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Among the questions posed by the esteemed and revered caller, our master Tayyib Zayn al-Din, ^{may God be} pleased with him, and answered by the unique and illustrious caller, the singular scholar, our master Abd Ali Saif al-Din, may God

■ exalt their sanctity

In the name of God, the most gracious, the most merciful

I asked if a worker, if ordered by his master to travel from one place to another, is permitted to lead prayers with those accompanying him and any believers he encounters along the way, or to conduct marriage ceremonies for those who request it, or to take pledges from them if they so desire, or is none of this permissible? The answer is that this matter clearly requires permission. The one ordered to travel from one place to another must obtain permission from the one who granted the permission to lead prayers with those accompanying him and those he encounters along the way. If permission is granted, he may do so; otherwise, he must refrain. Similarly, taking pledges and conducting marriage ceremonies is permissible if he is authorized to do so; otherwise, he must refrain and order the village headman to

■ handle it on his behalf. Understand this

I asked about a woman who married a man during her waiting period (iddah) following her divorce from her first husband, unaware that the iddah was obligatory or that marriage during it was forbidden. The answer is that she is not excused for her ignorance regarding the iddah. She should have inquired and learned. She is never permissible for the man she married during her iddah, and they must be separated. The woman must observe the iddah of three menstrual cycles if he consummated the marriage; otherwise, she observes the remaining iddah from her first husband. Then, if

■ she wishes, she may marry whomever she chooses, other than the man she married during her iddah. Know this

The question, as stated in the question and answer, concerns someone who forgets a prostration. If they remember their mistake before concluding the prayer, they should perform the prostration, but if they finish the prayer, there is no obligation upon them. The questioner asked whether this applies to every instance of forgetfulness during prayer—that if they remember before concluding, they should perform the prostration—or not. The answer is that this applies specifically to the prostration, as explained and stated in the question and answer. Regarding your question about whether this applies to every instance of forgetfulness during prayer, each instance of forgetfulness during prayer has its own ruling, as explained in the book "Da'a'im" and other books of jurisprudence. Therefore, the person who forgets should act according to the rulings regarding their forgetfulness during prayer. Understand this, and peace be upon

■ you

The question concerns a vessel that is filled beyond the limit, then impurity falls into it, and the water changes due to the appearance of the impurity. The water is then poured out, and the vessel is purified, as mentioned in the answer given by some preachers. It is not sufficient to pour water onto water until the trace of impurity is removed. So, what is the ruling on a basin filled to the limit or above with impure buckets, or filled by polytheists and touched by their impure hands? Is it permissible to purify with it or not? The answer is: it is permissible to purify with it if it reaches the limit, whether it was filled by polytheists or with impure buckets. If it reaches the limit, it is treated as pure water. Impure, dirty water, which is not permissible for purification, may flow into a pool and collect there until it exceeds the limit. It is permissible to purify with it once it reaches the limit, but not before it collects and reaches the limit. This is because, as long as it has not reached the limit, it is considered impure water. Once it reaches the limit, it is treated as pure water, and purification with it is permissible, as stated in the books of jurisprudence. As for the vessel that was filled with water beyond the limit and then traces of impurity appeared in it... Some scholars, may God exalt them, answered that the water should be poured out and the vessel purified. This is because the water has lost its purity due to the appearance of impurity and the change in one of its characteristics, such as color, taste, or smell. The water has also contaminated the vessel, and the vessel becomes impure if it comes into contact with the water. Therefore, it is not permissible to purify oneself with it until the water is poured out as it came, the vessel is purified, and then it is filled

with pure water to the required amount or more. There is a clear difference between this and that, as we have mentioned

■ and explained. So be aware of this, and peace be upon you

I asked about a man who traveled and stopped on his way at a place he owned. He completed his prayer there, and with him was a relative (a close male relative). Does this complete the prayer, and is he considered to have completed the prayer at the home of a relative? **The answer** is that both of them complete the prayer, one for his family and the other for his own place. However, the one who completes the prayer for his family does not complete it unless he has prayed

■ the five daily prayers there, as stipulated in Islamic law. So understand this

I asked about a matter concerning which you said: If a whale is taken alive, the name of God is invoked over it, and then it is placed in water and dies there, is its ritual slaughter valid or not? **The answer** is that its life depends on the water, and its capture is by removing it from the water so that it dies. So if it is removed from the water and then placed

■ back in and dies, then it is not ritually slaughtered and cannot be eaten

asked about a whale that is taken alive and then given to a polytheist to hold, but dies in his hand. What is its status? Is it permissible to eat it or not? **The answer** is that it is permissible to eat it because it is considered ritually pure if it is taken alive and the name of God is invoked over it. It makes no difference whether it dies afterward in the hand of a believer or a disbeliever. It is only considered ritually pure if it dies in the hand of a polytheist, and then it is permissible

■ to eat it. So understand this

I asked about a mature woman in Thuna who wants to get married. Her closest guardian, who is her brother, is absent in Basra, and her uncle is in Aurangabad. To whom should I send **the answer**? Such a question is not found in the books of Islamic law, and I have not given an answer to it. The safest course of action is to send a message to her closest guardian to attend or appoint a representative. Otherwise, the uncle should be sent to attend in person. Appointing a representative is not sufficient; he must attend if he is able. In this case, he will be considered like the more distant guardian who is present and has the right to officiate the marriage contract if the closer guardian is absent.

Alternatively, the woman in Thuna can appoint her uncle as her representative, and two men should witness his appointment. They should appear before the judge and testify to the appointment, and the judge will then officiate the marriage. This applies if the woman is in a place where the more distant guardian is present. However, if the woman is in a place where her uncle is present, then his appointment is also valid. His case is the same as hers. Understand this

■ and act accordingly. Peace be upon you

I asked about a man traveling with his nephew. They stopped at a place along the way where some of his relatives were staying. He completed his prayer because of them. What is the ruling regarding his nephew who was with him? Should he complete his prayer as well, or not? **The answer** is that his ruling is the same as his nephew's; he completes his

■ prayer because of his uncle, just as his uncle completes his prayer because of his relatives

asked about a traveler who encounters a minor relative on the road; should he pray with him despite the relative's age,

■ or not? **The answer** is yes, he may pray with him whether the relative is an adult or a minor

I asked about a woman who menstruated, then became pure after seven or eight days, then menstruated again. The menstrual blood was cloudy, foul-smelling, thick, and hot. **The answer** is that if she sees blood, she is menstruating, and if she becomes pure after the blood stops flowing, she is pure. It is stated in books of jurisprudence that the minimum period of purity is ten days, and it may be less in rare cases. Similarly, it is stated that the maximum number of days for

■ menstruation is ten, and it may be longer in rare cases

I asked about a woman who became pregnant by a man outside of a legal marriage, gave birth, and then had intercourse with the same man or someone else. Her menstruation had ceased, and she did not menstruate for a year, two years, or more. She wanted to marry, but it was necessary to determine her pregnancy status, and she was not menstruating. What is her situation? How is she determined to be certain? **The answer** is: This woman is treated like a woman who has

■ undergone a waiting period. She must wait two months, then she may marry if she wishes. Understand this

I asked about a mosque that has a courtyard, houses, and shops underneath it. These are rented out, and the rent is used for the mosque's needs. Is it permissible to rent these places, to buy and sell within them, and is it permissible for those who live there to have sexual relations? Is it permissible to pray the two-rak'ah greeting prayer there? **The answer** is that if these places were not built within the mosque's boundaries when the builder constructed them, but rather built them to be used for the mosque's needs, then everything you asked about is permissible. Otherwise, it is not. The greeting prayer

is not to be prayed there if it is not within the mosque's boundaries. Similarly, if the roof built above the mosque was considered part of the mosque and included within its boundaries, then its boundaries are the same as the mosque's, and

■ it is subject to the same rulings. Otherwise, it is not

I asked about the two types of wine that people use and trade amongst themselves. Is this permissible or not? The answer is that it is not permissible, as it falls under the category of gambling, which God Almighty has forbidden in His Book. He said, "They ask you about wine and gambling. Say, 'In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit.'" This is the explicit text, so understand it and act accordingly. Peace be upon

■ you

You asked if, as you lead the people in prayer, your ablution might be invalidated, and whether it is permissible for someone of lesser standing to take your place. The answer is yes, you may. What you mentioned in the question and answer is that if the permission is absolute, then there is no harm in anyone stepping forward. What does "absolute" mean here? It doesn't apply to you because there are men of lesser standing after you. Rather, it applies to someone in a village where there is no one else of lesser standing. If it is absolute, with the permission of the guardian of God (peace

■ be upon him) or his caller, then whoever wishes may take his place, so do so; otherwise, do not. Understand this

You asked if, while leading the prayer, you need to appoint someone from among the congregation next to you to complete the rest of the prayer, and in some rows there is another person above you in the rank, what is his situation? Should he follow him even though he is below him in the rank, or not? The answer is that if he knows that the person you appointed is below him, then he should not follow him and should complete the remainder of his prayer on his own.

■ Be aware of this and act accordingly. Peace be upon you

I asked about a power of attorney for marriage where no witnesses were present. The answer is that it should be suspended until witnesses are present. A written power of attorney is not sufficient without the presence of witnesses.

■ Understand this and act accordingly. Peace be upon you

I asked about a Muslim woman who had been detained by a man who then wanted to marry her. She has no known guardian, and his whereabouts are unknown. What is her situation? The answer is that this woman's situation is like that of a woman who has no guardian present. For someone without a guardian, the judge is her guardian. She should first ascertain the absence of pregnancy, and then the judge will officiate her marriage contract with her authorization.

■ Understand this and act accordingly

I asked about what was stated in the Book of Purification: that water should not be bought at an exorbitant price, nor should its price be excessively high. However, in the Book of Pillars, it states that a traveler may buy water at a high price if he can afford it. I asked about the difference between these two statements and what constitutes an exorbitant

■ price that would prevent one from buying water

asked about the reason why it is not permissible to use the dust of churches for ritual purification (tayammum) until the answer is given. This, and similar questions, are rarely answered except orally, as there are many things that differ in appearance but agree in meaning. Furthermore, every ruling in Islamic law has a reason behind it, and all of this can only be known through learning and investigation from a wise and uniquely knowledgeable teacher. You may be able to

■ do this, God willing, if you are fortunate enough to visit the exalted presence. Peace be upon you

I asked about a man who said to another man, "Take from my wife what is rightfully mine—clothes, jewelry, and other things she has with her—and then divorce her." The man did so. What is the status of this divorce? The answer is: This

■ divorce is valid

As for the divorce of a man who said to another, "If I do not provide for my wife, or return from my absence, or rectify my situation, then divorce her on my behalf," and he did not fulfill what he had stipulated, then the man divorced her, the answer is that such a divorce is invalid because it contains a condition, and every divorce that contains a condition is not permissible according to established Islamic rulings. However, the first case does not contain any condition, so

■ understand this. Peace be upon you

I asked about praying in the orchards and shops of polytheists, and I mentioned that it has been forbidden to pray in their houses, so how can it be permissible in their orchards and shops? I also said that it might happen that one stops at

their houses while traveling, and it is not possible to sprinkle water or sweep the houses, so what is the ruling on

? praying in them in that case? Is it permissible or not

The answer is: if sprinkling is not possible, then sweeping is. One should sweep first, as instructed, and then pray. It has also been reported that one should not pray in the houses of polytheists except out of necessity. If necessity arises, then prayer is permissible after sweeping and sprinkling water on them. The reason for this is that their houses have become unclean due to their prolonged residence there, hence the precaution. As for gardens, their situation is different from that of their houses. Similarly, their shops are permissible if they contain items that do not render them unclean, such as permissible dry goods in Islam, or permissible dry goods that they trade, which are reported to be permissible. The

■ People of the Book and other polytheists are the same in this regard. Understand this, and peace be upon you

Your letter has reached us, and we are aware of its contents. The ruling concerning impotence was initially issued to you based on what was reported from the Mawali (may God be pleased with them both). It is known that falsehood is more prevalent than truth among people, and that most women, except those whom God protects, are prone to lying. Therefore, you are obligated to examine the case of impotence and ascertain whether it is as the woman claims or not. It is possible that her claim is a lie and a fabrication, and judging based on her statement would be unjust and oppressive. Therefore, investigate this matter thoroughly to the best of your ability, then inform us of your findings and act

■ according to our instructions

Your question concerns the ruling issued regarding the impotent man, whereby a woman writes a document clarifying and specifying the matter. This was done so that we may know the waiting period for the impotent man. The waiting period is complete, and the separation is in accordance with sound Islamic law. There is no need to verify the woman's virginity, as the term "virgin" is the opposite of "non-virgin," and a non-virgin is one who was married and then divorced or died. Understand this. Consider whether the waiting period, which is one year, has begun from the day the woman brings her case before the judge. If not, wait until the year is complete, then separate them according to the conditions we previously outlined in the books of jurisprudence. Write the document using the wording of separation, not divorce, in this manner: "Separate so-and-so, son of so-and-so, from his wife, so-and-so, daughter of so-and-so, as confirmed in her presence, in the presence of witnesses, namely so-and-so and so-and-so." Then the woman observes

■ her waiting period from the day of the separation and may remarry

I asked about a man who married a woman and consummated the marriage, but the marriage was officiated by an unauthorized judge (a common-law judge). He then wanted to have the marriage officiated by a judge of the proper authority. Should his wife be required to observe a waiting period (for purification) or not? And if the judge of the proper authority cannot reside there until the waiting period is over, should he still perform the marriage and make the

? man swear not to approach her until after the waiting period is complete, or not

The answer is that she must undergo a waiting period to ascertain whether the child born out of wedlock is from another man, even if the man is known for his chastity and piety, and the judge is certain that he will not have intercourse with her except after this waiting period. Therefore, there is no harm in marrying him; otherwise, the marriage should not

■ take place until the waiting period has ended

I asked about a woman who had a minor brother and an adult uncle, both of whom were present. A man who was unaware of his uncle's guardianship of her performed the marriage ceremony. Later, a knowledgeable man learned of this and annulled the marriage. She wanted to renew the marriage, but at that time her minor brother was away for a considerable period, while her uncle was present. Does the uncle have the authority to perform the marriage ceremony

? or not

The answer is that the paternal uncle is the one who concludes the marriage contract, and the paternal uncle does not

■ prevent her minor brother from attending if he is absent

I inquired about the annulment of a marriage contract between a man and a divorced woman. One of the witnesses to

■ the divorce was present at the gathering, while the other was ill, so the two men testified on his behalf

■ **The answer** is that this marriage is not permissible because testimony upon testimony is not permissible in divorce

I asked about a woman who had a guardian who was a minor, and she unknowingly appointed the most distant of her guardians to act as her marriage agent. The judge officiated the marriage, then learned that the closest of her guardians

? was a minor, and that the judge was her guardian. Is the marriage valid or not

The answer is that the marriage is permissible if the judge approves it before consummation, and if her husband

- consummates the marriage, the marriage must be restarted

I asked about a pious and good man who married several women through a marriage contract officiated by a common judge, and they bore him three daughters who have reached womanhood and wish to marry. Does he have guardianship

? over them since the contract was officiated by a common judge

The answer is that he has established guardianship over them, and he is their guardian. You may renew the marriage contract for the aforementioned believer with the woman he is contracted to marry, according to the rulings of Islamic

- law, after separating them and ensuring she is not pregnant. Be aware of this

I asked about a man who had a house in a place that was empty and inhabited, and he passed by it during his travels;

? should he complete his prayers or not

- **The answer** is that he may complete his prayer if he descends and prays with her

I asked about a traveler who prayed the shortened prayer (two rak'ahs) but had mistakenly intended to pray four rak'ahs.

? Should his prayer continue or should he repeat it

- **The answer** is that he does not need to repeat the prayer, as his prayer has already been performed

I asked about a traveler who mistakenly intended to pray four rak'ahs for Dhuhr until he sat down during the first Tashahhud, then wanted to stand up for the third rak'ah, but someone behind him signaled him to sit down, so he sat down, recited the Tashahhud, and said the salutation. Does he have to perform the two prostrations of forgetfulness or

? not, and is his prayer complete

The answer is that he should perform two prostrations of forgetfulness, and his prayer is complete. There is no harm in him intending four rak'ahs unintentionally. It is the same for the traveler whether he intends the prayer using the

- wording for shortening it or not; there is no harm in either case

I asked about a traveler who stayed with his brother who was staying in a place during his travels. He completed his prayers and fasted with his brother and did not intend to stay for ten days with his brother. Then, after two days, his brother who was staying decided to travel. What is the status of his brother's prayers and fasting during those two

? days

The answer to this is that he has completed what he had of his prayers and fasting, and he is not permitted to complete it

- further if his brother travels from his place to a place other than where he resided

And also, our master Saif al-Din Qas wrote in the blessed epistle of 1223 AH that having sexual relations with what one owns by right is permissible, permitted by the clear Sharia. However, ownership is not valid unless it is with its specified conditions and clear rulings. This is because war may break out between Muslims and polytheists, and the Muslims may prevail, forcibly defeating them and taking their women captive. Or, both sides may be polytheists, and war may rage between them, with the victors owning the vanquished and selling them in the markets. This is a clear and evident Sharia ruling. Every slave girl sold in this manner is permissible to own, and there is no sin upon her owner if he has sexual relations with her. As for what is sold during years of drought or acquired by other means, having sexual relations with her is like pure adultery, and the sin of the one who commits it is that he should be afflicted with the burning punishment. She is like a free woman; it is not permissible for him to look at her, so how can he have sexual relations with her, which is a major sin? Marriage cannot be contracted with her. So know these rulings, fear God, and avoid sins. What benefit does one gain from faith if he neglects it? Its boundaries and features, and those who believe in

- the Qur'an who have violated its prohibitions

The question is : What does my master, whom the Merciful has singled out in the call of the Guardian of the Age, say about a man who leads the people in prayer, and after performing some of the prayers, needs to relieve himself of an

unavoidable need such as urination or defecation? Should he appoint someone else to take his place to complete the

? prayer, or not

The answer is that if his need prevents him from praying, then he has no prayer and must fulfill his need and then pray

■ with the people or alone

The question is , what does my master, may God bestow upon him abundant blessings and shower him with abundant mercy, say, regarding what is mentioned in Da'a'im on the authority of Ja'far ibn Muhammad, peace be upon him, that he said concerning a man who was preceded by the Imam in a rak'ah, and when the Imam finished it, he forgot to stand for what he missed, so he finished and left with the people, peace be upon him, he said: He should pray the rak'ah that he missed alone, recite the tashahhud, finish the taslim, and leave. So, my master, how does he make up what he missed

? after leaving the prayer

The answer is that he should pray the missed rak'ah, recite the tashahhud, say the taslim, and then make it up whenever

■ he remembers

■ Know that dry ablution (tayammum) is only permissible for fourteen men

The traveler who cannot find water

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Whoever has sores or an ailment that he fears will harm him if he tries to purify himself should perform dry

2

■ ablution (tayammum) and pray

■ Similarly, if he fears that the cold will kill him, he should perform ablution (tayammum) and pray

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If someone has only a small amount of water and fears that if he uses it for ablution or purification he will die of thirst, then he should perform dry ablution (tayammum) and keep the water for himself, not contributing to

4

■ his own death

If a traveler finds no water except in a place where he fears for his life if he continues searching for it, due to thieves, wild animals, or anything else that might cause him harm or death, then he should perform dry

5

■ ablution (tayammum) and pray

If a traveler finds water expensive, he should buy it if he can afford it, unless paying the price would cause him harm or damage if he were to lose it. In that case, he should not buy it, but rather perform dry ablution

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■ (tayammum) and pray

Whoever finds water in a place where he cannot reach it before the prayer time has passed should perform dry

7

■ ablution (tayammum) and pray

Whoever finds it at a price should buy another like it, but if he cannot find the price, he should perform

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■ tayammum (dry ablution)

If a traveler passes by a well and has nothing to draw water from, nor can he find any, nor is he able to reach

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■ water, he should perform dry ablution (tayammum) and pray

If a man enters a crowd on a day like Friday or the Day of Arafah and breaks his ablution, and is unable to reach water due to the crowd, and the time for prayer arrives, he should perform dry ablution (tayammum) and

- pray with the congregation. When he leaves, he should perform ablution again and repeat the prayer

It is also permissible for someone who attends a funeral while not in a state of ritual purity and cannot find water to perform dry ablution (tayammum) and pray over the deceased. There is no need to repeat the funeral

- prayer

- If a non-Muslim converts to Islam and cannot find water, he should perform ablution with sand and pray

It is recommended that if a man sleeps in the Prophet's Mosque and becomes ritually impure (junub) and wakes up, he should perform dry ablution (tayammum) and not pass through the mosque except in a state of

- ritual purity until he leaves it. The same applies to the Sacred Mosque (in Mecca)

If impurity falls into one of two vessels and he does not know which one, he should not approach them, but

- should perform dry ablution (tayammum) and pray

The issue of marriage is addressed in a way that requires an answer like this; the issue of marriage is addressed in a way that requires a general understanding of the rules; the marriage contract is concluded in the presence of the two witnesses; but the marriage contract is concluded in the presence of the two witnesses, and the woman's guardian is not

- ■ ■ present, and

I asked about a woman who wants to get married, but her father is absent, and she has a minor son who may or may not

- be present, and she also has a present uncle

The answer is that she awaits the arrival of her father to conduct her marriage contract, or his representative may come. This applies if her minor son is present. If he is absent, her present guardians act in his place. If someone argues that her closest guardian, her minor son, prevents her uncle from acting as her guardian, then what reason prevents the judge from conducting the marriage? It has been stated that if an adult woman wishes to marry and her closest guardian is a minor, then the judge is her guardian. The uncle's presence is not an impediment or obstacle. It is said to him, "How can you be sure that the adult woman is not like the woman whose father has died and whose minor son is present? The fact that her father is alive—meaning this woman—in his absence is the impediment that necessitates caution, not the

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- uncle's presence

I asked about a man who divorced his wife after having intercourse with her during her period of purity, and then her pregnancy became apparent a month and a half after the day he divorced her. Is her divorce considered the divorce of a

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pregnant woman, which is permissible in all circumstances, or not

The answer is that her divorce is not permissible, as evidenced by the text in Islamic law stating that divorce during a period of purity after intercourse is invalid. She is not considered pregnant because the husband did not divorce her after her pregnancy became evident; rather, he divorced her for reasons other than the Sunnah. Her pregnancy then became apparent after a month and a half, so this is not considered pregnancy at all, and she remains his wife unless he

- repeats the divorce

I asked what the ruling is regarding a woman whose husband divorced her and then died after her waiting period had passed, and she came wanting to get married. Is it permissible to marry her without bringing witnesses to her divorce,

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since her husband died, or is it necessary to bring them because the woman is considered divorced, not widowed

The answer is that divorce has conditions mentioned in books of jurisprudence, and these are the conditions without which a divorce is not valid. Even if a man confesses that he has divorced his wife but does not have witnesses to it, his confession is not considered valid, and his confession does not constitute a divorce. As it is stated in the book Da'a'im on the authority of the Commander of the Faithful, Ali (peace be upon him), that a man came to him and said, "O

Commander of the Faithful, I have divorced my wife." He asked, "Is there any proof of that?" The man replied, "No." He said, "Go away from me." From this, it is known that having witnesses in a divorce is essential and is one of its conditions, without which a divorce is not valid. Therefore, the order was given to bring witnesses so that, in court proceedings, the matter of divorce would be valid, proving that she was divorced according to the necessary conditions of divorce. Similarly, this woman's divorce is not valid, and the judge is not permitted to marry her unless he brings the two witnesses to her divorce to testify before him. If one of the witnesses to her divorce has died, the judge is not permitted to marry her because the divorce was not valid in his view due to the absence of one of the witnesses. However, if the living witness marries her by order of the judge, it is permissible. The same applies if both witnesses have died and had fulfilled their obligations. The testimony is given when a woman is permitted to marry, and the marriage contract is valid accordingly. If neither of these conditions applies, the woman must observe the waiting

- period and mourning, as she is considered widowed. Afterward, she may marry whomever she wishes

I asked about the prayer of someone who prayed without knowing there was any food under his prayer mat, then found

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out about it after he had finished his prayer. What is the solution? Should he repeat the prayer or not

The answer is that there is no need to repeat the prayer, because the prohibition against praying on food is due to its sanctity and the need to show it reverence, as it is from God's provision. This is clearly stated in the narration from our master Ja'far (peace be ^{upon him}), who was asked about praying on a pile of wheat, and he forbade it. He was then asked, "What if it is spread out like a roof?" He replied, "One should not pray on any food, for it is God's provision ^{for} His creation and His favor upon them. So, show it reverence, do not step on it, and do not treat it with contempt." This is his statement. Therefore, whoever prays on it without knowing it is there, his prayer is valid and he does not need to repeat it. However, he should not intentionally do so and should look under his prayer mat. If there is any food there, he

- should remove it and then pray

I inquired about a man who divorced his wife in the presence of the general judge, and the divorce was witnessed, but he was unaware of whether she was ritually pure or menstruating when he divorced her. Her waiting period had ended, and she wanted to remarry. Her father and mother testified that she was a minor who had not yet menstruated when her

- husband divorced her

The answer is that this woman's divorce is valid because it conforms to Islamic law, and every divorce that conforms to Islamic law is valid, whether the husband knows about it or not. The requirement that the husband be certain of her

- condition only applies to pregnant women

I asked about the marriage of a divorced woman without the presence of the two witnesses to her divorce. The noble Sharia prohibits the marriage of a divorced woman without the presence of the two witnesses to her divorce, unless they were present and testified before the judge initially. In that case, there is no need to bring them back at the time of the marriage. This is the explicit text, and it is what is acted upon. The statement of those who say that if a divorced woman marries without the presence of the two witnesses, and then they appear and testify to it, her marriage is valid and cannot be annulled, is a false statement that should be disregarded. The divorce is established, not the marriage, as the

- latter is only valid with what has been mentioned previously

I asked about a woman whose husband died, and who did not observe the required waiting period (iddah) as instructed,

- and then remarried after the waiting period had ended

The answer is that her marriage is not dissolved, nor is there a separation between her and the man who married her. Rather, the ruling of separation applies only to one who marries a woman during her waiting period (iddah), and this woman is never permissible for him. However, if the man marries the woman after the waiting period has ended, there

- is no textual basis for dissolving the marriage or separating them

I asked about a woman who gave birth, then purified herself from childbirth, and her husband had intercourse with her. After some days had passed, he wanted to divorce her, even though she was a woman who did not menstruate while

- breastfeeding

- **The answer is** that she is not divorced until she menstruates

I asked about a man who committed adultery, and his affair became public knowledge, and he confessed. He was brought before the ruler of the land, who punished and fined him. Is his ruling the same as that of one who has been

punished, so that it is not permissible to follow him in prayer, or is it permissible because he is not considered to have

? been punished

The answer to this has been found in the book of questions and answers. Some preachers answered this question when asked about it, and they said: "The one who has been ^{punished} is the one who has been given the prescribed punishment."

The judge's punishment and fine do not make him in the same category as one who has been punished unless he is a Muslim judge and he applies a legally prescribed punishment. In that case, he becomes one who has been punished. It is forbidden for him to lead the people in prayer, and the one who commits a grave sin and persists in it is like one who does not repent. Therefore, it is not permissible to pray behind him, as evidenced by the saying of the Messenger of

■ God, ^{peace and blessings be upon him}. Let the best among you lead you in prayer, unless he repents and returns to righteousness

I asked about the land of war (Dar al-Harb), where Islamic law permits usury from its belligerent inhabitants. I inquired whether these lands, where Muslims reside, Islamic symbols are prominently displayed, and where governance and administration are controlled by polytheists, fall under the category of Dar al-Harb. I also mentioned the opinions of

■ some scholars regarding its permissibility and their arguments

The answer is no, that is not the case. A land of war is only one where there are no signs of Islam, and whose polytheistic ruler does not see them as such, out of arrogance, pride, and defiance, and to show zeal for his own religion and creed. Any land with these characteristics is considered a land of war. This land is not like that, because Islam is prominently displayed and its laws are enforced. Its people do not resist, defend themselves, or prevent them from practicing their religion, nor do they oppose them. As for dealing with usury, it is not permissible for a Muslim in this

■ land except in the land of war described above. Understand this and act accordingly

■ I asked about the permissibility of testifying based on the Book

The answer is that the testimony of a written document, which is permitted by someone ignorant of the truth, is not valid. Such testimony is only valid with witnesses present and testifying to what they were asked to testify to, as stated in the book Da'a'im al-Islam, on the authority of Ja'far ibn Muhammad, on the authority of his father, peace be upon them both, that he was asked about testimony based on a written document, and he said: I heard my father, may God be pleased with him, say: The Messenger of God, peace ^{and blessings be upon him} Do not bear witness to something you do not remember. For whoever wishes may write a document and engrave a seal, and the handwriting is considered conclusive evidence. It is narrated from Abu Abdullah Ja'far ibn Muhammad (peace be upon him) that a man asked him, "O son of the Messenger of God, our neighbors brought me a document, claiming that they had me witness its contents. The document contains my name and my handwriting, which I recognize without doubt, but I do not recall the witnessing. What is your opinion?" He replied, "Do not bear witness until you know that you have witnessed it." God Almighty says, "Except for those who bear witness to the truth while they know." It is also mentioned in the book *Uyun al-Akhbar* that the caller, our master Ali ibn Muhammad al-Sulayhi, said, "I bore witness in a man's house, and when I had the authority, the old woman stood before me with my handwriting, and I recognized it, but I could not give my testimony." All of this indicates that testimony based on a document without the presence of witnesses is invalid, and

■ that it is not established unless the person being testified to has complete knowledge of it

I asked about the meaning of "family" in His saying, peace be upon him, "Then send an arbitrator from his family and

II

■ an arbitrator from her family

The answer is that they understand the meaning of relatives and non-relatives, and he only chooses those among them

■ who possess goodness and righteousness, and whose intention is to unite and reform

I asked about a man who had a relationship with a Muslim woman without a legal marriage contract, and she bore him a child. The man then wanted to marry her legally, but the woman has no guardian other than her son, whom she bore without a legal marriage contract. Can the woman appoint him as her guardian to marry her, given his established

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guardianship, or is he not entitled to guardianship because he is a child born without a legal marriage contract

The answer is that his guardianship, like that of other guardians, is not invalidated by the fact that he was born without a valid marriage contract. This is because the text states that a child born out of wedlock inherits from his mother and she inherits from him. Just as he has the right to inherit, he also has the right to be a guardian. The woman appoints him as her guardian if he is an adult, or the judge appoints him if he is a minor. The judge, as stated in the books of Islamic

■ law, is the guardian of one who has no guardian

I asked about the two-month fast that is required of someone who intentionally breaks their fast during Ramadan. I mentioned the opinion of some jurists that the two months should be completed, and the opinion of others that they should be shortened according to the usual practice for months. I said that the first opinion is preferable because God

■ has obligated those who cannot fast to expiate by feeding sixty poor people

The answer is that the consideration is correct, even though it is stated in the words of our master, the supporter, may God exalt his sanctity, in some of his gatherings, where he says: "Among the things that indicate the perfection of the month of Ramadan is also the issue of expiation for one who intentionally breaks his fast on a day during it, which is to fast for two consecutive months as repentance to God, and this is, for example, the month of Ramadan, which is sixty

■ days." This is the explicit text that is acted upon, so understand it, and peace be upon you

■ **I asked** about the permissibility of residency for lepers and those like them who are prohibited from leading prayers

The answer is that there is nothing wrong with a leper or someone like him leading the prayer. The prohibition only

■ applies to leading the prayer, so he may lead the prayer but not lead it, as there is a textual prohibition on that

I asked about the recitation in prayer: Is it permissible for the imam to recite from the Quran chapters longer than the

? long chapters of Al-Mufasssal, or should he not exceed them

The answer is that he should limit himself to the prescribed length of the recitation for those praying in congregation: he should recite the longer surahs of the Mufasssal (a specific portion of the Quran) in the longer parts of the prayer, and the shorter parts in the shorter parts. This is the established limit, and the imam is not permitted to abandon this prescribed recommendation and deviate from it, because brevity in congregational prayer is preferable and is what is commanded

■ and relied upon

I asked about the marriage of a Muslim girl, either because of some of their laws during times of drought and hardship, or because she was taken by force and has now reached puberty and left her country. She wants to marry but doesn't know any of her guardians, and there is no one to tell her where they are or if they are not, or where they are – this is the

■ meaning of your words and the intent of your statement

Know that whoever buys from a relative or a usurper, whether Muslim or non-Muslim, is considered a free person, as the Sharia prohibits the sale of free people. Regarding the marriage of someone in this situation, if she has no known guardian, it is narrated that the learned and accomplished scholar, Luqmanji ibn Habibullah, was presented with this question and answered it. It is written that our master, Wajih al-Din (may God exalt his sanctity), was appointed to handle such matters on his behalf and authorized the marriage, as stated in the book "Questions and Answers" by the

■ judge, who is the guardian of one who has no guardian

And I also wrote about a young Muslim girl I bought, who was eight or ten years old. She has no father, no brother, no guardian, and no witnesses to this. So, can the judge marry her when she reaches puberty, based on her own admission or her authorization to him, or not? The ruling on this matter is the same as the first matter before it, because it is similar in that it involves the lack of knowledge of the existence of guardians. As for her admission of their absence, it

■ is a claim that is not accepted

Your question, "Is it permissible in marriage, agency, and divorce to have the testimony of Muslims other than believers?" was answered by our master, Judge Nu'man ibn Muhammad ^{Qas}, when he said in his reply to Ibn Wasim's letter: "You asked about the testimony of those who differ in doctrine, such as those who say..." and others who are attributed to issuing fatwas from among the general public. "The testimony of upright people is permissible in their

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■ school of thought

I asked about a woman who is of age and wants to get married. She has two sons or brothers, and they are her closest guardians. However, one of them is an adult but absent, and the other is a minor but present. Should the absent adult be sent to attend or appoint a representative, or should the judge be her guardian, as stated in the books of the Ahlul-Bayt (peace be upon ^{them}), which state that if a woman wants to get married and her closest guardian is a minor, then the judge

? is her guardian

The answer is that the matter should be referred to the absent adult guardian so that he may appear or appoint a representative. The narration states that the judge is her guardian if her closest guardian is a minor, and this applies only

if no other guardian closer to her or of equal age is present and of legal age. However, if such a guardian is present, the

- marriage contract is not valid until he is contacted if absent, and he may then either appear or appoint a representative

I asked about a vow he made to God to fast for a certain period, but when what he hoped for was made available to him, he began to procrastinate until he became afflicted with a chronic illness that made it impossible for him to fast. What is

? his condition

The answer is that he may stop for as long as his illness persists, and if he recovers from his illness, he must fulfill the

- vow he made

? I asked about a type of fish known in our time as Jahinka, is it permissible to eat it or not

The answer is that we investigated the matter and found it to be the scales of fish permissible to eat according to the Ahlul-Bayt (peace be upon them). This applies when a believer takes it while invoking God's name upon it. However,

Muslims are not to be trusted in this matter, nor is their claim accepted if they say they invoked God's name, as invoking God's name is not obligatory in their school of thought. They permit what is taken without invoking God's name, so they are not to be trusted, and what they take is not to be eaten. If what you asked about is the one whose status we have verified, referred to here by the aforementioned name, and it is also something that has scales, then the

- text regarding its permissibility to eat it is explicit, and there is no sin upon the one who eats it

? I asked about a roof that has a grave underneath it, and whether it is permissible to pray above a toilet or not

The answer to that is that there is no textual evidence stating whether praying above a roof with a grave below it is permissible or not. Therefore, there is no harm in it, and God knows best. As for praying above a roof with a toilet

- below it, if the roof is clean, then there is no harm in praying above it. Be aware of this

I asked about the status of the fast of men of the believers who arrived in the middle of Ramadan from Mocha to Bombay, some of them entering on the ninth day after noon and some of them were late and entered on the tenth day

? before noon. What is the status of the fast on the tenth day

The answer to that is that the one who entered the tenth day before noon is in the same situation regarding missing the fast of the tenth day as the one who entered the ninth day, unless the one who entered the tenth day has family and a place to stay where he entered. In that case, his fast is valid if he entered before noon and had formed the intention to fast verbally or in his heart before dawn. As for the one who entered before noon and has neither family nor a place to stay where he entered, he has missed the fast and must make it up, unless he entered where he entered before dawn. In that case, he has caught up with the fast and must fast if he intended to stay for ten days where he entered. This is the meaning of the narration that came in the book Da'a'im al-Islam, as I wrote in your letter that reached you, so

- understand it. Peace be upon you

I asked about two men, one of whom testified that a man had bequeathed his young daughter to another man for marriage, but the other did not testify to this except that he said, "I was present when the man died, but I don't

- remember whether he made this bequest or not." Two women testified along with the one who testified to this

The answer is that the testimony of women in marriage and in matters related to it, such as agency or will, is

- permissible

I asked about those polytheists who come to you asking for an amulet, and you write for them something from the

- Quran

The answer is no, that is not permissible. However, if it does not contain any of that, such as incantations and amulets

- taken from the saints of God, then there is no harm in writing them for polytheists if needed. So understand this

I asked about a woman who wanted to get married, but the only sign of puberty was the appearance of pubic hair, as mentioned in the book "Al-Matlab fi Fiqh al-Madhab." The ruling for this woman is the same as for a woman who has reached puberty and is married with her consent, as stated in the text. As for what you have heard regarding some of the

- legal punishments, I have not fully understood the nature of that matter

I asked about a woman who married a man and consummated the marriage while she was a virgin, fourteen years old, but had not yet menstruated, although signs of puberty appeared. Then her husband divorced her when she was fifteen,

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and she still had not menstruated. What is the ruling regarding her waiting period

The answer is that the ruling in this case is that she observes the waiting period in months. If her pregnancy becomes apparent during this time, she cannot marry until after giving birth. If her pregnancy does not become apparent during

■ this period, she may marry after its completion if she wishes

I asked about a man who left his house traveling to a known place, then disappeared without a trace, and years passed.

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What is his situation

The answer is that this man's situation is that of an absent person, not a missing person, if he leaves his home on a journey. This is stated in the second volume of the book "Da'a'im" in the section on missing persons, whether their whereabouts are known or not. His wife cannot remarry until his death or divorce occurs and she completes her waiting period. It was mentioned that this man has no guardian and no property. His next of kin, who inherits from him, is obligated to provide for his wife while he is absent, until he returns or his whereabouts become known. This is based on what was mentioned regarding maintenance for women with multiple wives: if a man is insolvent, his maintenance is

■ the responsibility of his heirs, whether near or far

I asked about a man who died and left behind his wife, paternal grandmother, maternal grandfather, and his nephew (son of his sister). The wife receives one-quarter, the paternal grandmother and maternal grandfather each receive one-sixth, and the remainder goes to the nephew. This inheritance is divided into twelve shares. The wife receives one-quarter (three shares), the paternal grandmother and maternal grandfather each receive one-sixth (four shares), and the

■ remainder goes to the nephew (five shares)

I asked about a woman who has three sons, one of whom is absent and is an adult, while the other two are present and

■ are young

The answer is that the guardianship belongs to the adult, who is sent until he comes or appoints a representative. If he refuses both, and his refusal is considered harmful according to Islamic law, the judge acts on his behalf and on behalf

■ of the minors and conducts the marriage ceremony

I asked about the meaning of the greater pilgrimage: does it happen if the Day of Sacrifice falls on a Friday, or if the

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Day of Arafah falls on a Friday

The answer is found in the Book of Hajj from the book Da'a'im al-Islam, which states that the Day of the Greater Pilgrimage is the Day of Sacrifice, which falls on a Friday. It is called the Greater Pilgrimage because the Umrah is the Lesser Pilgrimage. If the Day of Sacrifice coincides with a Friday, it adds to its merit and becomes a day of two

■ celebrations

I asked about a woman who vowed to fast for a few days each month, but she cannot fast. Should she feed the poor

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instead

■ **The answer** is that she is only obligated to do what she has set for herself, and she may stop fasting until she is able to

I asked about a man who had arrived on a journey and had a house he had rented for himself so that he could perform

■ his prayers and fasting there

■ **The answer** is that he is not entitled to that unless he stays there for ten days

And I asked about a wet garment that dries on sand mixed with shells

■ **The answer** is that the garment becomes impure because it touches a dead shell. Understand this

If someone other than the father appoints an agent to marry off the girl, and the agent marries her off while she is still a child, it is not permissible. However, if he marries her off when she is an adult, it is permissible, and there is no need to

■ renew the agency

I asked about a man who, upon his death, bequeathed to the governor the marriage of his son, and only one man

? witnessed this. Did he not witness it

The answer is that if this guardian had the authority to adjudicate, and he married off the minor son or daughter of the testator during his guardianship, it would be permissible. This is because a guardian's will is not valid unless two witnesses testify to it before the judge. If the guardian is the judge, then no witnesses are needed. However, if the guardian, who is not the guardian at that time, marries her off, it is not valid unless two witnesses testify to the will before the judge. The guardian's marriage of the testator's child is permissible as long as the child has not reached

■ puberty. Once they reach puberty, the guardian marries them off

Then I asked about a man who appointed another to marry off his son, and that second man then appointed yet another. The appointed agent cannot appoint another unless the principal who appointed him explicitly authorized him to do so. The witnesses to both appointments must be present before the judge, unless the first appointment has already been

■ witnessed. Be aware of this, and peace be upon you

I asked about someone who made a vow to some of his followers ^{to} prepare food and gather men around it. Is it permissible for him to eat from it among those who eat it, or not to eat from it? And what has come in the summary of the traditions in mentioning the sacrificial offering in Hajj, that the sacrificial offering that was voluntary, he may eat from it, and that which was obligatory, he may not eat from it. And the obligatory offering is that which was in a vow or penalty for hunting or for the corruption of something in Hajj. So what is meant by this vow? Is it the vow of the

? sacrificial offering that is driven to the Sacred House of God, or any vow that was

The answer to this question is that if someone makes a vow to prepare food for a certain client, he may eat from it and feed others, unless he has obligated himself not to eat any of it. If he has obligated himself not to eat from it, then he must abide by his obligation. Otherwise, he may eat according to the custom of people, as one might make a vow while intending to feed others and eat himself. As for what was mentioned in the abridged version of the traditions previously, it pertains specifically to sacrificial animals that are vowed to be taken to the Sacred House of God (the Kaaba) and

■ slaughtered, and that the owner not eat from them

I asked about someone who led the people in prayer and, forgetting, recited Surah An-Nas (Chapter 114) in the first rak'ah of an obligatory prayer where the recitation is either silent or aloud. What is his situation? And what should he

? recite in the second rak'ah

The answer to that is that if he forgot until he recited Surah An-Nas, then remembered before reaching the halfway point, he should stop reciting that Surah and begin another. But if he had reached the halfway point and passed it, he should complete the Surah, and there is no harm in him repeating it in the second Rak'ah or reciting another Surah that

■ is above it

I asked about an adult woman who has two brothers, one of whom is an adult and is absent from her in a certain place, and the other is present but is not an adult. The woman wants to get married. What is the situation with the adult brother? Should he be sent to come or be appointed as an agent, or is it sufficient for the present brother who is not an

? adult to conduct her marriage contract, as stated in the books of jurisprudence, or not

The answer is that the absent adult brother should be sent to him, and he should come himself or appoint a representative. The judge will not conduct the marriage ceremony for the woman without the presence of her absent

■ brother or his representative. Be aware of this

The question concerns the Sunnah prayers that the Messenger of Allah (peace and blessings be upon him) prescribed to be performed before and after the obligatory prayers. Is it permissible for someone to perform them while riding an animal? It has been reported that one should only perform the obligatory prayers on the ground, but performing voluntary prayers while riding an animal is permissible. Does "voluntary prayers" refer to the aforementioned Sunnah prayers and other voluntary prayers that a person performs voluntarily, or does it refer to prayers other than the

? aforementioned Sunnah prayers

The answer is that what is meant by voluntary prayers are the aforementioned Sunnah prayers and other voluntary prayers. However, the statement that there is no harm in performing voluntary prayers while riding an animal was only granted to the Arabs, as they traveled on their roads and did not have enough time to perform the obligatory prayers before mounting their mounts. Therefore, they were permitted to perform voluntary prayers on their animals, regardless of their direction. But in India, where travelers are able to perform both the obligatory and Sunnah prayers, there is no

- such permission to perform the Sunnah prayers while riding an animal. Understand this

I asked about a man who sleeps between two free women of his own. Is that permissible for him or not? If it is permissible for him, as stated in the book Al-Da'a'im, then what is the meaning of what was stated in the book

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Mukhtasar Al-Athar prohibiting it, and how can they be reconciled, and which one should be acted upon

The answer is that the ruling in al-Da'a'im is a ruling of permissibility, while the ruling in Mukhtasar al-Athar is a ruling of recommendation, due to the superiority of free women over slave women. This is the difference between the two

- statements, so understand it

I asked about a group of people I mentioned who are known as Thathandhara. The Rao state sends them to raid the villages of Holkar, plunder them, and take their polytheistic women and children captive, then sell them. Are they to be

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bought, and if they are owned, will their status be that of slaves and servants, or not

The answer is that it is not permissible to buy what these people sell of what they have taken and plundered of wealth and women and children from the polytheists, because they are like thieves and highway robbers whose predominant activities are plunder, aggression, injustice, and usurpation. The rulings of those who sent them are hardly enforced against them, even if they outwardly claim affiliation with them, for inwardly they are their enemies. Their habit is to seize wealth and plunder women and children wherever they go and however they are; they know nothing else. Their situation is not like that of an army sent by their commander against his enemies, who then launch raids on his lands. Therefore, the ruling on what they sell of what they take and capture—I mean the captives—is the same as the ruling on free people, who are not to be bought or sold. Likewise, what they plundered of wealth and then sold is absolutely

- forbidden to be bought. Understand this

I asked about a man who vowed to fast ten days of Dhul-Hijjah and he has to make up the month of Ramadan. Is it

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permissible for him to fulfill his vow along with what he has to make up of the month of Ramadan fasting, or not

The answer is yes, he may do so, except that he had intended to fast the first ten days of Dhul-Hijjah in their entirety.

Therefore, fasting on the tenth day, which is Eid al-Adha, is not permissible for him due to the prohibition against fasting on that day. He should break his fast on that day and then make up the missed day later. This applies if he had intended to fast the entire ten days out of ignorance. However, if he had said, "I will fast ten days of Dhul-Hijjah," but his true intention was nine days, not ten, because he knew that fasting on the tenth day was not permissible, then he

- should fast according to his intention, not what he uttered

I asked about a vow to learn calligraphy, so he has to do something he named and make it in a place he named, from what the people of the sect make. Is he allowed to make it where he vowed, or spend it instead on feeding food with the

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intention of Imam Hussein, ^{peace be upon him}, or in some other way of charity? Is that allowed for him

- The answer is that he has no choice but to spend it where he is and not to make it in Ashura Khana as he vowed

I asked about what was stated in the margins, that it is permissible to make up the fast of a vow and expiation while traveling, and what was stated in Al-Muntakhabah, that it is not permissible while traveling. So I asked about the

- agreement between the two statements and which one to act upon

The answer is that the action should be based on what is found in the selected text, because it confirms what is also found in the book of hadiths on jurisprudence. The wording in the marginal notes contains a subtle meaning and cannot

- be understood except through oral transmission. Be aware of this

I asked about someone who happens to travel from among the workers to villages, some of which shorten the prayer in such cases and some of which do not, and he goes around them to collect zakat from its believing people. Is he allowed to complete the prayer according to what was mentioned in the question and the answer is that he is like the prince who

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goes around in his principality first, as it is not practiced

The answer to that is that the one going out to perform Tawaf in the villages close together, as you mentioned, should act as the esteemed scholars and jurists of the past did, such as Sidi Abdul Qadir Hakim al-Din, Sidi Luqmanji ibn Habib Allah, and others who were people of jurisprudence, knowledge, and verification. They used to shorten the prayer when they went around the villages, some of which were within the limits of shortening the prayer and some below. The answer given is that it is like a prince going around his domain, and this has another meaning that can

- hardly be conceived except through oral explanation. So understand it

I asked about someone who is in the army of Ankriz and others, moving with them from place to place and traveling with them. The journey might be as far as the palace or less. Is he permitted to perform the full prayer if this is his usual

- practice, or not? — He is permitted to perform the full prayer if this is his usual practice

I asked about a believer who is in the army of Ankriz or elsewhere and does not know where the army is going, what is

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the status of his prayers and fasting

The answer is that such a question should only be answered orally, not in writing, unless the military's affairs regarding their encampment, travel, deployment, and mobilization are documented. Their actions are varied, and if they are

- documented, a response should be written for each aspect

I asked those who did not recite the word "janabah" in the intention for washing the deceased, whether they were men

- or women, adults or minors. The minors were not considered to be in a state of janabah

The answer is that the term "janabah" (ritual impurity) is derived from "jarr" (distance). God Almighty said, "So I saw him from a distance," meaning from afar. The person in a state of janabah is called "janab" because, in his state of janabah, he is far from purity and thus far from God until he purifies himself. Similarly, when a person dies and his soul departs, he becomes janabah, meaning far from purity and impure according to the apparent rulings of Islamic law.

Therefore, when he is washed, the washing bestows upon him a state he would not have acquired had he been buried without washing. That is why the intention for his washing includes the word "janabah," because he became janabah in

- the sense we mentioned, not because semen was emitted, which is what people commonly understand as janabah

And I asked about some of the polytheist leaders who overpowered each other, plundering their lands and taking

- captive the polytheists within, but not the Muslims, and so on

The answer is found in books of jurisprudence, but its knowledge depends on entering the presence of your caller and

- benefiting from the knowledge and blessings it offers. So understand it

- I asked about a traveler who arrived at the gate of a village where he had a shop, but did not reach it

The answer is that if he arrives at his place and stays there, he completes the prayer. If he stays elsewhere, he does not

- complete it. If one of his relatives meets him at the door, he completes it

- I asked if the eclipse occurs during the time of the obligatory prayer

The answer is that one entering the mosque should begin with a greeting prayer (rak'ah), then pray the Sunnah and the obligatory prayers, and then the eclipse prayer. If the eclipse occurs at a time when prayer is not permissible, then one who enters the mosque at that time should not pray any prayer other than the eclipse prayer. If one begins the eclipse prayer and then interrupts it for fear of missing the obligatory prayer, he should give the call to prayer (adhan) and the iqamah, pray the obligatory prayer, and then resume the eclipse prayer from where he left off and complete it. If he finishes the eclipse prayer and the eclipse has not yet ended, and the time for the obligatory prayer arrives, he should pray it with the adhan and iqamah in the same manner, without delaying it while waiting for the eclipse to end. If he finishes the eclipse prayer and the eclipse is still ongoing, he should sit in his prayer place supplicating to God and

- remembering Him until it ends

Ten questions to clarify the matter of the missing person

The first distinction is that a missing person is someone who leaves their home, their place of residence, without intending to travel, and then disappears. It is unknown what has become of them: are they alive or dead? Were they captured by the enemy, abducted by jinn, devoured by wild animals, killed, drowned, burned, fallen into a pit and perished, afflicted by illness in a place where their whereabouts are hidden, or lost and concealed from themselves due to some personal matter, such as a debt, a disgrace, fear of an enemy, or other reasons? This is the difference between a

missing person and an absent person. A missing person is someone about whom there is doubt as to whether they are alive or dead, and neither their life nor death is established. Therefore, their guardian may divorce their wife, as there is a strong presumption of their death. However, there is no doubt about an absent person, even if their location is

■ unknown. In this case, life is more likely than death

The second is that the missing person is the one seen between the two lines of battle, then the people disperse, and he is not found among those who survived or those who were killed, and nothing is reported of him. The basis of the matter is that any place where one's resting place is known is his resting place. So if he goes out in a disturbing manner for a reason other than his journey and is then lost, he is considered missing. This man's resting place was known to be

■ between the two lines of battle

The third is that the missing person is a sea traveler who loses his ship and is not found among those who survived, nor

■ does he report anything about it

The fourth is that the missing person is a sea traveler whose ship is damaged, so he is not found among those who

■ survived, and no one tells anything about him, and his fate remains hidden

The fifth is that the missing person is the one who sat in his shop and knew his usual spot, then left it and disappeared,

■ and no one knows what happened to him

The sixth is that the missing person is the one who was in his shop and then disappeared, and no one knows what

■ happened to him

The seventh is that of a missing person who left his home in a caravan intending to travel to another land, and he also intended to travel there. Then they stopped at a place and he knew his resting place there during his journey, and then he disappeared, and no one knows what happened to him. The basis of all this is that his departure from where he

■ disappeared was due to disturbance, without him intending to travel to a specific place

The eighth is that whoever leaves his house to travel is then called absent, then his place is known and his settlement

■ there is known, then he leaves from there disturbed and is lost, so he is missing

The ninth is that if someone goes missing from his home and then his whereabouts are discovered, he is told that he is absent, and then he goes missing from that place where his whereabouts were known, according to the conditions of

■ being considered missing

The tenth scenario is that a man went out in a caravan, and when they reached the middle of the road, highwaymen attacked them. They stood up to them and fought, or there was no fighting between them, and then they separated. He is

■ not found among those who survived, nor among those who were killed or captured; he is missing

■ **The questions about the absent one are seven**

■ **Firstly** , whoever goes out as a traveler and knows the place where he has settled is considered absent

■ **The second** is that whoever goes out traveling is considered absent even if his whereabouts are unknown

The third is that whoever is lost and then his whereabouts are discovered is considered absent, even if his location is

■ unknown

The fourth is that if someone embarks on a sea voyage and falls into the sea at night, and they know that he has fallen in but leave him there, and the ship sails on without anyone knowing what has happened to him, then he is considered

■ absent

The fifth is that if someone falls in and they leave him without investigating whether he died or came out, and they do not see his body float or that an animal has eaten part of him, and they know nothing other than that he fell in, then he is

■ considered missing because it is possible that he survived the sea

The sixth is the one who fled from between the two ranks, and they testify that they saw him flee and enter the trees, or

- climb the mountain, or fall into the river, and then they do not know what happened to him; he is considered absent

The seventh is that if someone's ship is damaged and someone who survived says, "We saw him swimming, but we

- don't know what happened to him," then he is considered missing. Reflect on this, may God grant you success

The purchase is at one hundred and twenty dirhams in Islamic dirhams, which is the lowest amount available. The wealthy person must pay more than this, which is one hundred and nineteen dinars, which is the middle amount. The

- highest class must pay one hundred and nineteen ounces

- The Najwa is a dirham, I mean the Islamic dirham

The expiation is fifty dirhams, meaning the Islamic expiation, and whoever is able should pay the expiation seven

- times

- And the connection is with every person according to their capacity

- The bequest is twenty-eight dirhams

- Zakat is based on the minimum amount (nisab), which is eleven ounces

The ounce is ten qafal and the qafala is a qirat. This is the calculation for silver. As for the calculation for gold¹, its nisab is twenty mithqals and the mithqal is twenty-four qirats. The owner of the goods has the nisab for silver. The dirham weighs one hundred and forty barleys, the mudd weighs two hundred and ninety-two dirhams, the mithqal weighs one hundred and seventy barleys and four-sevenths barleys, the sa' weighs one thousand one hundred and

- seventy dirhams, the ratl weighs one hundred and thirty dirhams

Some of the scholars asked our master and patron, Abd al-Qadir Najm al-Din (may God prolong his life until the Day of Judgment), about shops and houses where the tenant loads them with illicit goods. His response was that there is no harm in this, without any doubt or ambiguity, provided the contract does not stipulate such loading. As stated in the book "Da'a'im al-Islam" (Pillars of Islam), regarding the owner of a slave who rents an animal or ship and the renter loads it with wine, pork, or anything else forbidden by God, the owner of the animal is not liable. However, if the

- contract stipulates loading such goods, the contract is invalid, and the rental is forbidden

?

I asked about voluntary fasting: if someone fasts and then eats or drinks unintentionally, is the fast valid or not

The answer is that his fast on that day is not valid; he must break his fast that day and make it up if he intended to fast from the night before and the time of noon has passed. This is because the ruling on obligatory fasts differs from that of supererogatory fasts, and forgetfulness applies to obligatory fasts but not to supererogatory ones. Understand this and

- act accordingly. Peace be upon you

The question is: What does His Excellency, the Deputy of the Imam of the God-fearing and the Crown of the Absolute Preachers, upon whom be the best of greetings and peace from God, say regarding a virgin woman of age who is in need of marriage and has guardians who are absent except for her paternal uncle, who is present among her? Should he officiate her marriage and then grant her a valid marriage? May our Master, peace be upon him, bestow upon his

- humblest servant the most satisfactory answer

The answer is that the father's uncle takes the place of the paternal uncle if no other guardian is present, and he

- undertakes the marriage contract so that the matter becomes clear and straightforward

Some scholars wrote to our master and lord, Tayyib Zayn al-Din, may God exalt his sanctity, asking him about the closest male relatives of a woman. His response was that the closest male relatives of a woman are her father and grandfather, the first of whom is the ascendant, then her son, then her grandson, the next closest, then her brother from

1 ;mithqal tin masha no; Ik tola na and 32 ansas is half, ik masha na and 2 ansas is half

both her father and mother, then her brother from her father only, then her nephew from both her father and mother, then her nephew from her father only, then her paternal uncle, the brother of her father from both his father and mother, then her paternal uncle, the brother of her father from his father only, then her cousin, the brother of her father from both his father and mother, then her cousin, the brother of her father from his father only, then those further removed in

■ the paternal line. This is the end of the matter

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Ninety issues

In the name of God, the most gracious, the most merciful
Praise be to God who raised up knowledge and its people, and made it the foundation and origin of His religion. And prayers upon His servant whom He raised up above all His prophets and favored, His Messenger Muhammad, upon whom He made it obligatory to explain what He revealed, and upon his family through whom He perfected and

- completed His religion, and singled them out to interpret what He made broad and explain what He made concise

Now then, since it is established that the science of jurisprudence is the noblest and most exalted of all sciences in the eyes of the pious and wise, I was instructed to compile from it issues that are being issued in this era by the radiant beacon of piety and the lamp of guidance, the most noble and generous caller to faith, Abd Ali Saif al-Din ibn al-Da'i al-Ajal Zaki al-Din, may God prolong his life, elevate his status, and perpetuate his glory. So I say, and with God's help, that the most noble caller to faith, Saif al-Din

It was brought before him that a mature woman wished to marry, and her closest guardian was her brother, who was absent. She sent word to him asking him to act as her guardian in her marriage contract or to appoint someone else to do so. He refused both options. Her paternal uncle was also absent. The judge ruled that her uncle should be sent to act as her guardian in her marriage contract or to appoint someone else. If he refused, the matter should be examined. If she had another guardian, he should be sent to that guardian as well. If all her guardians refused and she had no other guardian, the judge should then perform the marriage contract for her. This is the meaning of what is stated in the books

II

- of legal proceedings: "The judge is the guardian of one who has no guardian

brought to his attention that a woman of legal age wished to marry, and her closest male guardian was her brother, who was absent. She had a minor nephew and an adult paternal uncle. He ruled that her brother should be instructed to act as her guardian in her marriage contract or appoint someone else to do so. Since her minor nephew excluded the uncle, she had no guardian other than her brother to act as her guardian in her marriage contract. It is established that the closest male guardians of a woman are her paternal grandfather, then her son, then her grandson, then her brother, then her

- nephew, then her paternal uncle, then her paternal cousin, and so on down the paternal line

It was brought before him that an adult woman wished to marry, and her minor full brother, who was her closest guardian, was present, while her adult half-brother was absent. The judge ruled that the marriage should be performed on his behalf, stating that her full brother was closer to her than her half-brother, and since he was a minor, he was

- excluded from the marriage

It was reported to him that a man sought a divorce for his daughter from her husband, but the husband refused. The man then conspired with a tyrannical ruler and produced two false witnesses. One testified that he was in such-and-such market when her husband met him and he confessed to divorcing his wife. The other testified that he was at such-and-such a pool when her husband met him and he confessed to divorcing his wife. The tyrannical ruler approved and validated this divorce, separating the woman from her husband. The judge ruled this divorce invalid, stating that divorce has conditions: the woman must be in a state of purity during which her husband has not had intercourse with her; the two witnesses must be certain of her purity and be just; and the divorcing husband must have them both witness

- it in the same place. This divorce violated these conditions and is therefore invalid

reported to him that a woman had completed her menstrual period and performed ghusl (ritual purification). She was with her husband, and he touched her without intercourse. Then he intended to divorce her. The court ruled that he could divorce her at that time, because the principle that a woman cannot be divorced except during her period of purity when her husband has not touched her means that the touching in this context refers to intercourse. This man did not have intercourse with her, but he touched her with his body without penetration. Therefore, it is permissible for him to

- divorce her during this period of purity, according to what is required in Islamic law

came to the judge one day and said, "I want to divorce my wife. She is currently in a state of purity after having had intercourse with me, and I intend to travel today. Please rule according to Islamic law." The judge ruled that the man should appoint an agent to divorce her. The agent was to divorce her in the presence of two witnesses, as required by Islamic law, once she menstruated and then became pure again. If she was pregnant and her pregnancy became evident, the husband was obligated to provide for her until she gave birth. The agent was then to divorce her after she delivered

- her child

It was brought before him that a woman wished to marry, though she was a virgin under fifteen years of age. Her father had died, and she had no guardian, present or absent. The judge ruled that the marriage should be solemnized after her reaching puberty was verified by the testimony of a trustworthy woman. After the judge solemnized the marriage, following the testimony of a trustworthy woman as previously mentioned, she was given in marriage to her husband. Some days later, her husband came to the judge and said, "When my wife was given to me in marriage, and I wished to consummate the marriage, I saw that she was not yet of age; her pubic hair had not yet grown. The woman who testified

that day lied, so I abstained from her and have not had intercourse with her until this day. Today, I see that her pubic hair has grown, and she has truly reached puberty. Renew my marriage contract with her." The matter was brought

■ before the Highest Prosecutor, who ruled that her marriage contract should be renewed
reported to him that a man bought a free woman from her father and relatives or from someone else, and she bore him a child. Then he came to the judge and said, "I want to arrange the marriage of my underage son from my concubine," meaning the one he bought from her father. The judge ruled that he had no authority over him, for he belonged to the marital bed, as the Prophet (peace and blessings be upon him) said. For a slave to be considered a slave, there are two conditions: first, that no one can be a slave except one who is a child of a polytheist; and second, that he be a captive of

■ war, as stated in the books of jurisprudence. Anything other than that is not considered a slave but pure adultery
reported to him that an adult woman wanted to get married, and her adult uncle, who is her closest guardian, was absent from her. He is her brother, meaning the father of this woman from one father, and the mother of each of them is not the mother of his brother, but their father had married their mothers with the contract of the people of disagreement, and he did not contract them with him by order of the owner of the call of truth, and they were also from the group of the dissenters. So does the uncle of this woman have guardianship over her or not? The esteemed preacher said that this woman has the right to her uncle's guardianship over her. She cannot marry unless her uncle is present to officiate her marriage contract or appoints someone to do so. If the marriages of those who disagree with us are invalid, then no believer should be allowed to marry according to their rulings and contracts. However, if a believer marries according to their contracts, and the marriage period expires and children are born during that time, how can the marriage, guardianship, and other matters be invalidated? When Imam al-Mahdi (may God hasten his reappearance) entered the Maghreb and God's command was manifested through him, he confirmed all those who pledged allegiance to him in their original status regarding marriage and other matters. Most of what is said about the marriages of those who disagree with us is that they are a type of fornication. The meaning of fornication is that anything that contradicts the

■ legal rulings narrated in the books of the guiding call is fornication
It was also raised to him that if an adult woman wishes to marry and attends the judge's court, appoints a representative, and the judge hears her admission, he does not need the two witnesses of the representation because they are only present in the absence of the woman appointing the representative, and her admission is established by their testimony

■ before the judge
reported to him that a man in Aurangabad divorced his wife in Surat and had two men witness the divorce. The two witnesses came from Aurangabad to Surat and testified separately at some border crossing. He ordered that the marriage contract for this woman be conducted by the same border crossing where the two witnesses had given their testimony. He said that the condition for a divorce is that they both witness it together, not separately, but as for testimony, both

■ are permissible: either they are together or they are separate
reported to him that a man had traveled to Malabar the previous year, leaving his adult daughter in Surat with no guardian other than him. This year, he had been given power of attorney to arrange his daughter's marriage, appointing a Muslim man and two scholars from the general populace as his representatives. One of the Muslim men died at sea, and the other landed in Mumbai. The woman, meaning his daughter, wished to marry, but the two scholars refused to appear before the governor to give their testimony. The governor then ordered that a student of religious knowledge be sent to them to hear their testimony and to officiate the marriage of this woman. This was done as our master had

■ instructed
brought to his attention that a man wished to marry off his young daughter, whose father was present. The Sharia states that the grandfather has precedence over the father. When the grandfather was asked to attend the judge's court to conduct the marriage of his underage granddaughter, he procrastinated and delayed his appearance. The judge ruled that the father and grandfather are equal in guardianship; neither can prevent the other, and neither needs to appoint a representative when the other is present. Whoever is present acts as the guardian for the marriage. As for the claim that the grandfather has precedence over the father, this applies only if both are present; otherwise, the grandfather does not prevent his son (the woman's father) from attending if he (the grandfather) is not. I upheld this ruling in accordance with

■ the judgment of our master
was brought before him, because it is well-known that one of the two-postal distances is the distance at which prayers are shortened, and that distance is twenty-four miles. It is stated in the book of questions and answers that the first conclusion is that if the woman's nearest guardian is absent from her at a distance of two postal distances, then the one who is next in line but present should officiate her marriage. It has been heard from some jurists that what is meant by the two-postal distance in the context of guardians' marriages is when the guardian is far away from the woman, such as if the woman is in Surat and her absent guardian is in Awjin. Which is more accurate, and to what extent is the two-

postal distance valid in matters of marriage and other things? Our master replied that the two-postal distance is what is stated in the books of jurisprudence and Islamic law, and it is a single distance for any absent traveler, regardless of

■ their location

was brought before him. The question was whether the meaning of his statement, peace be upon him, was that a man might have a wife and wish to marry another woman in addition to her, so she would stipulate that he divorce his existing wife in exchange for her dowry. Or was the meaning something else? He ruled that it was not as they had described. The eminent scholar, Judge Nu'man ibn Muhammad Qas, included it in his book "Da'a'im" on the authority of our master Ja'far al-Sadiq, peace be upon him, in the section on dowries. That would be its meaning, but he included it in the section on conditions. Its meaning is that it is not permissible for a man to marry a woman on the condition that he divorce his existing wife, nor is it permissible for a woman to ask him for that. This is similar to what was narrated from the Messenger of God, peace and blessings be upon him, in the statement preceding the statement of our master Ja'far, peace be upon him, that he forbade a woman from asking for the divorce of her sister in faith so that she might be

■ spared, for God is her provider. This is clear to anyone who ponders it and understands it well

Know, my brother, that we want to mention in this narration, from this chapter, issues concerning the rulings of guardians of marriage and its witnesses, explained and clarified, so that it may be made easier for seekers and clearer for those who desire it, because it may be found scattered in various books, so we have gathered it in this place, and it is nothing but taken from the books of jurisprudence found in this Tayyibiyya call, and I did this only because all of this is the knowledge upon which action is based, and what I mentioned in the past is partly knowledge and partly action, and

■ it is ninety issues, and they are these

■ Firstly, marriage is not permissible except with a guardian and two just witnesses

■ Secondly, any marriage contract made without a guardian is invalid

■ The third is that a father may marry his underage daughter without her consent

■ The fourth is that a father may marry off his underage son without his permission

Fifth, a man may marry off his underage son, but he may not divorce his underage son's wife without his permission until the son reaches maturity, at which point the matter will be considered; if he wishes, he may divorce her, and if he

■ wishes, he may keep her

Sixthly, the grandfather, the father of the father, has the same guardianship as the father; that is, the grandfather may marry his underage granddaughter without her consent, and he may also marry off his underage grandson without his

■ permission. He does not have the right to divorce his wife until he reaches maturity

Seventh, the grandfather (the father's father) has more right to conduct the contract than the father if they are both present in the same session; otherwise, they are equal in terms of authority, each of them having the right to conduct the

■ contract without the other

The eighth point is that a mature woman may not be married off without her consent, whether the one arranging the

■ marriage is her father, grandfather, or any other guardian. She may not be married off except with her permission

The ninth condition is that a virgin who has reached puberty but has not yet married, if consulted, may consent to the marriage due to her knowledge of it, or remain silent due to overwhelming shyness, or weep at the horror of what is being presented to her because she has never seen anything like it, or laugh with great joy at what is to come to her that she does not know, because women differ in their temperaments and rarely do two resemble each other. If one of these

■ four signs is present, she may be married; otherwise, she may not if she refuses

The tenth point is that a previously married woman, whose husband has died or who has been divorced, cannot be married until she gives permission for the marriage and consents to it. She is not married based on those signs, but

■ rather her consent is her own permission, given willingly, because she is free from shyness, fear, and intense joy

Eleventh, a man has the right to arrange the marriages of his young children, both sons and daughters. He may marry whomever he wishes without consulting them. However, when they reach adulthood, he has no authority over his sons'

marriages; they are free to choose their own paths and marry whomever they wish, however they wish. Their father then has no share in their marriage arrangements, neither small nor large. As for daughters, when they reach adulthood, the right to arrange their marriages is divided equally between them and their fathers. They may not marry without their fathers' permission, nor may their fathers arrange their marriages without consulting them. If both fathers and daughters

- consent, then the marriage is valid; otherwise, it is not

The twelfth point is that if fathers marry off their sons and daughters in their youth, they are bound by the marriage

- contract made by their fathers and have no choice in the matter, whether to accept it or not; rather, it is obligatory

Thirteenth: If a father appoints an agent to arrange the marriage of his underage son or underage daughter, and the agent marries her, this is permissible, and the grandfather in this matter is considered to be in the same position as the father,

- as previously explained

The fourteenth is that if the closest male guardian of an adult woman—her father, grandfather, or anyone else entitled to guardianship over her at that time—appoints an agent to arrange her marriage, and the agent marries her, that is

- permissible

The fifteenth point is that if a Muslim woman of legal age appoints her Christian guardian to marry her, and he marries

- her, that is permissible

The sixteenth point is that if a non-Muslim marries off his Muslim daughter who is underage, it is not permissible because a non-Muslim has no authority over a Muslim. Similarly, it is not permissible for him to marry off his underage

- son. If one of the parents converts to Islam, their young children become Muslims

The seventeenth point is that a woman may appoint one or two of her guardians, or several of equal kinship to her, as her guardian for her marriage. If one of them marries her, it is valid. If each of them marries a man, the marriage is valid

- for the first one. If the first one is unknown, the marriage is void and must be restarted

The eighteenth issue is that if she is a child and her father marries her off to one man, and her grandfather marries her off to another man, then the marriage contract is the contract of the first one. If the first one was unaware, the marriage

- is void and a new one is required

The nineteenth is that if the father of an adult woman is absent and her brother or uncle, or any of her guardians after

- him, marries her off on her behalf, this is permissible

The twentieth is that witnessing a woman's agency regarding her marriage is obligatory, and her agency is not valid

- except with witnesses

The twenty-first point is that if a woman appears before the judge and appoints her guardian to act on her behalf in her marriage, and the judge hears her, he does not need witnesses to her appointment. Rather, he needs them to verify

- whether she has appointed a guardian or not. If this is verified, then there is no need for witnesses

The twenty-second point is that witnessing a marriage is not obligatory, but rather recommended for the purpose of verifying lineage and inheritance, and not out of fear of the ruler. However, this is what is practiced and what is

- commanded

The twenty-third point is that the two witnesses in an agency agreement are those whom the woman calls to witness her appointing her guardian to act on her behalf in her marriage. Likewise, anyone who hears her appointing her guardian and the two witnesses testify to this is also a witness. Similarly, the two witnesses in a marriage are those whom the judge calls to witness the marriage contract. Likewise, anyone who is present in his court, sees him, and hears him perform the marriage contract is also a witness to that marriage which he saw, heard, and knew. The same applies to all matters: whoever is called to witness something is a witness to that thing, and whoever is present, sees, hears, and knows about it is also a witness, even if the person who performed the act did not witness it, but rather testifies based on

- his knowledge

The twenty-fourth is that the testimony of women and slaves is permissible in marriage, and everything else that is permissible in financial matters is also permissible, because it is similar to the rulings on sales in some of its

■ provisions

The twenty-fifth case is when her father marries her off and the two witnesses disagree about her consent, with one saying he married her against her will and the other saying he married her with her consent, then the marriage is valid.

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This applies if she is of age and the one performing the marriage contract is her father, because he is her guardian.

■ The same applies if her grandfather is the one performing the marriage contract

The twenty-sixth is that the father of a virgin who has reached puberty but is not yet married may marry her off without witnesses to her guardianship. This means that he must consult her, but he is permitted to marry her off to someone who

■ witnesses her guardianship because he is her trustee

The twenty-seventh is that if a virgin who has reached puberty is married off by one of her guardians other than her father or grandfather, and she denies giving her permission while he claims her consent, then her word is accepted with her oath, and the husband bears the burden of proof if he did not consummate the marriage with her consent. If he did consummate the marriage with her consent, then his word is accepted, and she bears the burden of proof that she refused it and that he married her off without her consent. If her father is the one who married her off and she says, "I did not order it," then her statement is disregarded. Similarly, her grandfather, her father's father, is in the same position

■ as her father in this matter

The twenty-eighth issue is that if her father marries her off and the witnesses to the marriage disagree about her consent, the marriage is valid because he is considered trustworthy regarding her. If they disagree about the dowry, with one being more or less, the marriage is still valid, and she swears an oath along with her witness, taking the higher amount if she claims it, because this ruling pertains to financial matters. If they disagree about her age, with one saying he married her off when she was underage and the other saying he married her off when she was an adult and previously married, without her consent, their testimony is invalid because this is a disagreement about age, and disagreement about age in matters that cannot be accommodated is not permissible. The ruling on this type of marriage is divided into three

■ categories, which I will mention in the narration at the end of this chapter

The twenty-ninth point is that if the guardian of a free girl is a slave, he has no right to marry her off. If she reaches puberty and appoints him as her agent, it is permissible. This meaning is found in the book Al-Yanbu', so be aware of

■ it

Thirtieth: If a woman has no guardian, the judge may contract her marriage, meaning if all her guardians have died and none remain, and this is verified and valid, then her guardian is the judge who holds the position of judge by order of

■ the just Imam

The thirty-first is that the judge is the guardian of the closest female guardian who is not an adult, and he excludes those

■ below him

The thirty-second [case] is that if a woman has a guardian who is an idol worshipper and has no other guardian, neither

■ near nor far, then her guardian is the judge. But if he is a People of the Book, then his ruling has already been issued

The thirty-third is that if a woman's guardian is a slave and she has no other guardian at all, then his ruling is like that of a People of the Book. This is because her guardian is the judge, and if she wishes, she may appoint her People of the

■ Book guardian as her representative, or if her guardian is the slave, then this is permissible if the judge permits it

The thirty-fourth is that if a woman's guardian refuses to officiate her marriage contract, the matter is referred to the next guardian after him by order of the supervisor, until all her guardians refuse and no guardian is found after them,

■ then the judge becomes her guardian

.In the concise explanation of this issue, there is a different explanation than what is found here, so refer to it there ²

The thirty-fifth is that if a woman's guardian demands a bribe for her marriage and refuses without a bribe, and this is

- valid, then her guardian is the judge

The thirty-sixth is that if a woman loses her guardian or he is absent and there is no other guardian for her, then her

- guardian is the judge

The thirty-seventh is that if a woman's guardian is absent due to the distance of her homeland or the dispersal of her guardians to the point that they cannot be identified and no news of them has been received, then her guardian is the judge. This is the meaning of the pertinent question that I mentioned in the Saifiya fatwas that I included in the twenty-first session of the Saifiya sessions, addressed to the most exalted Da'i Saif al-Din, may God prolong his life. So learn

- about it from there if you wish

The thirty-eighth [case] is that if a woman's guardian is insane and she has no other guardian besides him, then her

- guardian is the judge

The thirty-ninth case is when a woman is satisfied with a man who is a suitable match for her, and her guardian is satisfied with another man but refuses to allow her to marry the one she is satisfied with, and she has no other guardian

- besides him, then her guardian is the judge

The fortieth is that if there is doubt regarding the relationship of her guardian, and the relationship between her and him is not established, even if he is related to her father and most people believe he is related to her mother, but this is not proven by evidence and the truth of the matter, and she has no guardian other than him, then her guardian is the

3

- judge

The forty-first point is that if the husband denies the marriage, and evidence is presented regarding the contract or the

- husband's admission, it is valid, and his denial is not considered a divorce or separation

The forty-second point is that if the wife denies the marriage, and evidence is presented regarding the contract or the

- wife's admission, it is valid, and her denial does not constitute a separation or a denial

The forty-third is that if the two witnesses deny the marriage, and other evidence is presented regarding the contract or

- their admission, their denial does not constitute a separation

The forty-fourth is that if the judge denies the marriage, and evidence is presented regarding the contract or the judge's

- admission, his denial does not constitute a separation

The forty-fifth is that if the guardian denies the marriage, and evidence is presented regarding the contract or his

- admission, his denial does not constitute a separation or annulment

These five issues are explained in the book Al-Yanbu' in the chapter on guardians. These five issues are further clarified by the fact that if no proof is established for the contract or the admission, then the denial constitutes divorce, separation, negation, annulment, and dissolution. The proof here refers to two just witnesses, and this is the intended

- meaning in every instance where proof is mentioned. Understand this

The forty-sixth is that if a man jokingly says to a woman, in jest, "I have married you," and she replies, "Yes," then the marriage is not valid. This means that if the marriage contract was made in jest without a guardian or witnesses, then it

- is not valid. However, if it was made with a guardian and witnesses, then it is permissible

The origin of this issue lies in the question and answer: Question: If a woman has no guardian except a distant male ³ relative, and many people believe he is related to her mother, while the guardian and the woman believe he is related to her father, is he entitled to guardianship or not? Answer: He is not entitled to guardianship unless there is just evidence .proving he is related to her father. If there is no such evidence, then the judge is her guardian

The forty-seventh is that if a woman is joking and says to a man in jest, "I have married you," and he replies, "Yes," the marriage is not valid if this is done without a guardian and witnesses. However, if it is done with a guardian and

■ witnesses, it is valid

The forty-eighth point is that if a man jokingly says to another man, "I have given you my daughter in marriage," it is not valid if there are no witnesses and she is a child, and it is not valid if there are no witnesses or an agent if she is an

■ adult. However, if there are witnesses and an agent, then it is permissible

The forty-ninth point is that if a man is drunk and says to a woman while intoxicated, "I have married you," and she replies, "Yes," the marriage is not valid, whether this is with a guardian and witnesses or without, because he is not of sound mind. In a state of mental incapacity, no ruling of Islamic law is valid, and he is neither obligated nor required to

■ fulfill any of its requirements. The same ruling applies if the woman is drunk or if the guardian is drunk

The fiftieth point is that if the marriage is forced, the marriage is not valid, whether there is a guardian and witnesses or not, because the one who is forced is not obligated to any of the rulings he was coerced into. The same ruling applies if

■ the woman is coerced or if her guardian is coerced

The fifty-first point is that if a woman appoints one of her guardians to arrange her marriage, and he marries her to someone who is not her equal, it is not permissible. The meaning of "equal" here is that a Muslim is a suitable match for another Muslim if he is satisfied with his religion and conduct, except for the family of the Messenger of God (peace and blessings be upon him). No one other than them may marry outside their family due to their superiority over others.

However, they may marry outside their family. The meaning of "no one other than them may marry outside their family" is that no one other than them may seek to marry their daughters, nor may they be proposed to by others. If they themselves consent and marry their daughters to others from among the people with their own consent and at their own initiative, then there is no harm in that. It does not mean that it is not permissible for anyone other than them to marry their daughters. Rather, it means what we have said: that no one may propose to them. If they marry with their own

■ consent, then that is permissible and lawful

The fifty-second point is that the difference between a guardian, an agent, and a trustee is that a guardian is a close relative, while trustees are those who share a common ancestry, beginning with the father and grandfather, then the next closest, and so on. An agent is someone who is appointed for a specific matter, and the principal appoints an agent during his lifetime due to his absence or some other reason preventing him from attending the marriage ceremony. A

■ trustee is someone to whom a matter is entrusted at the time of death, and he carries it out after the testator's death

The fifty-third [issue] is that if a man bequeaths to another man upon his death, or appoints him as his agent during his absence, the marriage of his underage daughter, and the guardian or agent marries her, that is permissible. When she reaches puberty, her closest guardian has the right to marry her off through his agency, and he has more right over her

■ than the guardian

The fifty-fourth [ruling] is that if a woman comes from a distant land and no one in the local community knows her, and she says, "I have no husband and have never been married," or "My husband has died," or "My husband has divorced me," then she will not marry, nor will anyone give her in marriage, until she produces upright witnesses who testify that she has no husband and that he has died or divorced her. If she produces the evidence, then the judge will perform the

■ marriage ceremony for her

The fifty-fifth is that the marriage of a woman who provides evidence that she has no guardian shall not be solemnized

■ except by the judge or by someone to whom the judge delegates this authority by his order

The fifty-sixth is that if a woman of legal age is married off by her guardian without her consent, and she is not informed of this until the husband dies, then this marriage is invalid and they do not inherit from one another. Similarly,

■ any invalid marriage does not result in inheritance

The fifty-seventh point is that if a woman denies the marriage and says, "He did not marry me," and one witness testifies that he married her today, while another testifies that he married her yesterday, then the marriage is invalid.

This is because they have differed regarding the time of the marriage contract, and such a difference in time is not permissible. Marriage is not contracted for one woman only, and it is not in accordance with the Sunnah to contract it

twice. Therefore, if they differ regarding the time of the contract, their testimony is accepted. Any marriage that differs

- regarding the time of its contract is invalid

The fifty-eighth [issue] is that if a man appoints an agent to arrange his marriage to a woman, and the agent marries him to someone unsuitable, it is not permissible. This is similar to marrying him to a Christian or Jewish woman, a promiscuous slave woman, a woman of dubious character, a woman who is hostile to the Ahlulbayt, a woman born out of wedlock, or a woman lacking religious devotion, piety, chastity, and good character. Such a marriage is not

- permissible

The fifty-ninth [ruling] is that if a judge wishes to marry a mature woman, he may join hands with her guardian and conduct the marriage ceremony on her behalf, and deliver the marriage sermon. This is permissible. Likewise, if he joins hands with her guardian and orders someone of lesser authority to deliver the marriage sermon, this is also

- permissible

The sixtieth point is that if a man wants to marry a woman for whom he is the guardian and who has no other guardian besides him, or if he is her closest guardian, then he may appoint an agent, and the woman may also appoint that agent, and he may contract her marriage with him on her behalf. This is permissible, just as if a man wanted to marry his

- cousin, and he is her closest guardian, he would do as we have stated in this matter

The sixty-first case is when a woman presents evidence before the judge that she has no guardian, and the judge marries

- her off. Then her guardian comes, and her marriage is invalid, and her guardian marries her off in a future marriage

The sixty-second [issue] is that if a woman has an absent guardian and she summons him, but he does not come to officiate her marriage contract, nor does he appoint someone else to officiate her marriage, and evidence is presented of

- his procrastination in coming and his refusal to appoint her guardian, the judge, to officiate her marriage on her behalf

The sixty-third is that if the woman's guardian is absent and remains absent for a year or two, or less or more, she should wait for him until he returns and then he can act as her guardian in her marriage contract, or his agent should come, and no one else should marry her. This is provided that he does not delay or refuse to come and does not refuse

- to appoint an agent, and that she has no other guardian besides him

Sixty-fourth : If a boy or girl says they have reached puberty, the judge may request proof of this from them at the time of the marriage contract, or he may be satisfied with their admission if he recognizes some signs of puberty in them or if

- they have reached the age of puberty; otherwise, their statement is not accepted

The sixty-fifth is that if a mature woman marries without a guardian, and the guardian comes before the marriage is

- consummated, the marriage is not valid except by resuming the marriage

The sixty-sixth is that if a woman has three or more guardians, such as her father, son, brother, uncle, and cousin, and they are all absent, she should send for the closest one. If he refuses to come or appoint a representative, she should send for the next closest, until all her guardians refuse and she has no other guardians left. Then the judge should

- perform the marriage ceremony for her

The sixty- seventh is that if a woman's father is absent and she has a minor son, she should wait for her father's return,

- for her minor son excludes all those below him in inheritance rights, such as her brother, uncle, and others

The sixty-eighth is that if a woman's closest guardian is her brother, and he is absent from her, and she has a minor nephew and an adult paternal uncle, she should wait for her brother's arrival or his representative, since her minor

- nephew has excluded her paternal uncle

The sixty-ninth [ruling] is that the closest male relative of a woman is her paternal grandfather, then her father, then her son, then her grandson, then her full brother, then her full brother's son, then her half-brother, then her half-brother's son, then her paternal uncle, then her paternal cousin, then her paternal uncle, then her paternal cousin, then those

- further removed in kinship and distance. Whoever is closer to her in this regard excludes those further removed

The seventieth is that if the woman's full brother who is not an adult is present, or her half-brother (paternal) is absent,

- the judge shall conduct the marriage contract because the full brother excludes the half-brother (paternal)

The seventy-first is that if a man divorces his wife and then dies before the end of the waiting period (iddah) for divorce, she begins the waiting period for a widow. When she completes it, she may marry whomever she wishes. This

- applies if the divorce was revocable

The seventy-second point is that if one of the witnesses to the divorce forgets and the other is present, the divorce is

- repeated, because there is only one witness present, and a divorce cannot be established by only one witness

The seventy-third is that if one of the witnesses to the divorce dies or is absent, and the one present is aware of both

- testimonies, the present witness may contract the marriage by order of the judge

The seventy-fourth is that if a tyrannical ruler takes a man and forces him to divorce his wife, and he divorces her under

- duress, the divorce is invalid, and she remains his wife and cannot marry another

There are five conditions for divorce: first, the woman must be in a state of purity (after menstruation) ; second, her husband must not have had sexual intercourse with her during that period of purity; third, the two witnesses must be certain of her purity and be just; fourth, the divorcer must have both witnesses in the same place and at the same time; and fifth, he must not have been coerced into the divorce. Any divorce that violates these conditions, or any one of

- them, is invalid

The seventy-fifth is that if a just woman testifies that a slave girl has reached puberty and her pubic hair has grown, and her guardian or the judge, if she has no guardian, marries her, and then her husband says, "When I examined her, I did not see that her pubic hair had grown, so I refrained from marrying her," the marriage contract is renewed for him if her

- reaching puberty is proven by evidence or by his subsequent admission of puberty

The seventy-sixth point is that if a man buys a free woman from her father, or from one of her relatives, or from anyone else, and she bears him a child, he has no guardianship over that child. The child belongs to the marital bed, as the Prophet (peace and blessings be upon him) said. For ownership of a slave woman, there are two conditions: first, that no one can be owned except from among the children of polytheists; and second, that he be a captive, as stated in the

- books of jurisprudence. Anything other than that is not ownership of a slave woman, but rather pure fornication

The seventy-seventh is that if a man divorces his wife and does not ascertain whether she is pregnant or not at the time of the divorce, and then it is discovered that she was pregnant, the divorce is invalid, and she cannot marry another man because the husband was not certain of her pregnancy. Divorce of a pregnant woman is only valid if the husband is

- certain of her pregnancy; otherwise, the divorce is not valid until her purity is confirmed

The seventy-eighth [ruling] is that if a man divorces his wife and then dies after the waiting period of divorce has ended, and then the two witnesses to the divorce also die, the woman is not permitted to remarry unless she provides evidence from those who were present at the divorce proceedings. If she has no other evidence, she observes the

- waiting period of a widow, and then she may remarry if she wishes

The seventy-ninth is that if a woman's husband dies and she has not completed the waiting period for him, and a year or

- more or less has passed, she may not remarry until she has completed the waiting period for a widow

The eightieth point is that if a divorce is conducted according to its required conditions, then it is permissible, and the divorced woman is separated from her husband and may marry another. Whether the divorce takes place before a just ruler, an unjust ruler, in his house, or anywhere else, it is not a requirement of the Sunnah for divorce to be conducted

- only before a just ruler. That requirement applies to marriage, which is not valid except before a judge or ruler

The eighty-first case is that if a man divorces his wife and it is not ascertained whether she was menstruating or not at the time of her divorce, and her waiting period has ended and she wishes to remarry, and her father and mother testify that she was a minor who had not yet menstruated when her husband divorced her, then the divorce is valid and she is free to marry another, because a minor can be divorced in any case. The requirement that the husband be certain of her

- menstrual status applies only to pregnant women

The eighty-second point is that if a man harms his wife in terms of maintenance or other matters, and she disputes with him, and he stipulates that if he does not provide her with maintenance by such and such a period, she is divorced, then the condition is invalid, and she remains his wife and has not married another. For divorce has conditions, as we

■ mentioned previously, and this is contrary to them

The eighty-third [condition] is that if a woman becomes pure from her menstruation and performs ghusl (ritual purification), and then her husband touches her body without intercourse, and then divorces her as required, her divorce is valid and she is free to marry another. This is because the statement that she is not divorced except in a state of ritual impurity where she has not been touched [during menstruation] refers to intercourse. Anything less than that does not

■ prevent divorce

The eighty-fourth [ruling] is that if a man has intercourse with his wife and then wishes to divorce her while intending to travel, he may appoint an agent. When she menstruates and becomes pure, the agent may divorce her. If she is

■ pregnant, the agent may divorce her and is responsible for her maintenance until she gives birth

The eighty-fifth: If a man wishes to divorce his wife while he is about to travel, and she refuses to return his money, he may appoint an agent to divorce her and instruct the agent not to divorce her until she returns his money, such as

■ jewelry and clothing. Once she returns it, the agent may divorce her according to the proper procedure

The eighty-sixth is that if a woman gives birth and is purified from her postpartum bleeding, and he has intercourse with her, he does not divorce her until she menstruates and is purified. As long as she is breastfeeding and does not

■ menstruate, she is not divorced

The eighty-seventh is that if a man divorces his wife while he is absent from her, and two witnesses come to the woman's town and give their testimony before a certain judge who is not the governor of the town, the governor orders

■ that judge to officiate her marriage to whomever she wishes

The eighty-eighth is that if the two witnesses to the divorce give their testimony before the judge separately and not together, that is permissible, and the judge may marry her if she wants a second marriage, because the condition for divorce is that they be witnessed together and not separate, but when giving testimony, both are permissible, whether

■ they are together or separate

Similarly, purity is a condition for divorce, but not for marriage. It is permissible for a woman to be married while

■ menstruating, but it is not permissible for her to be divorced during her menstruation

The eighty-ninth is that the testimony of people of a particular school of Islam is permissible if they are upright in their

■ schools of thought

■ **The ninetieth** is that a valid marriage has seven conditions

Firstly – the guardianship of the guardian

Secondly – the woman's consent

And the third – the consent of the married person

Fourth – The Judge's Sermon

Fifth – having witnesses attest to the agency

Sixth – having witnesses to the marriage

And the seventh – the obligation of the dowry

If these conditions are met in the marriage, then it is a valid and established marriage through which lineage is

■ established, inheritances are preserved, and kinship ties are known

These ninety issues have been completed, thanks be to God Almighty, and are all complete in the chapter on marriage, even though they are diverse in their aspects. Understand them. * Completed

In the name of God, the most gracious, the most merciful

Praise be to God who created everything and ordained it with precision. I praise Him and bear witness that there is no god but God who created man from water and made him related by blood and marriage, and your Lord is All-Powerful. And I bear witness that Muhammad is His servant and messenger whom He sent with guidance and the religion of truth as a bearer of good tidings and a warner and an inviter to God by His permission and a lamp and a light. And may God bless him and his brother and successor Ali ibn Abi Talib, the Commander of the Faithful, whom He made a helper and

minister to him, and what God intended for him to be a supporter and helper of the religion of truth, and our Lady Fatima al-Zahra, who attained a high place of glory, and his two sons, the two noble Imams, al-Hasan and al-Husayn, who were loved by the Imamate as a blessing and a great kingdom, and the Imams from the progeny of our Master al-Husayn, from whom God removed impurity and purified them completely, and our Master and our Lord, the good Imam Abu al-Qasim, the Commander of the Faithful, who was loved by God Almighty as a support and victory, who

■ was given wisdom and decisive speech as a young child
Hhhokro, adult, Ho'i, Anss, Hhhokri, non-adult, Ho'i, Tu, Tzn , Nikah, Ni, Waqt, Jama'i, Hat, Jorss, Anss, Hhhokri, Nu,

■ Bathth, Hat, Jorss, Anss, Jama'i, S-sra, Nass, Kzzss

Marry me to your underage daughter, by virtue of your guardianship over her, in the name of God, the Great, the Eternal, the Ancient, the Beneficent, the Generous, the Compassionate, the Merciful, and according to the religion of God and the Sunnah of His Prophet Muhammad, the Chosen One, may God's prayers and peace be upon him and his family, and according to what God Almighty has commanded regarding keeping her with kindness or releasing her with

■ grace, and with a dowry of forty ruthsiyah

■ Thahhi ssrw kassssssss

■ I married you to the woman you mentioned, based on what you mentioned

تصحى جمائي كظظسس استنكحت

■ This is a secret judge for a party heading to prepare a court as a matter of fact

Khoda na deen awthr Khoda na rasul ni shari'at ththr Mawlana Ali salawat Allah alayhi ni wilayah awthr hhalis ruththiyah mahr awthr rakhutt ahsan wadli tamitat tamari dakri ba'i fulana ghayr buligha; taznnass tamari wilayah

? wadlik fulan bin fulan nass nikah ththrunhi aththw hhu

■ Yes, this is the case . A criminal judge has made a mistake. This is a malicious admission

Jiwarss Jamai Hatt Kzzss Tawarss Qadi Thathrunhss Praise be to God, Lord of the Worlds, and prayers upon His Messenger, our master Muhammad, and his family, all of them
If the woman is an adult, the man says, "Marry me to your adult daughter by virtue of the guardianship you have over

■ her and by virtue of the power of attorney I have given you, in the name of God Almighty," and so on

Marry me to your adult daughter, by virtue of the guardianship you have over her and the power of attorney I have granted you to marry her, in the name of God, the Most High. I heard the All-Knowing, the Beneficent, recite such a phrase. Completed after praise and prayers upon His Prophet, who is the source of blessings, and upon his successor,

■ who is the cause of all existence, and upon the Imams, who are the revivers of decayed bones

These Zayni matters were concluded on the twenty-second of the blessed month of Sha'ban, a Monday, the day of the death of the pious lady, our free mistress, Queen Arwa bint Ahmad Qas, in the year 1423 AH, during the time of the faithful caller to God, the deputy of the family of Taha and Yasin, the sun of the absolute callers, our master and lord, Abu al-Qa'id Jawhar Muhammad Burhan al-Din, may God prolong his noble life and perpetuate his glorious rule until

■ the Day of Judgment