assist him, or

incline toward him in any matter. If he issues a judgment and later it becomes clear to him that it contradicts the truth, he must overturn it and judge according to the truth.

He should do the same with judgments of other judges brought before him. As for judgments issued by rebellious rulers according to their own doctrines during the periods of their political authority, he leaves them as they are and does not interfere with them. He should not render judgment until the arguments of the person against whom judgment is to be given have been exhausted. There is no harm in his accepting whatever lawful stipend is allotted to him from the public treasury. But he may not impose any payment upon litigants in return for judging between them. He should inspect the markets of the Muslims, their measures, and their weights, and appoint to this task persons whom he trusts. He should not imprison someone merely upon suspicion except in a case involving bloodshed. For slander, disciplinary punishment, and correction he may use the *durra*. Where a prescribed punishment becomes due, he uses the whip. A person in financial hardship is not imprisoned for debt.

If a person who refuses to pay is solvent and possesses the means to satisfy the judgment, and the property is in his hands, the judge orders him to pay. If he refuses, he is beaten until he fulfills the judgment. If the property is absent from him, he may be imprisoned until he produces it. If he persists obstinately, the judge sells his property on his behalf and pays his debt from it. A judge does not accept another judge's written communication concerning a prescribed punishment or divorce. Nor does he accept testimony upon testimony in such matters. Nor does he take a guarantor in a prescribed-punishment case. The judgment of an upright judge is enforced. A judge's written communication is accepted only when trustworthy persons testify to its authenticity. If the previous judge's register contains testimony upon which no judgment had yet been executed, and the person against whom the testimony stands denies it, the judge requires him to swear for the benefit of the claimant if the claimant requests this.

If he swears that the claim never became due against him, the claimant is then asked to produce the witnesses. A person may appoint an agent to litigate on his behalf. Testimony may be heard in such a case whether the opposing litigant is present or absent. Judgment may be given against an absent person, while preserving for him the right to present his argument when he later appears. The judge should judge between the People of the Book according to the truth when they bring their disputes before him. All of this is the doctrine of the People of the Household—God's blessings be upon them all.