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Se'âdet-i Ebediyye

Endless Bliss

FIFTH FASCICLE

Eighth Edition



HAKIKAT KITABEVI

Darusséfaka Cad. No: 57/A P.K. 35 **34262**

Tel: 90.212.523 4556 – 532 5843 **Fax:** 90.212.525 5979

<http://www.hakikatkitabevi.com>

e-mail: bilgi@hakikatkitabevi.com

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NOTE

This book is a translation of **Se'âdet-i Ebediyye**, which was originally written in Turkish.

The Turkish original of the book **Se'âdet-i Ebediyye** consists of three parts, all of which add up to more than a thousand pages.

We have translated most of the book into English and published our translations in five individual fascicles.

Se'âdet-i Ebediyye is a book prepared according to the Hanafî Madhhab. There is not a single bit of knowledge or a word which contradicts the creed of Ahl-i Sunnat wa'l Jamâ'at in this book.

This is the fifth fascicle. We pray for the help of Allâhu ta'âlâ, so we may have it reach our dear readers.

Publisher's note:

Permission is granted to those who wish to print this book in its original form or to translate it into another language. We pray that Allâhu ta'âlâ will give them a reward for this beneficial deed of theirs, and we thank them very much. However, permission is granted with the condition that the paper used in printing will be of a good quality and that the design of the text and setting will be properly and neatly done without any mistakes.

A Warning: Missionaries are striving to advertise Christianity, Jews are working to spread out the concocted words of Jewish rabbis, Hakîkat Kitâbevi (Bookstore), in Istanbul, is struggling to publicize Islam, and freemasons are trying to annihilate religions. A person with wisdom, knowledge and conscience will understand and admit the right one among these and will help to spread out that for salvation of all humanity. There is no better way and more valuable thing to serve humanity than doing so.

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Bismi'llâhi 'r-rahmâni 'r-rahîm.

With the Basmala, let us begin reading this book!

The name Allah is the best shelter.

His blessings are immeasurable, incalculable.

He is the Lord, the most Compassionate, the most Merciful!

PREFACE

I begin writing the book **Endless Bliss** in the name of Allah. Pitying all the people in this world, He creates and sends useful things to them. In the next world, favouring whomever He wishes of those Muslims who are to go to Hell by forgiving them, He will put them into Paradise. He, alone, creates every living creature, keeps every being every moment in existence, and protects all against fear and horror. Trusting myself to the honourable name of such a being as Allah, I begin to write this book.

Allâhu ta'âlâ has created everything, the living and the non-living, out of nothing. He alone is the Creator. Because He pities mankind very much, He creates and sends everything that is necessary for a comfortable, sweet and cheerful existence in this world and the next. As the most superior and valuable of His endless blessings, He has made distinctions for us between the way of truth leading to felicity and the way of falsehood, which brings about misery and sorrow. He has always commanded goodness, diligence, and helping others. He has declared that He will call all people to account following the rising after death, that those who do good deeds will live in endless happiness in Paradise, and that those who do not believe in the teachings of His prophets ('alaihi's-salâm) will remain in endless torment and pain in Hell. Therefore, we begin writing this work with the dhikr of His name and by trusting ourselves in His help. We also see it as an honourable duty upon us to express our gratitude and love for those superior men called "Prophets", and especially, for the most superior of them, the Last Prophet, Muhammad ('alaihi's-salâm), whom He has selected as an intermediary and messenger to guide human beings to the way of felicity and comfort.

Islam's adversaries, who are against Islam as a result of sheer ignorance, learned from the bloody, dismal experiences they had had for centuries that unless their îmân was

demolished, it would be impossible to demolish Muslim people. They attempted to mispresent Islam as hostile against knowledge, science and bravery, while, in fact, it is a protector encouraging every kind of progress and improvement. They aimed at depriving younger generations of knowledge and faith, thus shooting them on the moral front. They spent millions of sterlings for this purpose. Some ignorant people, whose weapons of knowledge and belief had been rusted and who had been seized by their ambitions and sensuous desires, were easily undermined by these attacks of the enemies. A part of them took shelter behind their etiquettes, pretended to be Muslims, disguised themselves as scientists, authorities and religious savants and even, protectors of Muslims, and embarked on stealing the belief of pure youngsters. They misrepresented evil as a talent, and irreligiousness as a virtue, a mode. Those who had faith (îmân), were called fanatics, retrogressive bigots. Religious knowledge, valuable books of Islam were said to be reactionary, retrogressive and bigoted. By imputing the immorality and ignominy, which is their own characteristic, to Muslims and to great men of Islam, they strove to slander those noble people and sow discord between children and fathers. Also, they spoke ill of our history, attempted to darken its shining and honourable pages, to blemish the pure writings, to change the events and proofs in it, to sever the youth from faith and belief, and to annihilate Islam and Muslims. In order to untie the sacred bond which placed into the young hearts the love of our ancestors, whose fame and honour had spread all over the world owing to their knowledge, science, beautiful morals, virtue and bravery, and to leave the youth deprived of and estranged from the maturity and greatness of their ancestors, they attacked hearts, souls and conscience. However, they did not realize that as Islam got weaker and as we got further away from the path of Messenger of Allah, not only were our morals corrupted, but we also gradually lost our superiority in making every kind of means, and in the modern knowledge which the century necessitated, and we, let alone maintaining any more the accomplishments of our ancestors in militarism, in science and arts, became worse. Thus, these masked disbelievers tried, on the one hand, to cause us to remain behind in knowledge and science, and on the other hand they said, "Islam causes us to remain behind. In

order to cope up with the western industries, we have to abolish this black curtain and get rid of the oriental religion, the laws of deserts.” Consequently, they demolished our material and spiritual values and did our country the harm which the enemies from outside had been wishing, but not been able, to do for centuries.

He who wants to attain happiness in this world, in his grave, and in the Hereafter must, after adapting his î mân to the Ahl-as-sunnat, live in obedience to one of the four Madhhabs. In other words, all his worships and actions must be suited to one Madhhab. Of the four Madhhabs, he must choose the one that is the easiest for him to learn and follow; after learning it, he must act in accordance with it in everything he does. The savants of the Ahl-as-sunnat declared unanimously that when doing a certain thing, it is not permissible to mix the four Madhhabs with one another. That is, it is never permissible to do one part of something or a worship according to one Madhhab and another part according to another Madhhab. If one does so, one will have disobeyed the unanimity of the savants and will have followed none of the Madhhabs. To follow one Madhhab means to learn it and to intend to follow it. It is not acceptable to follow it without the intention.

A person who does not follow a Madhhab is called a **lâ-madhhabî**. A lâ-madhhabî person cannot be **Ahl-as-sunnat**. His worships are not sa hî h (correct, valid). It is harâm to change one’s Madhhab for worldly advantages in order to get the desires of one’s nafs (lower self). Each Muslim must learn at least one Madhhab and do all his deeds accordingly.

May Allahu ta’âlâ protect us all from being deceived by the insidious enemies of Islam, from being trapped by lâ-madhhabî people, or by religion reformers who bear Muslim names! Â mîn.

Mîlâdî
1998

Hijrî Shamsî
1376

Hijrî Kamarî
1418

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TAM İLMİHÂL SE'ÂDET-İ EBEDİYYE ENDLESS BLISS

FIFTH FASCICLE

1 – GIVING ZAKÂT

It was during the month of Ramadân in the second year of the Hegira when it became fard to give zakât. Zakât has one fard: It is to reserve at a certain time a certain amount of one's **property of zakât**, which is one's full property and which has reached the amount of nisâb^[1], with the intention of zakât, and to give it to those prescribed Muslims as commanded. Full property means one's own property which has come through halâl (legitimate) means and which is possible and halâl (permitted) for one to use. The property of a waqf is no one's property. If one has not mixed one's own possessions with the harâm possessions such as those obtained through usurpation, thievery, bribery, gambling or by selling alcohol, or if one has not mixed with one another those harâm possessions which one obtained from various people, such property never becomes one's own property. It is not halâl for one to use them or to make them one's means of subsistence. One cannot use them to make mosques or in any other pious deeds. It is not fard for one to pay their zakât. That is, they are not counted in calculating the nisâb of zakât. If their owners or their heirs are known it is fard for one to return the properties to them. If they are not known one may distribute all of the (harâm) possessions to the poor as alms though one has to compensate for the properties if the owners or their heirs appear later. If the possessions will not last but will deteriorate until one finds their owners, it is permissible to use them and to indemnify afterwards, that is, to pay their equivalents or, if their equivalents are not available, to pay for them. Please see page 27. A person who holds a share in a company of commerce, if

^[1] Nisâb means border. The border between richness and poverty prescribed by Islam is termed nisâb.

his share is as much as the nisâb, has to calculate the zakât of his share and give it. Ibni Âbidîn says in the subject of Bey' wa shirâ (buying and selling), "Religious officials are not permitted to sell the provisions they are to obtain from pious foundations before they take possession of them. For, though they are rightful entitlements, goods rightfully entitled to one do not become one's property before one takes possession of them. The booties taken away from the enemy rightfully belong to the soldiers when they are taken to Dâr-ul-islâm. But they do not become their property before they are divided into shares and distributed." For this reason, the salaries and wages that civil servants and employees are to receive do not become their property before they receive them. The zakât of a salary or a wage is not given before it is received. The money deducted from them by unions or insurance companies, or the deductions for savings, bonds, is not included in the calculation of zakât. When it is received years later, only the money received is added to the basic amount for the year's zakât. The case is not so with the bonds taken in exchange for what is sold. These and stocks and securities are included in the zakât every year.

The 'ulamâ of the Hanafî Madhhab stated that it is fard for every male or female Muslim who is **mukallaf**, that is, who is discreet and has reached the age of puberty [the age when he or she has begun to become junub and must perform the ablution of ghusl], and who is free, to give zakât when he or she has the conditions. To give zakât it is necessary to put the goods into the poor person's possession, that is, to hand them to him. If a poor and discreet orphan's walî feeds him, this does not count as zakât. But if he hands the food to the orphan, or if the walî clothes the orphan, it becomes zakât. If he eats with the poor orphan who has not reached the age of discretion, or if he hands the food to the poor and discreet orphan, he has given zakât. Being a walî is possible by being appointed the orphan's guardian by the orphan's father or by a judge. Because the appointed person has the right to take the presents to be given to the orphan and give them to him, he can also buy clothes, food and other necessary things with his own zakât and give them to him. It is written in **Bezzâziyya** that the alimony given to one's poor relatives by a judge's decision is comparable to this. Yet the zakât intended (to be given) to other poor people must be paid (only from the property of zakât

concerned) without any substitution. Imâm Nasafî (rahmatullâhi 'aleyh) wrote in **Zahîra**, "It is written in **Ziyâdât** that a rich person will not have given zakât by buying food and giving it to the poor." It is written in **Bezzâziyya** and in **Fatâwa-i Hindiyya**, "If one gives the flesh of one's Qurbân to the poor with the intention of the zakât of one's sheep, it will not be zakât." It is written in **Îdâh**, "The zakât which is to be given to a child or to an insane person can be given to his father, to his relative who is his walî, or to his guardian."

In all the four Madhâhib (Madhhabs), there are four types of **property of zakât**:

1 - Quadruped animals that graze freely in the fields for the major part of the year.

2 - Gold and silver.

The author of **Durr-ul Muntaqa** (rahmatullâhi 'aleyh) declares, "When over twelve carats, the zakât of gold and silver is to be given, whether they be used as currency or used in a halâl way, such as jewelry by women, or used in a harâm way, such as men's wearing gold rings, or they be kept in order to buy a residence, food or shrouds or even if they were necessities like a sword [or a gold tooth]." Hence, it is harâm for men to wear gold rings. Please see the second last page of the forty-first chapter of the second part of the Turkish original version.

3 - Commercial property or commodity which is bought for trade and kept for trade.

While explaining the causes and the conditions of zakât, Hadrat Ibni Âbidîn (rahmatullâhi 'aleyh) stated, "The property should be bought with the intention of trading. Even if one intends to trade in things that come out of land areas liable to the 'Ushr, or which are obtained through inheritance, or which have become one's property when one has accepted them, such as presents and bequests, they do not become commercial property. For the intention of trading is valid only in buying and selling. For example, if a person who obtains wheat from his field gives its 'Ushr or who has obtained urûz through inheritance keeps it with the intention of selling it, and if it is more than the amount of nisâb and is kept for more than a year, it is not necessary to give its zakât." If he sows the wheat which he has bought for trade [in order to sell] in his field, or if he

intends to use personally the animal or the cloth which he has bought for trade, it is no longer commercial property. If later he intends to sell it, it does not become commercial property. The goods that he obtains by selling it or by renting it out become commercial property. If after buying he intends to sell the property which he has bought for use, or if when obtaining he intends to sell the urûz which he has obtained by inheritance or such things as presents, bequests and alms which become his property by his accepting them, or if he intends to sell the wheat he gets from his field, they do not become commercial property. If he sells them and if while selling them he intends to use in trade the urûz which (he gets in exchange for them and which) are their samans (badals), these badals (prices, values) become commercial property. For trade is a job. It does not happen only with an intention. It is necessary to begin it as well. But giving up trade happens only with an intention. In fact, giving up everything can be done with an intention only. Likewise, one does not become a musâfir and break one's fast only with an intention. Nor does a disbeliever become a Muslim or an animal **sâima**^[1]. But the reverse of these happen only with an intention. One's gold and silver belongings and paper money are property of zakât, by whatever means one has obtained them.

4 - Things coming out from all kinds of land that are watered by rains, rivers or brooks and which are not taxed with kharâj, (even if they are not kinds of land with 'Ushr), or from the land belonging to a Waqf (pious foundation). Their zakât is termed '**Ushr**. It has been commanded in the hundred and forty-first âyat of An'âm Sûra of the Qur'ân to give the 'Ushr^[2], and has been communicated by a hadîth to give one-tenth. 'Ushr is one-tenth of the crops. But kharâj can be one-fifth, one-fourth, one-third, or half. It is necessary to give either the 'Ushr or the kharâj of land. A person who is in debt to people does not deduct the amount of his debt, but gives the precise amount of his 'Ushr.

There is one fard in zakât: To make an intention (niyyat). An intention is made with the heart. When reserving or giving the zakât of one's property, if one intends, "I shall give the zakât for

^[1] See THE ZAKÂT OF ANIMALS, in the following pages.

^[2] "...Eat of their fruit in their season, but render the dues that are proper on the day that the harvest is gathered. ..." (VI-141)

Allah's sake", and then says that one lends it or that one gives it as a present while giving it to the poor or to the person whom one has appointed one's deputy to give it to the poor on one's behalf, it is acceptable. Words are not important. If one intends for zakât and for alms at the same time, it becomes zakât according to Imâm-i-Abû Yûsuf. It is alms according to Imâm-i-Muhammad 'rahmat-ullâhi ta'âlâ 'aleyh', and one has not given one's zakât. The debt of zakât of a person who has died intestate is not to be paid from the property he has left behind. For he should have intended it so. His inheritors may pay it from their own property. (In this case the isqât of the zakât will have been performed). If one does not intend while reserving the zakât or while giving it to the poor and intends long after giving it, it is acceptable as long as the property is in the poor's possession. The intention which one makes while giving the zakât to one's deputy is enough. It is not necessary for the deputy also to intend while giving it to the poor. It is also permissible for one to appoint a zimmî, that is, a countryman who belongs to another religion, one's deputy to give one's zakât to the Muslim poor. Yet it is not permissible to send a zimmî as one's deputy for Hajj (pilgrimage). For only the rich person has to intend for zakât. However, for Hajj the deputy also has to intend. If the rich person says that it is alms or that it is kaffârat or that it is a present while giving zakât to his deputy and if he intends for zakât before his deputy has given it with the former intention to the poor, it will be acceptable.

If a person who is the deputy of two rich people mixes their zakâts with each other without their knowing of it and then gives it to the poor, zakât has not been given. The deputy has given alms. The deputy will pay for the zakâts. While explaining this on the eleventh page, Ibnî Âbidîn stated, "He having mixed zakâts with each other, they have become his property. He has given the poor his own property." If he has mixed them with the permission of the two rich persons or if he has gotten permission after mixing them and before giving them to the poor, it is acceptable. It is permissible for a person who is the deputy of the poor to mix the zakâts he received without letting them know and then to give them to the poor persons. It has been said (by some savants) that it is also permissible for the deputy of the two rich persons to give them after mixing them without permission. If a rich person says to another person,

“Give this much gold as zakât on my behalf,” (or if he writes to a person in another city by letter), and if the latter buys the gold ordered with his own money and gives it to the poor, it is acceptable. According to Imâm-i Yusûf (rahmatullâhi 'aleyh), this person will ask for his money from the rich person later. Imâm-i-Muhammad (rahmatullâhi ta'âlâ 'aleyh) said, “He can ask for it if the rich person told him that he would pay him later. Otherwise he cannot ask for it.” It has been said (by savants) that if the deputy gives the zakât he has to poor people not nominated by the rich person and if the rich person agrees to it later, it is acceptable. If a person who has said (to his deputy), “Give alms to the poor on my behalf,” has not also said, “I shall pay you later,” he does not (have to) pay it. A rich person can give his deputy as much zakât as he would like to have distributed to the poor. The deputy of poor people cannot receive zakât more than the amount of nisâb for each poor person. A poor person's deputy getting possession of his (the poor person's) zakât, means the poor person's possessing his own zakât. In that case the poor person owns that property. The zakât is not given for animals and commercial goods belonging to a Waqf (pious foundation).

THE ZAKÂT OF GOLD, SILVER, AND COMMERCIAL PROPERTY

Living or non-living, every kind of property, such as salts obtained from earth or from the sea, oxides, petroleum and the like, when they are bought for trade, that is, for selling, become **commercial property**. Gold and silver are always commercial property for whatever purpose they are bought.

Debts that are results of borrowing and floating debts to other people that are due to be paid before the day on which it is fard to give zakât are not included into the calculation of nisâb. In other words, first these debts are subtracted from the total of what one has of gold and silver and commercial property and one's dues. Then, if the remainder is the amount of nisâb, one year later it will become fard to give zakât for them. Debts that are gone into after zakât has become fard are not excusable; their zakât is to be given. The unpaid zakâts of past years are counted as debts to other people. That is, they are not included into the new nisâb. Ibni Âbidîn gives a record of the books stating that those debts that are muajjal, that is,

floating debts that are to be paid back at a definite time in the future after the zakât becomes fard, such as the mahr^[1] that has been made muajjal till the time of divorce^[2], are to be included into the nisâb, but it is written in **Durrulmukhtâr**, in **Hindiyya**, in **Durr-ul-muntaqâ**, in **Dâmâd**, and in **Jawhara** that it is acceptable not to include into the nisâb these or the debts that are to be repaid by instalments at definite times in future. The zakât of the money kept for hajj, nazr or kaffârat is to be given. For they are not debts owed to other people. If a person who has the nisâb amount of gold and silver borrows a few sacks of barley towards the end of the year and still holds the barley at the end of the year, he does not have to give zakât. For debts should precedently be repaid from the property of zakât. They cannot be thought of as being paid from the property which is not included in the calculation of zakât.

As for dues; there are three kinds of dues according to Imâm-i-a'zam:

1 - **Dayn-i-qawî** is the **Saman** that has been lent or which is to be received in return for the selling of the property of zakât. It is included into the calculation of nisâb. When one year has passed over the nisâb of the dues or of the summing up of the dues with the money one already has, it is wâjib to give immediately one-fortieth of each amount (of them) that one has obtained. One gives the two years' zakât of what one receives two years later and three years' zakât of the amount that one receives three years later. For example, if a person who is owed three hundred pounds receives two hundred pounds three years later, he gives fifteen pounds' value of zakât for three years, it being five pounds for each year. It is not necessary for him to give zakât before he receives the money. If a tenant repairs a house in return for the rental with the permission of the landlord, he will have lent the expenditure to the landlord, (**lbni Âbidîn**).

2 - **Dayn-i-mutawassit** is the dues that are to be received for the selling of those animals of zakât which are not commercial property and of the things of necessity such as slaves, houses, food and drink, and for the rentals of houses. They are included into the calculation of nisâb. One year after

[1] Please see chapter 12.

[2] ... that can be postponed until divorce takes place.

one's property reaches the amount of nisâb one immediately gives one-fortieth for each year of what one has received.

3 - **Dayn-i-daîf** is the inherited property or mahr. It is included in the calculation of nisâb. One year after one has reached the nisâb amount of it one gives zakât of that year only. If one also has the nisâb amount of property, one adds to it what one has received of the dues and also gives the zakât of the amount received when the year of the nisâb one already has is over. One does not wait for another year to give its zakât. Also, if one receives those kinds of dues that are qawî and mutawassit before one year has passed, one adds them to what one already has and gives their zakâts at the same time. According to the two imâms, (that is, Imâm-i-Abû Yûsuf and Imâm-i-Muhammad) 'rahmatullâhi ta'âlâ 'alaihimâ', if any dues are the amount of nisâb their zakât is to be given after one year has passed, even if the amount received is less than the nisâb.

Property that is lost, which has fallen into the sea, which has been usurped, or the place where it was buried has been forgotten, and dues that are denied are not included in the calculation of nisâb, and if they are recovered the zakâts of previous years are not given. Dues for which there are written proofs or two witnesses for each or which are confessed by the debtors are included in the nisâb even if they are kept by an insolvent or poor person. When one receives them one gives their zakâts for the past years as well.

VITAL NEEDS — Are things that protect one from death. The first of them is subsistence. There are three kinds of subsistence. Food, clothing, and housing. Food includes things needed in the kitchen as well. And housing includes things needed in the house. One's beast of transportation or a car, weapons, servants, tools of art and necessary books are counted as things of necessity as well.

Going on hajj also requires having money and property more than these things of necessity. Subsistence is the subsistence for one and for those who it is wâjib for one to support. Of these things the ones that are more than one needs and all books other than religious and professional ones are counted as the money for hajj and are included in the nisâb of Qurbân and Fitra. But they are not included in the nisâb of zakât unless they are intended for trade. To go on hajj, if one has a house other than the one one lives in, one sells it. But one does not sell the

spare rooms of one house. It is not necessary to sell the house one lives in and then rent another house. It is permissible to buy things of necessity before the time of hajj comes. After hajj has become fard, it is not permissible to spend the money of hajj to buy them. One should go on hajj first. While explaining the hajj, Ibni Abidîn says, "One's food or money for one year is counted as subsistence. One sells what is more than that and goes on hajj. A tradesman's, a craftsman's, an artisan's or a farmer's capital customary in his region is of the things of necessity when the hajj is concerned. One's subsistence and that of those who it is wâjib for one to support are calculated in accordance with the customs of one's city and with one's friends. It is necessary to eat good food and to wear good, clean and beautiful clothes. But one should not be a spendthrift. Human rights are to be paid before Allah's rights. One should not borrow money in order to go on hajj, unless one is sure to repay it."

Money which one has reserved for buying things of necessity or for meeting the expenses of one's funeral is included in the calculation of nisâb. If a person has only that money and if it is still equal to the amount of nisâb one year after it has reached the amount of nisâb, he gives zakât of what remains in his possession of that money. For in zakât, fitra and qurbân it is not a condition to have the things of necessity. What one has of these things are not included in the calculation of nisâb.

If gold or silver or commercial property remains in one's possession for one hijrî (Arabic) year (354 days) from the day its weight or value has reached the amount of nisâb, it is fard for one to reserve with the intention of zakât one-fortieth of what has remained and give it to poor Muslims. It is wâjib to give it as soon as possible. It is makrûh to delay it without any good excuse ('udhr) to do so. It is not necessary to intend or to say that it is zakât while giving it. This is so in all of the four Madhâhib.

The nisâb of gold is twenty mithqals. A mithqal is a unit of weight. Weight, length, volume, time, and value (money) measures are designated as shar'î and 'urfî units. Shar'î units were used during the era of our Prophet Muhammad (sallallâhu alaihi wa sallam) and are referred to in hadîth-i sherifs. The four Madhabs' imâms reported the definitions of the values of these

units in different ways. 'Urfi units denote customary usage or units of measure adopted by the government. The four Madhhab imâms have described mithqal equivalents differently. For example, the mithqal equivalents in Hanafî and Shâfi'î Madhhabs differ. Similarly there are also various 'urfî mithqals. In Hanafî Madhhab, one mithqal is twenty qirâts (carats). One qirât-i-shar'î equals five peeled cut-ends of dry barley seeds. During my experiments [made on a very accurate balance in a pharmacy] I observed that 5 seeds of barley weigh twenty-four centigrams (gr. 0.24). Hence, one shar'î mithqal is a hundred seeds of barley and, as it is written in (Zahîra), one mithqal is seventy-two seeds of barley according to Mâlikî Madhhab. Hence one mithqal is three and a half [3.456] grams in Mâlikî and four point 80 [4.80] grams in Hanafî. So, the nisâb of gold is 96 grams. The last adopted measure of 'urfî mithqal, during the time of the Ottoman Empire, was 24 qirâts and one qirât was 20 centigrams (gr. 0.20). Therefore, an 'urfî mithqal equals 4.80 grams. In this case, shar'î mithqals and 'urfî mithqals are identical. Since the Ottoman and Republican gold coins both weigh one and a half mithqals and one gold coin weighs 7.20 grams, the amount of nisâb is $20 \div 1.5$ or 13.3 gold coins. 13.3 gold coins weighs 96 grams. In other words, it is fard to give zakât for one who owns thirteen and one third (13.3) gold coins or its paper money equivalent. When one says, "A mithqal equals 20 qirâts" one must specify shar'î mithqal. It is necessary to multiply 20 by the 0.24 gram weight of the shar'î qirât to find out how many grams a mithqal weighs. If the calculation had used the weight of the 'urfî qirât (0.20 gr.) the product of 4 grams would not be the correct weight of a shar'î mithqal or an 'urfî mithqal. It is incorrect to say the nisâb of gold will equal $4 \times 20 = 80$ grams by using the wrong qirât designation. The nisâb of silver is two hundred dirham-i-shar'î. One dirham-i-shar'î is fourteen qirât-i-shar'î, which is equal to seventy seeds of barley. According to Mâlikî Madhhab it is equal to fifty-five seeds of barley, or [2.64] grams. The weight of ten dirhams is equal to the weight of seven mithqals in Hanafî Madhhab. When three-tenths is subtracted from one mithqal the remainder is one dirham. When three-sevenths is added to one dirham the total is one mithqal. One dirham-i-shar'î is three grams and three hundred and sixty milligrams (3.360 gr.) [$0.24 \times 14 = 3.36$]. Therefore, in Hanafî Madhhab the nisâb of silver is 2800 qirât or

672 grams. One majidiyya [An Ottoman silver coin] is five mithqals, that is, one hundred qirât-i-shar'î, or twenty-four grams. So, zakât is fard for a person who has twenty-eight majidiyyas. Since twenty mithqals of gold and two hundred dirhams of silver indicate one common amount of nisâb, their values must be equal. Accordingly, in the Sharî'a, one mithqal of gold has the value of ten dirhams of silver, which has the weight of seven mithqals of silver. Then one gram of gold has the value of seven grams of silver. In the Sharî'a, the value of gold used for money is seven times the same weight of silver money. Today, silver is not used as money. The value of silver is very low. For this reason, the value of silver cannot be taken as a basis in calculating the nisâb of paper money or commercial property today. Ibnî Âbidîn (rahmatullâhi ta'âlâ 'aleyh), says in the section about zakât of property, "The qirât-i-'urfî is four grains of barley. The dirham-i-shar'î is equal to seventy grains of barley. One dirham-i-'urfî has the weight of sixteen qirâts, that is, sixty-four grains of barley; so the dirham-i-'urfî is smaller." [Then, this dirham-i-'urfî, which was formerly used, is approximately three grams. The one qirât which was used during the latest times of the Ottomans was the weight of four seeds of wheat. It was twenty centigrams, and the dirham was 3.20 grams]. It is written in the book **Al muqaddemat-ul Hadramiyya**, "In the Madhhab of Shâfi'î, one mithqal weighs 24 qirâts. So one dirham-i-shar'î is 16.8 grams." It is said in the books **Misbâh-un-nejât**, and **Anwâr**, "In the Madhhab of Shâfi'î, one mithqal equals 72 seeds of barley. One mithqal exceeds one dirham by three-sevenths of one dirham. The value of a commodity or commercial property is computed through its saman, that is, its purchase price." Since one mithqal is 24 qirâts, and this equals 72 seeds of barley, then in Shâfi'î Madhhab one qirât weighs three seeds of barley or 14.4 centigrams. Therefore, if one mithqal equals 3.45 grams, hence twenty mithqals equals 69 grams, which is approximately nine and a half gold coins. Because one dirham is three-tenths a mithqal less than a mithqal in the madhâhib of Shâfi'î and Hanbalî, one dirham is 16.8 qirâts, that is, two grams and fourty-two centigrams (2.42 gr.) in the madhâhib of Shâfi'î and Hanbalî. So the nisâb of silver is four hundred and eighty-four (484) grams. It is written in **Jawâhir-uz-zakiyya** that in Mâlikî Madhhab one mithqal is 72 grains of barley and one dirham is

55 grains of barley. In Shâfi'î Madhhab zakât of one kind of property cannot be given from another kind of property. For example, silver cannot be given for gold; or barley for wheat. It is written in **Kimyâ-yi-se'âdat** and also in **Fatâwâ-i-fiqhiyya** by Ibni Hajar-i-Mekkî (rahmatullâhi ta'âlâ 'aleyh) that it is permissible for the Shâfi'îs to follow Hanafî Madhhab and give in cash for property and give to one or more classes of people they choose instead of giving to all the seven classes.

It is written on the thirtieth page of the second volume of **Durr-ul-mukhtâr**, "The dirham-i-shar'î is used when the nisâb of zakât is to be calculated in silver. Also there have been those (savants) who have said that the 'urfî dirham in use in each city can be used for zakât." In explaining these lines, Ibni Âbidîn writes, "Those savants who say that the dirham used in every city can be used say: 'Yet the weight of the dirhams used should not be less than the lightest one of the three kinds of dirham used during the time of Rasûlullah 'sall Allâhu 'alaihi wa sallam'. The lightest dirham weighed half a mithqal, i.e. ten qirâts. If not so, it must be calculated with the dirham-i-shar'î, which weighs fourteen qirats. The majority of Hanafî savants advise this dirham. This dirham is meant in the books of both the old ones and the new ones." As seen, zakât cannot be calculated with dirhams that were used in a country in old times and which have been superseded later or with the new ones that weigh less than the dirham-i-shar'î. For this reason, it is not permissible to calculate the zakât of silver with the dirhams of Istanbul or Egypt now. It is necessary to calculate it with the dirham-i-shar'î, which weighs three grams and thirty-six centigrams (3.36 gr.).

According to the majority of the 'Ulamâ, zakât of gold and silver is given, regardless of the form or shape they are in and the purpose they are used for. In the accepted unanimity (by the 'Ulamâ) in Shafi'î Madhhab and in Hanbalî Madhhab, zakât of gold and silver which women use for ornament is not given.

Because gold and silver are soft when they are pure, they cannot be used as money or as an ornament. They are used in alloys mixed with metals such as copper. Gold and silver alloys of more than fifty per cent gold and silver, that is, with more than twelve carats, are looked on as pure. Their degrees of purity is not taken into consideration. But those alloys half or less of which is gold or silver are like commercial property. [It is

written in a fatwâ of Ebussu'ûd Efendi (rahmatullâhi ta'âlâ 'aleyh) that in the time of Sultan Süleyman the Magnificent (rahmatullâhi ta'âlâ 'aleyh) the nisâb of silver was 840 aqchas, which means that one aqcha was a silver coin of 0.24 dirhams, i.e., eighty centigrams (0.8 gr.)). Abdurrahman Şeref Bey says in his book, **Tarih-i Devlet-i Osmaniyye** (History of the Ottoman Empire) printed in 1309 [1892 A.D.], "During the era of Süleyman the Magnificent, three aqchas were being minted out of one silver dirham. After 1100 [1688 A.D.], the amount of silver dwindled to a sixth. It was written on the **Ottoman Calendar** dated 1308 [1891 A.D.] that one piece is three aqchas and one aqcha equals three fulûs."

The value of commercial property, that is, its purchase price at the time of the calculation of the nisâb, is calculated either in gold or in silver money, depending on the one as per which it equals the amount of nisâb. If it equals the amount of nisâb in accordance with either one of them, it is to be calculated with the one that is more advantageous to the poor. It is not calculated with gold or silver which is not used for money. The value is calculated with the one that has the lowest value of the kinds of gold and silver money monetized by the government. The value is calculated anew according to the current prices on the day when its zakât becomes fard according to the one with which it has first been calculated, that is, when one year has elapsed over the nisâb, and one-fortieth of the new value, that is, of its price of purchase, or of the property itself, is given. At places where gold and silver are now not used as money, other metal coins and paper bills are equivalents to gold. The nisâb for commercial property bought with such money or for paper bills or for fitra or qurbân is, according to the Shaikhayn [Imâm-i-a'zam and Imâm-i-Abû Yûsuf (rahmatullâhi ta'âlâ alaihimâ)], calculated in the one that has the lowest value of the officially marked gold coins. It cannot be calculated in silver. It is written in **Kashf-i-rumûz**, "The value of a commodity is determined with gold or silver".

No matter how many they are, zakât is not given for houses, apartment houses, mechanical implements, machines, lathes, lorries, ships, or for things used in the house, when they are not for trade, that is, for sale. Artisans, manufacturers, and producers give zakât of raw material and of production. Zakât is not given for fixed assets. Nor is it given for what is reserved for

use in a house from commercial commodities or for a year's household needs reserved from commercial food. That is, all these and the debts to be repaid are not included in the calculation of nisâb. All the gold, silver and paper kinds of money which one keeps in order to buy all those things or to buy the means of subsistence, such as food, drink, clothes and housing, are included in the calculation of nisâb. That is, their zakât is to be given.

Ibni Âbidîn (rahmatullâhi ta'âlâ 'aleyh) says: If the value of one's commercial property does not amount to the nisâb according to gold and silver and if one also has gold and silver, one adds the value of the property to the value of the gold and silver to complete the nisâb. For example, if one has wheat for sale the value of which is a hundred dirhams of silver, and five mithqals of gold the value of which is hundred dirhams as well, one shall give zakât. For the sum of the values of the gold and the wheat is two hundred dirhams according to silver and this equals the nisâb.

A person who has gold only gives zakât in gold. He cannot give its value in silver. Nor can zakât of silver be given in gold. A person who has gold or silver or paper money only and who does not have commercial property cannot give other goods as its zakât. It is written in Shernblâlî's book **Marâqilfalâh**, "Instead of gold and silver it is acceptable to give their value in urûz, that is, any kind of living or non-living property other than gold and silver." But if the same page is read completely it will be understood that it is to be given out of one's commercial property instead of gold and silver. As a matter of fact, by interpreting this book, **Tahtâwî** writes, "Urûz means commercial property." As stated clearly in all books of fiqh, a tradesman who has commercial property as well as gold and silver, even if each of them is equal to the amount of nisâb by itself, can give zakât for his gold and silver out of his commercial property.

While discoursing upon zakât of sheep, Ibni Âbidîn (rahmatullâhi ta'âlâ 'aleyh) says: Instead of the commodities that are to be given as zakât, 'ushr, kharâj, fitra, nazr or kaffârat, it is permissible to give their equivalents in value. That is, available as they may be, one may give zakât commodities of the same or different kind or gold or silver money of the same value. [It will be explained later on that paper money cannot be given]. The value of a beast is calculated according to the

current prices of the day when it will be given. Three fat sheep can be given instead of four medium sheep. But the equivalent of the same kind cannot be given instead of goods that are measured by weight or volume. Their equivalents of a different kind can be given. Zakât of gold and silver is given in weight, that is, by weighing. But zakât of crops that are intended for trade is given by volume. The equivalent of the same kind for such things which are measured by weight or volume cannot be given, for this practice entails interest. For example, instead of five dirhams of silver alloyed with copper, four dirhams of pure silver which is of the same value cannot be given. Five dirhams of lower carat silver can be given instead of five dirhams of pure silver. But it is makrûh to knowingly do so. Instead of five kilograms of low quality wheat, four kilograms of high quality wheat which is of the same value cannot be given. It is necessary to give one more kilogram. But when giving another kind of commercial property as zakât of any of these it is given according to its calculated price of purchase in the concerned country. For example, if a silver pitcher that weighs two hundred dirhams is worth three hundred dirhams on account of the art or handicraft it bears, five dirhams of silver shall be given as its zakât. Gold worth five dirhams of silver cannot be given instead. It is necessary to give gold worth seven and a half dirhams of silver. If one has both gold and silver each amounting to nisâb one gives their zakâts separately by weight, but even in this case, that is, a person who has both gold and silver is permitted to calculate their value and give in either one even if they are the amount of nisâb, provided it shall be to the advantage of the poor, that is, the current one shall be given. If one has both gold and silver one or both of which are less than the amount of nisâb and if in this case the nisâb of one of them can be complemented by calculating either one with the other, it can be given instead of the other as well. For all that, one should calculate and give the one which is useful to the poor. Please see chapter 5. If the value of a silver pitcher weighing one hundred dirhams is two hundred dirhams owing to the workmanship, its zakât is not due. For zakât is calculated according to weight. A person who has hundred and fifty dirhams of silver and five mithqals of gold the value of which is forty dirhams, shall give zakât. For though the total amount calculated in silver does not amount to the nisâb, the total

amount calculated in gold reaches the nisâb. If a person has ninety-five dirhams of silver and one mithqal of gold and if the value of one mithqal of gold is five dirhams of silver, it complements the nisâb of gold and so he gives zakât.

If a person gives millions to the poor without reserving one-fortieth with the intention of zakât or without intending when giving, he will not have given zakât. For it is fard to intend when reserving (the prescribed amount) or giving it to his deputy or to the poor or to the poor's deputy.

If the money or the commercial property one has decreases and becomes less than the nisâb or increases before one year has elapsed after the time it reached the amount of nisâb, this does not affect zakât. That is, if it is not less than the amount of nisâb at the end of the year zakât of the amount possessed is to be given. One does not deduct the amount of money that will be necessary to buy such things as food, clothes and housing or to pay the rental from the money which one has at the end of the year. After giving zakât of all the money he spends the rest buying these things. In the Madhâhib of Hanafî and Shâfi'î, if the nisâb is depleted or if one depletes it before the end of the year, that is, if one does not have the amount of nisâb any longer, the previous nisâb lapses. If he has the nisâb again he waits for another year, and if he still has the nisâb at the end of the year, he reserves with the intention of zakât one fortieth of what he has and gives it. In Mâlikî and Hanbalî Madhâhib the case is the same if the nisâb is depleted. But if one depletes the nisâb in order to evade paying zakât the previous nisâb does not become void. If one obtains a large quantity of money or property^[1] after one year and a few days have passed one does not give its zakât also immediately. If one still has it also one more year later one gives its zakât, too. A loan due to one and what one obtains are different things. It is written on the eighty-sixth page of the book **Jâmi'-ur-rumûz**, "Those things that are obtained before one year has passed after one had the amount of nisâb, such as commercial property bought, beast of pasture (Sâima), gold and silver obtained through birth, gift, inheritance or bequest, even if they are obtained when the end of the year is quite near, are included in the nisâb of their own kind and zakât of all is given at the same time. This means to say that

^[1] in addition to the amount of nisâb that one already has

those that are obtained after the year is over are not included in the nisâb. That is, they are not included in the (previous) year's zakât but are left over for zakât of the following year. It also means that if they are obtained by one who does not have the nisâb their zakât is not to be given that year."

THE ZAKÂT OF PAPER MONEY – It is necessary to give zakât of paper money, too. The Shiites say that zakât of money other than gold and silver is not to be given. The author, (rahmatullâhi ta'âlâ 'aleyh), of the book **Tâtârhâniyya**, a copy of which exists with number 1968 in the library of Nûr-i-Osmâniyye (in Istanbul) writes on the ninety-fifth page: "When the face value of the fulûs, that is, the copper money used in lieu of silver money, is two hundred dirhams of silver or twenty mithqals of gold, its zakât is to be given. One does not necessarily have to be using them with the intention of trade, and its equivalent in gold, that is, gold of the same value is given."

[It is written in Arabic in **Miftâh-us-sa'âda**, "If the value of copper coins termed fulûs amounts to two hundred dirhams of silver when calculated with silver, it is necessary to give one-fortieth of the silver equivalent of those fulûs as their zakât." Hence it is understood that zakât of paper money is to be given in gold. It cannot be given in paper money.

The author (rahmatullâhi ta'âlâ 'aleyh) of the book **Durr-ul-muntaqâ** states at the end of the section about sarf, "When fulûs becomes currency it is like silver money. If it is not legal tender it is like other commodities. It is permissible to buy something in exchange for fulûs which one has in a certain number or weight, e.g. one dirham of fulûs. Then one has to pay the fulûs weighing one dirham. Actually, the fulûs itself is not money. Consisting in pieces of metal coined so as to represent pieces of silver dirhams, it is used for buying cheap things."]

The nisâb of paper bills is calculated with the cheapest gold coins on the market. For they are bonds used in lieu of gold today and being pieces of paper have little intrinsic value, which cannot equal the amount of nisâb. Their nominal or face values equal to the gold have been determined by governments. That is, they are speculative and everchanging. For their zakât, one fortieth of their gold coin equivalent or any kind of gold of the same weight should be given. After handing the gold to a poor

person, one can buy the gold back from him with the current market price and give him paper money to facilitate the transaction for the poor person. It is written in the book **Bukhârî** that (this method of) buying back (the zakât given), and thereby using (it) in one's own transactions, is makrûh when the zakât is given in property other than these two currencies, (i.e. gold and silver,) such as commercial property. Zakâts will not be sahih if they are given as paper money without taking into consideration the rules of fiqh. A rich person who gave his zakât in paper money must give it again in gold or silver. One who becomes poor later makes qadâ by using a small amount of gold to make dawr^[1] with this gold. For many centuries Muslims have given their zakât in gold and silver. No religious scholar has ever said that paper bills called fulûs or bonds could be given as zakât. The article which is said to be the fatwâ dated May 5 1338 (1922) is false. It is written in '**lqâ-ul-jîd** that it is not permissible in Shafi'î Madhhab. (See the last two pages of the chapter concerning the ablution of ghusl in the previous fascicle).

While discoursing over sarf, that is, money-changer's business, **Ibni Âbidîn** (rahmatullâhi ta'âlâ 'aleyh) writes, "If the fulûs, that is, the copper coin, is legal tender, it becomes money according to its face value. If its face value is not valid it becomes valueless property." And he says on the thirteenth page, "Bonds have two kinds of value: the first one is the value stated on it, which indicates the bond holder's property which he does not possess; the second value, the value of the paper itself, is quite insignificant." If one is in possession of one's property, the property is called '**Ayn**. If one does not possess it, it is termed **Dayn**. The value stated on a paper bill indicates the property of zakât which is dayn. It is written on the twelfth page of **Durr-ul-mukhtâr**, "It is not permissible to give in dayn zakât of property which is 'ayn or which is dayn due to be returned. It is necessary to give it from property which is 'ayn." For example, if one donates with the intention of zakât five dirhams of two hundred dirhams which a poor person owes him and takes back the rest, it is not acceptable. He has given zakât of those five dirhams only.

It is wrong to say, "Paper bills cannot be compared to ordinary documents prepared and signed up by a few people.

^[1] Please see the twenty-first chapter for dawr and isqât.

They are valid everywhere. They are like gold.” For, **Ibni Âbidîn**, in the subject of oaths (yamîn), quotes Imâm-i-Abû Yûsuf as making the following statement in his book **Kharâj and 'Ushr**, which he wrote for Hârûn Rashîd: “It is harâm for the Caliph to take currency other than gold and silver, e.g. the coins called Sutûqâ, from land owners as their kharâj or 'ushr. For though these are officially marked coins and are to be accepted by everyone, they are not gold but copper. It is harâm to accept any money which is not gold or silver as zakât or kharâj.”

It is not taqwâ to give zakât of paper money in gold. Taqwâ in worships means to strive so that everything will be acceptable to all the imâms of a Madhhab and even to every Madhhab. If it is claimed that the poor consent to paper money and meet their needs with it, then (it should be noted that) it is Allahu ta'âlâ's consent which is necessary, not the poor's consent. For example, **Ibni Âbidîn** says on the twelfth page, “If a poor person owes to a rich person, who gives the bond of debt to the former and says, ‘I have intended to give you as zakât as much as you owe me. So you accept it and take it as the equivalent for your debt so that we will have paid our debts mutually,’ and if the poor person says that he accepts it, the Sharî'a will not accept this and the rich person will not have given his zakât. For zakât is not performed by uttering empty words, by giving bonds of debt, or by consent, it is performed by handing the commodity. The rich person has to pay his zakât to the poor person and the poor has to pay his debt by returning it to the rich after taking it from the rich. So is it in the Madhâhib of Shâfi'î and Hanbalî. If he cannot count on the poor person's returning the money, he shows a person whom he trusts to the poor person and says, ‘Appoint him your deputy to take your zakât and to pay your debt,’ and then gives zakât to the deputy, who returns it to the rich person, thus paying the poor person's debt.” It is also written as such in the books **Durr-i-yaktâ** and **Mizân-i-kubrâ**.

Ibni Âbidîn (rahmatullâhi ta'âlâ 'aleyh) says on the same page, “If a rich person, in order to give a poor person zakât of his 'ayn property, that is, property which he possesses, [or of the dayn goods which are the equivalents of the paper bills he has], gives the bonds of debts which someone else owes to him [or the paper money to buy gold in a bank or from a money-

changer] to the poor person and advises the poor person to take the commodities stated on the bonds from the debtor [or to buy gold in a bank or from a money-changer with the paper bills], when the poor person has taken the commodities from the debtor, [that is, when he has obtained gold by giving paper money], zakât of the rich person has been given in 'ayn. Unless the poor person takes possession of the property [or gold], zakât will not have been given only by giving the bonds [or the paper money]. For when the poor person takes the property [or the gold] the bond, [that is, the paper money] becomes property [or gold], and therefore zakât of 'ayn [and dayn] has been given in 'ayn." As seen, it is definitely necessary to give zakât of paper money in gold, or to have the poor person who is given paper money to change it for gold in a bank or money changer's office, or to command the poor person to change it for gold while giving him the paper money. If the poor person does not change the paper money given for gold, the rich person will not have given zakât. For it is the rich person's duty to change it for gold, that is, to give zakât of dayn property in 'ayn.

Summary: Those who do not have commercial property have to give zakât of paper money in gold. It is always easy to find gold and to exchange paper money for gold. For the gold does not have to be in coins. Bracelets, rings, or gold in any form can be given after being weighed. And such things can be found in any jeweller's shop far and near. A rich person who is in a place where gold is not available at all, if he does not have commercial property either appoints as his deputy a Muslim who is in a city where gold is available and sends him paper money. And the deputy changes the paper money for gold and gives the gold to the poor. He (the rich person) can directly appoint the poor person his deputy as well. If the poor person lives far away from the rich person or his deputy and if gold is not available in the city where the poor person lives, the gold can then be given to the poor person's deputy appointed by the poor person. Even, advised by the poor person, the rich person can give the gold which is his zakât to the poor person's creditor, thus freeing the poor person from his debt. In this case the creditor has become the poor person's deputy to take zakât. But the poor person's consent, that is, his appointing him the deputy beforehand, is a prerequisite.

To say that zakât cannot be given in paper money does not

mean to say that one should not give zakât in paper money. It means that the paper money should be given compatibly with the Sharî'a. To give the zakât of one's commercial property in paper money compatibly with the Sharî'a, one should do as the rich person would do who wanted to pay debts concurrently with the poor person by intending to give the poor person the amount of gold equivalent to what the poor person owed him. And this is instructed as follows in **Ashbâh**, in **Redd-ul-mukhtâr**, and at the end of the sixth volume of **Hindiyya**: The rich person borrows the gold equivalent for the paper money which he wants to give the poor and which is less than the amount of nisâb from his wife or from someone else. Then he finds a pious poor person. If he still cannot trust him, he says to him, "I shall give zakât in paper money to a few acquaintances of mine and to you. Our religion commands that zakât should be given in gold. In order to change the gold into paper money easily, I want you to appoint so and so as your deputy **to take your zakât and to spend it as he likes**. Thus you will have helped me follow the Sharî'a. And you will earn thawâb for this." Thus a person whom the rich person trusts is appointed the deputy. A rich person can also be the deputy. He gives the gold with the intention of zakât to the deputy in the poor person's absence. Hence, the zakât will have been given to the poor. A few minutes after receiving the gold, the deputy sells them for paper money to the rich person, and then gifts the paper bills which he has received to the rich person. And the rich person distributes these paper bills to that and other poor people, [to schools where they teach the Qur'ân, and to those Muslims who serve the religion and make jihâd]. If he gives it to the rich its thawâb will be less. If he does not give them to anybody or if he gives them to people who do not have the qualifications prescribed by the religion, such as those who do not perform namâz, he will escape the torment for (not having given) zakât, but will not attain its thawâb. If there is a poor person who he is sure will not take away the gold, he gives his zakât directly to this poor person. A few minutes after receiving the gold, the poor will sell it to the rich who has paid his zakât. He gives the paper money that he had taken back to the rich as a gift. He may as well give the gold back as a gift instead of selling it. And the rich will distribute the paper money of the same value to the places we have described above. The rich returns the gold to

the lender. If the zakât he has to give is more than the nisâb he repeats the procedure. It produces more thawâb to give zakât in gold. By doing so others will be shown and taught that zakât should be given in gold. To give the zakât to the poor or to a deputy in gold and then to convert it into paper money, is called **Hîla-i shar'iyya**. To give zakât and at the same time to obey the rules of Sharî'a, it is necessary, and will yield much thawâb, to perform such a technique. The last paragraph of the third part's 15th article of the Turkish original version and the twenty-first chapter (of this English version) inform us that it is permissible to do **hîla-i shar'iyya**, and for the poor person to give back (as a gift) the money. However, after zakât becomes fard, it becomes harâm to practise this technique if it is intended to avoid giving zakât; it is considered a fraud (Hîla-i bâtila). (This technique which is called) hîla, when it is performed before zakât becomes fard, is bâtila according to **Imâm-i Muhammad**, while it is shar'iyya according to **Imâm Abû Yûsuf**. The fatwa is in agreement with Imâm Muhammad. Please see the final paragraph of the fifteenth chapter of the third part of the Turkish original, **Se'âdet-i Ebediyye**.

The two hundred and seventy-fifth âyat of Sûra Baqara purports, **"Allah destroys completely the income and property earned through interest. He lets none of it remain. But He increases the property for which zakât is given."** People who do not know or believe in Allâhu ta'âlâ's just promise, try to avoid giving zakât. Some people resort to hîla-i bâtila in order not to pay the poor and the government their due. One of the hîla-i bâtilas they have been practising recently is converting their cash into landed property, such as a house or a store or an urban or rural land plot, in order to avoid attaining the nisâb of zakât, and then renting out their purchases. This shenanigan absolves them from the obligation of paying zakât, only to entangle them with another obligation, the obligation of supporting their poor relatives. And this second situation, in its turn, is something they are quite unaware of. Consequently, they not only neglect the fard of paying nafaqa to (supporting) their poor relatives, but also deprive themselves of the thawâb (that Allâhu ta'âlâ promises) for Sila-i-rahm (visiting one's relatives). In addition, they confine to heaps of stone and earth the money that could otherwise be utilized in trade, industry, and for the country's economic development. It goes without

saying that in consequence they remain forever deprived of the abundance and wealth that Allâhu ta'âlâ promises to the givers of zakât.

While discoursing about the kinds of oath, **Ibnî Abidîn**, **Mawqûfât** and the authors of many other books (rahmatullâhi 'alahim ajma'in), write that "If a person swears: I shall pay today so much silver which I owe to so and so, and if he in lieu gives zuyûf, or silver more than half of which is copper, he will have fulfilled his oath. If he gives fulûs, that is, currency made of bronze, tin or copper, [or paper money], or if the lender gifts or donates the loan to his sworn debtor, the debtor will not have fulfilled his oath. For copper coins are not silver. The debtor has to return the money. It is not fulfilled with the lender's word." Although zuyûf means coin with little silver, its copper content is not more than half. Fulûs means metal coin other than gold and silver. As seen, even though the zuyûf is considered as silver in the matter of oath, the fulûs, that is, currency made of copper, (or paper money), is still not acceptable, that is, it is not permissible.

Lâ madhhabî and ignorant people say, "Paper money cannot be compared to bonds written out between two people. It is the day's currency. It has become attested to universally. Today it has become indispensable to give it as zakât." They should not be believed. Something cannot be universal, indispensable or permissible only because we, common people, say that it is so. It is mujtahids' right and authority to have a say on this subject. There is no mutlaq (absolute) mujtahid on earth today. For this reason, it is not permissible for any Muslim to go beyond the limits of the four Madhâhib. Mujtahids' fatwâs, which cover even today's conditions, have been given above. While discoursing upon how to listen to the khutba, Ibni Âbidîn wrote, "Traditions that began during the time of the Sahâba (radiy-Allâhu ta'âlâ 'anhum ajma'in) and mujtahids and which have been going on are to be taken as proofs for halâl. Traditions introduced later cannot be dalîl shar'î."

In the Ottoman Empire, the world's greatest Muslim state, paper money was first used in 1256 [1840 A.D.]. Later it was given up. It was used in 1268 for the second time and in 1279 for the third time, each time being revoked some time later. Its fourth monetization took place in 1294 [1877 A.D.] under the entitlement of the Ottoman Bank, and from then on it has been

in use up till now, being changed ever and again. In none of the books written or the fatwâs given during that long period has it been said or stated that zakât could be given in paper money. People have always given their zakât in gold and silver. It is written on the forty-fourth page of '**lkd-ul-jayyid**' that it is not permissible to give zâkât in fulûs in the Madhhab of Shâfi'î, either.

Every Muslim should always be considering the amount of the property of zakât he has and should write down the day it reached the amount of nisâb. If the nisâb is depleted before one year has passed from that day, that is, if he no longer has any property more than he needs, the day which he has registered as the beginning date no longer has value. If he obtains the nisâb amount again before the year is over, it is fard for him to note down the date anew and to give zakât one year after that date, if the nisâb has not been depleted and is still in his possession. This rule applies even if the nisâb is depleted at the end of the year, that is, after it has become fard (to give zakât). In this case zakât will be excused, and if he obtains the nisâb amount of property again he will have to wait for another year. For it is not necessary in Hanafî Madhhab to give zakât as soon as it becomes fard. If he dies before having given it, it is not to be given from the property he has left behind. In the Madhâhib of Shâfi'î and Mâlikî, it is fard to set aside the amount of zakât and give it as soon as it becomes fard [**Mîzân-i-Sha'rânî**]. If the nisâb is not depleted altogether but falls down during the middle of the year and if the property reaches the amount of nisâb again at the end of the year, zakât becomes fard and now one gives one-fortieth of what one still has. If the property that has fallen down below the amount of nisâb during the year does not reach the amount of nisâb again at the end of the year, zakât does not become fard. If one's property equals the amount of nisâb after that, one has to wait for one year from that day on. If after the zakât has become fard one's property is not depleted (for justifiable reasons) but if one spends or wastes it oneself or goes into debt, zakât will not be excused. If one has lent the property or given it to someone as âriyat (for use) and cannot take it back, the property has been depleted (for justifiable reasons). One has not depleted it oneself. It is makrûh according to the unanimity (of the 'Ulamâ) to waste the property after zakât has become fard in order not to pay zakât. And

according to Imâm-i-Muhammad, also before the zakât has become fard, it is makrûh to seek for ways so that it will not be fard. Please see the fifteenth chapter of the third part of the Turkish original version.

If one has not mixed commodities of zakât obtained by harâm means (usurpation or bribery) with one's own property, one does not include them in the nisâb. For they are not one's own property. It is fard for one to return them to their owners or inheritors, or to give them as alms to the poor if one cannot find anyone of them. If one has mixed them, the case is the same if one can separate them. If one cannot separate them, one pays this debt to the owners from one's halâl zakât property. One keeps this zakât property until the owners are found. One does not pay the zakât for them or for the mixture. If one has zakât property amounting to nisâb other than the two mentioned above, one should give zakât both for this nisâb and the mixed property. After paying back its former owner it would also become fard to give zakât of all khabîs (abominable) property. In other words, one includes the mixed property in the nisâb amount. For by mixing others' property with one's own property one has owned and possessed it. But it has become one's **Mulk-i-khabîs** (abominable property). The owners will have no rights to this property. When one gives any amount out of this abominable property to someone, it will be permissible for that person to receive it. But unless the abominable property is compensated for, one has no right to use it. One cannot give it to someone else. One cannot give it as alms to the poor, either. One cannot include it in the nisâb of zakât. Compensation means to return a similar commodity. If its like is not available, the value that was current on the day when it was obtained is to be paid to the owners. Compensation should be made out of one's halâl zakât property, not out of an abominable mixture. It would be a worse sin to acquire an abominable mixed property in order to avoid giving zakât than to simply not give zakât at all. If the owners are unknown, the unmixed amount, and if it is mixed altogether all that abominable property is to be given as alms to the poor. For it exists as harâm property in every part of this mixture. Even if harâm commodities purchased from several people are mixed together, all of them become abominable property. But it is wâjib to give them back to their original owners; if they are not known, then as alms to the poor.

If it is wâjib to dispense some property as alms, its zakât cannot be given. Even if any commodity or money acquired through **Fâsid Bey**^[1] is not mixed with one's own money that property becomes abominable property. It is written in the book, **Bezzâziyya**, "If a person, while giving alms from abominable mixed property (which it is wâjib to give as alms), makes an intention of giving zakât for his halâl property, he will have given both the zakât and the alms simultaneously." Hence, it is permissible to give the zakât of one's halâl property out of harâm property.

THE ZAKÂT OF CROPS — It is fard also to pay 'ushr. The zakât of production obtained from one's land is termed '**Ushr**. Even a person in debt has to pay 'ushr.

Imâm-i-a'zam says, "Whether in a large or small amount, when any kind of vegetable or fruit is obtained from the earth it is fard to give its one-tenth or its equivalent in gold or silver to poor Muslims." When the produce is obtained from land which is irrigated by animal power, a waterwheel or machinery, one-twentieth of it is given. Whether one-tenth or one-twentieth, it should be given before deducting what is spent on animals, seeds, tools, fertilizer chemicals and workers. 'Ushr is not to be given for produce which is less than one sâ'. Even if the owner of the land is a child, an insane person or a slave, its 'ushr is to be given. The state takes the 'ushr by force from a person who will not give his 'ushr. 'Ushr is not given for the fruit and vegetable in the yard of one's house or for firewood, grass or hay, no matter how abundant they are. For honey, (even if there has been an expenditure on such things as engineering outfits), for cotton, for tea, for tobacco, for fruit obtained from trees in fields, (such as olives, grapes), one-tenth is given as 'ushr. There is no 'ushr for pitch, petroleum or salt. [See the second one of the four treasuries of the Beytulmâl a few pages ahead]. It is harâm to eat the produce the 'ushr of which has not been given. It is necessary to give its 'ushr even after having eaten it.

Ibni Âbidîn says, "The 'ushr of fruits and grains, according

^[1] Bey' means bartering, buying or selling. The business of buying and selling has to be done as prescribed by Islam. Fâsid bey' is a kind of purchase done in a way not justified by Islam. The business of buying and selling will be explained in full detail in one of the later fascicles of **Endless Bliss**.

to Imâm-i-a'zam and Imâm-i-Zufer, becomes fard when they have been formed on the stem and while they are still secure from rotting off. Even if they are not ready for reaping, the 'ushr should be given when they are ripe enough to utilize, to eat. According to Imâm-i-Abû Yûsuf, when they ripen it becomes fard (to give the 'ushr for them) before the harvest. And according to Imâm-i-Muhammad it becomes fard after the harvest, that is, after all of them have been reaped and gathered. It is permissible to pick some off their stems and eat them or to give them to someone else to eat before the harvest. But according to Imâm-i-a'zam their 'ushr also has to be given later, which is not necessary according to the two imâms. But they are included in the calculation, which is done to see if the produce is (at least) the amount of five wesks. If one picks them off after they have ripened, their 'ushr is still not necessary according to Imâm-i-Muhammad. After the completion of the harvest, the 'ushr of wasted or stolen amount is not to be given." The poor should calculate and give their 'ushr according to the two imâms. Those who are rich should give it according to Imâm-i-a'zam.

It is written on the two hundred and twenty-fifth page of the book **Imâd-ul-Islâm**, "Whether from a cultivated field or from an orchard or vineyard, it is harâm to eat the produce before giving one-tenth of it to poor Muslims. If one measures the quantity one has taken out and eaten and then calculates and gives the 'ushr of what one has eaten, then what one has eaten becomes halâl.

If a person who has gathered ten bushels of wheat does not give one bushel (36 1/2 kg) of it to a poor Muslim, not only that one bushel but also all of the ten bushels will be harâm. If a person tills someone else's land and obtains crops without the latter's consent, of the produce he gets only the amount equal to his expense and capital becomes halâl for him, and the rest is harâm; he has to give the rest to the poor as alms."

According to Imâm-i-Yûsuf and Imâm-i-Muhammad, to give the 'ushr, the produce obtained from the land has to be of the kind and quality that will last one year and its amount has to be more than five wesks. One wesk means a camel-load, which is a volume of sixty sa'. Sixty sa' is two hundred and fifty litres. Accordingly, the two imâms state that the nisâb of 'ushr is twelve hundred and fifty litres. But the fatwâ has been given

according to the ijtihâd of Imâm-i-a'zam.

Ibni Âbidîn stated on the two hundred and fifty-fourth page of the third volume, "If the inhabitants of a city become Muslims voluntarily or if Muslims capture the city by force and one-fifth of the land is reserved and the remainder is dealt out to the soldiers or to other Muslims, such plots of land become property of those who take them, and it is fard to give the 'ushr of the produce of this land. 'Ushr is not taken for land which has been captured by force and given to disbelievers or which has been taken by peaceful means and still belongs to disbelievers. **Kharâj** is taken for such land areas. ['Ushr and kharâj are spent for different purposes.] Kharâj is taken for the lands of Iraq, Syria and Egypt, but not for Basra." It is written on the fifty-second page of the second volume, "Even if the owner of a land of kharâj donates or sells it to a Muslim, still kharâj is to be given from the produce." It is written in **Majmû'a-i-jadîda**, "It is permissible for a zimmî to donate his real estate to a pious foundation by stipulating that its rentals should be given to poor Muslims." And it is written on the two hundred and fifty-fifth page of the third volume of the sharh (the abovementioned book), "When a disbeliever dies his inheritors still give the kharâj. If he has no inheritors the land left belongs to the Beytulmâl and the kharâj lapses, that is, it is not to be given. If the state sells this land, which is mîrî, or donates it to a waqf, the person (or foundation) who gets it gives 'ushr, not kharâj." The majority of Anatolian land has become land of 'ushr through this policy. It is also written so on the fiftieth page of the second volume. It is written on the forty-ninth page of the second volume, "If a person donates his own land of 'ushr, the person who tills the land gives the 'ushr." It is written on the fifty-fifth page, "If the state rents out the land belonging to the Beytulmâl, the rental taken each year counts for kharâj. 'Ushr is not taken in addition. For 'ushr is not taken for land if kharâj is taken for it." If a person rents out his tenement of 'ushr, the owner gives the 'ushr of the produce according to Imâm-i-a'zam. The fatwâ is given in agreement with this at places where rentals are high. According to the two imâms the tenant gives the 'ushr. The fatwâ is given accordingly at places where rental rates are low. No one but the president of the state can sell the land belonging to the Beytulmâl. If the owner of a tenement of kharâj becomes a Muslim or donates the tenement

to a waqf, its kharâj must still be given. If a tenement with 'ushr is bought by a zimmî, that is, a non-Muslim, the tenement becomes land of kharâj. It is written on the two hundred and sixty-fifth page of the third volume, "If the president of the state donates the kharâj to the Muslim who is the owner of the tenement, the owner uses it personally if he has due rights demandable from the Beytulmâl^[1]. If he has not those rights, he gives it to someone who has the rights. If the president donates the 'ushr it is not permissible. 'Ushr is not excusable by the state's pardoning. In that case the owner of the tenement has to give his 'ushr to those who have due rights demandable from the Beytulmâl."

It is written in the second volume, "Those land areas that are not liable to kharâj or 'ushr, such as mountains and forests, are to be counted as lands of 'ushr." If one is sent some presents by a land owner who one knows has not given their 'ushr, it is good for one to spare one-tenth of them for the poor and to eat the rest.

One of the explanations of the superseded **Land Laws**, which prescribed the management of the Beytulmâl, that is, the mîrî land areas, is a book printed in 1319 [hijrî], by Âtîf Bey, who was a teacher of the civil code in the school of political sciences. It is written in its introductory section:

If a country is conquered by war, one-fifth of the land belongs to the Beytulmâl. One of the following three cases may be applied to the rest:

1 - It is divided and distributed to the soldiers or to other Muslims. Such land areas become the property of these people. Such land is taxed with 'ushr, which is collected yearly.

2 - The land is left to the disbelievers. Such land is taxed with kharâj.

3 - The chief of the state does not give the land to anyone, but gives it to the Beytulmâl. Such land is also called mîrî land. If the owner of land of 'ushr or of kharâj dies and if he has no heirs, the land belongs to the Beytulmâl. It becomes mîrî land. It will be sold or rented at a rate determined by the sultân (chief of

^[1] The Beyt-ul-mâl is the treasury of an Islamic government. On pages ahead there is detailed information about the Beyt-ul-mâl. By reading those pages, the readers will know what is meant by "people who have due rights demandable from the Beyt-ul-mâl."

state). Its saman (sale value) and rate become kharâj, that is, it is put in the third part of Beytulmâl. Or, it is rented out to Muslim or non-Muslim countrymen by legal deed, a certain percentage of the produce being taken yearly as rent. The rent used to belong to the soldiers and officers. The soldiers who had the right to take the rents were called **Timarcı**, and the officers were called **Za'îm**. The soldiers' land was called **Timar**, the officers' land was called **Ze'âmet**, and the generals' land was termed **Hâs**. Abussu'ûd Efendi, the Muftiyy-us-saqaleyn, wrote in his fatwâs, which exist in the library of Nûr-i-Osmâniyye (in Istanbul), "One-tenth of the produce, which is given with the sultân's order yearly to the Timarcıs by those who have rented the Beytulmâl's mîrî land by legal deed, is termed 'ushr, yet it is not 'ushr, it is rent." Later on most of the mîrî lands were donated or sold to the people by the State, in both of which cases it became land of 'ushr. Thus almost all of the lands in Asia Minor and Rumelia became land of 'ushr. As it is seen, either one of the 'ushr and the kharâj should be given for the land. Some people say and write that the Anatolian land is not land of 'ushr. However, nowadays there is no mîrî land in our country. Everybody's fields and gardens are their property, or they are tenants. It is fard for them to give the 'ushr of its produce.

During the Ottoman times there were five kinds of lands:

1 - Of those land areas which were the people's property, very few were of kharâj and the great majority were of 'ushr. Land which was the people's property had four categories. The first category comprised plots in a village or city and land areas adjacent to a village and no larger than half a dönüm (about 1/2 acre). They had been mîrî land formerly and had been sold to the people with the Caliph's permission later. Or they were land areas of 'ushr or of kharâj. In the second category were those mîrî areas and fields that had been sold to the people with the Caliph's permission. Their produce was taxed with 'ushr. The third category was those land areas with 'ushr and the fourth consisted of those with kharâj.

The owner of any of these four kinds of land could sell it. He could bequeath it, too. It would be divided and distributed to his inheritors as prescribed by the knowledge of Farâid (the branch

of Islamic Shari'a that deals with inheritance)^[1]. But if a person died who had been using the mîrî land with a legal deed for which he had paid rent in advance, his heirs are not allowed to divide it or sell it. He cannot will this type of land to be sold or have his debts to be paid out of the money received for its sale. The land would not belong to his inheritors. It would not be included in the nisâb for Qurbân, either. Nor could it be sold. Only, it could be transferred to someone else in return for money with the permission of the owner of Timâr. A person who had rented the mîrî land could sow anything or let someone else use the land in return for rent. Any land area left uncultivated for three years would be rented out to someone else. The tenant farmer could not plant trees or vines on the mîrî land without permission. He could not build a house there without permission, either. Nor could a dead person be buried there. The mîrî land would not become the property of the person who had rented it by legal deed. Such people were only tenants. It was customary that when the tenant farmer died the land would be rented to his inheritor. This was not the inheritor's right prescribed by the Shari'a, but was a gift by the State. Please see the final part of the twenty-third chapter.

2 - Beytulmâl's or mîrî land areas. Most of the country's land was so and was rented out. Later most of such land areas were sold to the people, and became land of 'ushr.

3 - Areas of pious foundations, which were with 'ushr of the produce.

4 - Open spaces, fields and the like that were made public.

5 - Areas that belonged to neither the Beytulmâl nor anyone else, such as mountains and forests; Muslims who cultivated them would give the 'ushr of the produce.

THE ZAKÂT OF ANIMALS — It is written in the book **Mawqûfât**: "If those animals that graze in the fields free of charge for more than half of the year are intended for breeding [or for milk], they are termed **Sâima** animals. One year after the number of the sâima animals has reached the amount of nisâb their zakât is to be given. If they are intended for wool, for burden or for transportation, they are not termed sâima and zakât is not necessary." Sâima animals of different families,

^[1] Please see the twenty-third chapter.

such as camels and cattle, are not added to one another or to other commercial goods.

THE ZAKÂT OF CAMELS — Zakât is not to be given for four camels. The nisâb for camels is five. Five camels are the equivalent of two hundred dirhams of silver. A person who has five camels gives one sheep. This means that one sheep is five dirhams [seventeen grams] of silver. One sheep is to be given for up to nine (inclusive) camels. A person who has ten to fourteen (inclusive) camels gives two sheep. Three sheep are to be given for fifteen to nineteen (inclusive) camels, and four for twenty to twenty-four. For twenty-five to thirty-five camels a young female camel which is in its second year is given. For thirty-six to forty-five camels a young female camel in its third year is given. For forty-six to sixty camels a female camel which is in its fourth year and which can already carry a burden is given. A five-year-old camel is given for sixty-one to seventy-five camels, two three-year-old camels for seventy-six to ninety camels, and two four year-old camels for ninety-one to hundred and twenty. A sheep also is given for each five camels over a hundred and twenty. But when the number becomes a hundred and forty-five, a two-year-old female camel is given instead of the sheep. Three four-year-old camels are given for a hundred and fifty camels. A sheep also is given for each five additional camels. But a person who has a hundred and seventy-five to a hundred and eighty-five camels gives a two-year-old female camel instead of the sheep. For a hundred and eighty-six to a hundred and ninety-five camels three four-year-old camels and one three-year-old camel are given. For a hundred and ninety-six to two hundred camels four four-year-old camels are given. Male camels cannot be given for zakât. A person who does not have any female camels to give, gives the value of the male camels in gold or silver. Zakât is not given for a young camel that has not completed its first year. A person who has more than two hundred camels repeats the procedure between a hundred-and-fifty and two hundred for every fifty camels.

THE ZAKÂT OF CATTLE — The nisâb for cattle is thirty. A person who has fewer than thirty heads of cattle does not give zakât for them. For thirty heads one male or female calf over one year of age is given. It is the same up to thirty-nine (inclusive) heads. For forty to fifty-nine heads one male or female calf just over two years of age is given. For sixty to sixty-

nine heads two calves over one year of age are given. One calf over two years of age and one over one year of age are given for seventy heads. This calculation is done for every ten heads over seventy heads. One one-year-old calf is added for every thirty heads and one two-year-old calf is added for every forty cattles. When the number reaches eighty, two two-year-old calves are added. The zakât of water buffalos is the same as the zakât of cattle.

THE ZAKÂT OF SHEEP — The nisâb for sheep is forty. A person who has fewer than forty sheep does not give zakât for them. A person who has forty to a hundred and twenty sheep gives only one sheep. Two sheep are given for a hundred and twenty-one to two hundred sheep. Three sheep are given for two hundred and one to four hundred sheep. Four sheep are given for four hundred sheep, and one sheep is added for every additional hundred sheep. The zakâts of sheep and goats are the same, whether they are male or female. Zakât is not given for lambs that have not completed their first year. But if one has sheep also, one includes the lambs into the calculation, too. So is the case with the calves of camels and cattle. A lamb is never given as zakât.

THE ZAKÂT OF HORSES — Their zakât is necessary when the male and female horses are fed together for breeding in the fields. Zakât is not necessary if they are intended for transportation or for carrying things. Zakât is not fard for a person who has only male horses [stallions]. For he cannot breed them. If they are kept for commercial purposes, one gives their zakât as commercial property. Zakât is not given for mules and asses not intended for trade, even if they are legion.

There is no nisâb for horses. One mithqal of gold is given for each horse. One may as well calculate their value and give one-fortieth of their value in gold if their value equals the amount of nisâb. Also for camels, cattle and sheep that are given as zakât, their equivalent in gold can be given.

WHO IS ZAKÂT GIVEN TO? — Zakât is given only to the Muslims existing in the seven groups written below. The eighth was **muallafat-ul-qulûb**. That is, the harsh enemies of Islam used to be given zakât so that Muslims could be spared from their wickedness. But since the era of Abû Bekr (radiy Allâhu 'anh), there has been no reason to give zakât to this group.

1 - **Faqîr** (The poor): A person who has property more than

his subsistence but less than the amount of nisâb is termed faqîr. Every poor civil servant who supports his household with difficulty, no matter how much his salary is, can receive zakât if he has î mân; it is not necessary for him to give the fitra or to perform the Qurbân, [See chapter 4 on Qurbân].

2 - **Miskîn** (The needy): A Muslim who has no more than one day's subsistence is termed miskîn. Hamîdullah, who has been misrepresented as a man of religion, says in his book "Introduction to Islam" that miskîn means non-Muslim countryman. This view of his is wrong. It means a reformation in the religion. It is not permissible to give zakât to a non-Muslim.

3 - **Âmil** (Zakât collectors): This term is used for the **Sâ'î**, who collects zakâts of the beasts of Sâima and the produce of the earth, and the **Âshir**, who lives outside town and collects zakât of commercial property from the tradesmen he meets; they are given zakât in return for their work, even if they are rich.

4 - **Mukâteb** (Indentured servant): The slave who has been bought by his master and who will be manumitted when he pays his debt.

5 - **Munqati'** Those who are on the way of jihâd or hajj and who are in need. It is written in **Durr-ul-mukhtâr** that also those who learn and teach religious knowledge can receive zakât even if they are rich, since they do not have time to work and to earn money. In explaining this, Ibni Âbidîn says that a hadîth written in **Jâmi'-ul-fatâwâ** states, "**Even if a person who is learning knowledge has forty years' subsistence, it is permissible to give him the zakât.**"

6 - **Medyûn** (Insolvent debtor): Those Muslims who are in debt and cannot pay their debts.

7 - **Ibnus-sebîl** (The wayfarer): The person who is rich in his homeland but who has no property left with him in the city where he lives now or the person who has many dues but cannot get them and therefore is in need.

Zakât should be given to all or one of these people. A dead person's shroud cannot be bought with the money of zakât. A dead person's debt cannot be paid with it, either. Nor can it be spent on building mosques, on jihâd or on hajj. A zimmî, that is, a non-Muslim countryman cannot be given zakât. A zimmî can be given fitra, alms or votive offerings. Nor can it be given to a

rich man's slave or small son. If a rich person's adolescent child or wife or father or small orphaned child is poor, others can give zakât to him or her. If the small child is wise, that is, if he can distinguish money from other things and if it cannot be taken from him by deceit, zakât is given to him. If he is not wise enough, it is necessary to give it to his father, to his guardian, or, of his relatives or other people, to the person who looks after him. Zakât is not given to descendants of our Prophet or of his paternal uncles who will come to the world until Doomsday. For, one-fifth of the ghanîma taken away from the enemy in every combat is their due. Ahmad Tahâwî says in the explanation of the book **Emâlî**, "Imâm-i-a'zam said that since they are not given their dues from the ghanîma any more it is permissible to give them zakât and alms." It is also written in **Durr-i-Yektâ** that it is permissible.

One cannot give zakât to one's parents, to any of one's grandfathers or grandmothers, or to one's own children or grandchildren. Nor can one give them those alms that are wâjib, such as fitra, votive offerings and keffâret. But one can give them the supererogatory alms if they are poor. One cannot give zakât to one's wife, either. Imâm-i-a'zam said that a woman could not give zakât to her poor husband, either. But the Imâmeyn said that she could give zakât to her poor husband. It is permissible to give zakât to one's poor daughter-in-law, son-in-law, mother-in-law, father-in-law or stepchild. It is permissible to give alms or gifts to a zimmî.

If, after finding out that a person can be given zakât and after giving him or her zakât, one learns that he or she is rich or a zimmî disbeliever or one's mother, father, child or wife, it will be all right. That is, it will be accepted. It is written in **Nehr-ul-Fâiq**, "If the person to be given zakât is among poor people and like them or if he says that he is poor and accepts the zakât, there is no need to search to see if he has the right to take zakât. When one gives him zakât one has given it as if one had searched and asked about him."

Abdulqâdir Ghazzî (rahmatullâhi ta'âlâ 'aleyh) says in **Eshbâh Hâshiya**, "As Debbûsî conveys in **Multeqit**, it is permissible for one to give the orphan for whom one is the guardian clothes and food as zakât. For the orphan is now one of his household, children." The orphan's guardian has the right to buy necessary things with the property of zakât and give

them to him. If the orphan is wise enough to understand buying and selling, it is necessary to hand the food and clothes to the child.

It is mustahab to give the poor at least enough to meet his one day's need. It is makrûh to give a poor person who is not in need and who does not have a wife and children so much zakât as to equal the amount of nisâb or so much as to make his property equal the nisâb. It is permissible to give a poor person who has a wife and children so much zakât that each of them will not get as much as the amount of nisâb when it is divided and distributed to them. It yields more thawâb to give zakât to one's poor close relatives, such as brothers, sisters, uncles and aunts. If one gives it to others while one's close relations are in need, one does not get blessings [Imdâd]. If it has been judged by a court of law that one has to give means of subsistence to one's zî-rahm mahram relative^[1], it is permissible for one to give the means of subsistence from one's property of zakât with the intention of zakât. Though it is makrûh to send zakât to another city, it is permissible if one sends it to one's relative because one cannot find poor Muslims in one's city. It is written in a fatwâ of **Bezzâziyya** that giving zakât to a person in debt is better than giving it to a poor one. It is written in **Durr-i-Yektâ** that a person who depletes his property and who uses it in harâm ways should not be given zakât.

A rich person's deputy gives zakât to the person advised by the rich person. He cannot give it to someone else. He pays for it if he gives it to someone else or loses it. So is the case with a will. It is given to the poor person specified. If the rich person tells his deputy that he may give it to anyone he likes, he can give it even to his children or wife, if they are poor. If he is poor, he can take it to himself. But the case is not so with nazr. The deputy may as well give it to someone other than the person advised by the owner of the votive offering. While explaining this, Ibni Âbidîn says at the beginning of the twelfth page, "It is permissible for the deputy to give the poor his own gold and silver instead of the gold and silver given to him by the rich person and use the rich person's gold and silver. But it is not permissible for him to use the rich person's money first and then give zakât from his own money, in which case he will have

^[1] Kinds of close relatives are explained in detail in the twelfth chapter.

given alms for himself. Later he will have to pay the money back to the rich person. So is the case with the deputy who uses the money he has been given for paying some alimony or buying something or paying some debt. As it is seen, it is not compulsory to give zakât by reserving it from one's own property. The rich person's deputy may also make someone else the deputy without (the rich person's) permission."

Having reserved the (sum calculated as the) zakât does not mean having paid it. If the zakât reserved is lost while one or one's deputy is keeping it, one has to set aside the same amount again and give it. If the deputy loses it he pays for it. It is not necessary to give zakât anew which has been lost by the **Âmil** or by the poor person's deputy. The deputy shall pay it to the poor. **Âmil** means both **Sâ'î** and **Âshir**.

In order to wrapp a dead person in a shroud, to build a mosque, or to help those who perform jihâd, poor people (who want to take zakât), as we have explained in our discourse on zakât of paper money, may appoint a trustworthy person their deputy to take their zakât on their behalf and deliver it to the place they have ordered. The deputy takes zakât on behalf of the poor, and delivers it to the place ordered by the poor. The same is done to give zakât to charitable institutions. It is not necessary for the deputy to say something as he takes zakât or as he delivers it to the place ordered. But the poor people who depute him should be Muslims who can be given zakât. As we have explained above, the same is done to give zakât in paper money.

A rich person who cannot take possession of his dues and property and who possesses bonds the payment time of which has not arrived, may accept as much zakât as he needs, if he cannot find anyone to lend him money without interest. When he takes possession of his property he does not give the zakât he has received to the poor. However, a poor person can accept more zakât than he needs, provided that it will be less than the amount of nisâb. The zakât of gold, silver and commercial property must be handed to the poor or to the poor person's deputy. If zakât (intended to be) given to other institutions is not possessed by the Muslim poor (first), zakât will not have been given.

If a person has a day's food or if he is healthy enough to work or do some business though he does not have a day's

food, it is harâm for him to ask for food and drink or to beg for money to buy them. Also, it is harâm to give him what he wants though you know about his welfare. It is permissible to give without being asked or to take what is given. It is permissible for that person to ask for his needs other than food, such as clothing, household goods and money to pay his rents. It is permissible for a hungry or ill person to ask for food even if he has a house to live in. If a person who has a day's food or who is healthy enough to work though he does not have a day's food is studying [or teaching] knowledge, it is also permissible for him to ask for food. Please see Part 2, Chapter 38 in the Turkish original version. Alms is not given to a person who spends his money on the harâm or who wastes his money.

THE BEYTULMÂL — The 'ushr and zakât of animals that graze in the fields are given to the poor, but it is permissible also to give them to the Beytulmâl. If a person who has taken possession of something to be given to the Beytulmâl has dues from the Beytulmâl, he uses it himself. If he does not have any dues, he gives it to a Muslim who has dues from the Beytulmâl. He does not give it to the Beytulmâl. It is written on the fifty-sixth page of the second volume of Ibni Âbidîn, "If those people who have dues from the Beytulmâl take possession of the Beytulmâl's money, such as the poor, collectors of zakât, scholars, teachers, preachers, students of religious knowledge, debtors, Ahl-i-beyt-i-nebewî, that is, sayyids and sherîfs, soldiers, it is permissible for them to keep as much of it as is due to them."

The author of the fatwâ of **Bezzâziyya** (rahmatullâhi ta'âlâ 'aleyh), quoting from Halwânî, states, "If the owner of something entrusted to a person dies, the person gives it to his inheritors. If he has no inheritors, he gives it to the Beytulmâl. If it will be lost in case it is given to the Beytulmâl, he uses it himself or gives it to those who have allotments from the Beytulmâl."

Zakât means society's guaranteeing the poor's living and needs. If any Muslim dies of hunger in any nook of a city and if any of the rich people in the city has a little zakât left unpaid, he (the rich one) becomes his (the poor one's) murderer. Zakât is an insurance policy among Muslims. Islam has not entrusted this insurance, which is called **Beytulmâl**, to individuals, to opportunists, to those who think of their own advantages only, but has committed it to the State authority. This insurance is

unlike other insurance policies. It does not demand money from the poor, but collects it from the rich. In the world, there is an increase in the property of the rich people who give zakât. And in the Hereafter they will be given plenty of blessings. Islam's insurance program helps all the poor. When the chief of a family dies, it makes allowances to his poor family, and makes everyone happy. Islam has established such a social security system through zakât.

Ibni Âbidîn (rahmat-ullâhi aleyh) states: "Two of the four types of property of zakât, that is, the animals of zakât and the produce of the earth are termed **Emwâl-i-zâhira**. The Caliph's officials come and collect them. These officials are called **Sâ'î**. The State reserves this property collected [and also zakât of Enwâl-i-bâtina, which the officials called **Âshir** collect from travelling tradesmen] in the Beytulmâl, and spends them on all the seven groups. Of the kinds of property of zakât, gold, silver and commercial property are called **Emwâl-i-bâtina**. It is not permissible to ask their owner about their amounts. Their owner himself gives their zakât to anyone he likes of the seven groups. The State cannot demand again zakâts that have been given in this way. If it is uncovered that the rich in a city never give their zakâts, the State can collect zakâts of their Emwâl-i-bâtina." It is written in **Diyâ-ul-ma'nawî** and in **Îdhâh**, "The State cannot collect five things; zakât of Emwâl-i-bâtina, the fitra, the qurbân, the nazr, and the kaffârat."

[Recently there has been an increase in the number of those who cannot realise the greatness of the savants of the Ahl-i-sunna (rahmatullâhi ta'âlâ 'alaihim ajma'in). It is for a savant to know a savant, not for the ignorant. Those ignorant people who pass for men of religion think of themselves as savants. They introduce one another as Islamic savants to the people. They dislike the ijtihâds of the Selef-i-sâlihîn and say, "We believe in the Qur'ân and the ahâdith only." They infer some new meanings suitable with their short sights and sterile thoughts from the Qur'ân and the ahâdith. They slander the superiors of the second century (of Islam) and our religious imâms, who are praised in the ahâdith. They strive to cast aspersions on their valuable books. The books of such lâ-madhhabî people as Ibni Taymiyya, Mawdûdî, Sayyed Qutb, Hamîdullah, Abd-us-salâm, a physicist, and Ahmad Didad spread information that is disagreeable with that which has been communicated

unanimously by Islamic savants. For example, it is written in the books “World’s Peace and Islam” and “Introduction to Islam” that, “The zakât is a tax given to the State. The money which the rich give to those poor people they like is not called zakât. The zakât is given to the State only. The State can give it to poor disbelievers as well. For **miskîn** means the poor ones among disbelievers.” It has been explained in detail in the book **Answer to an Enemy of Islam** that the lâ-madhhabî people are on the wrong way.

According to some savants, when a Muslim but cruel sultan applies a tax on the **Emwâl-i-zâhira** it is acceptable if one gives it with the intention of zakât. But it does not stand for zakât if the sultan takes the tax from the **Emwal-i-bâtinâ**, even if one intends for zakât, nor does any kind of property taken by those sultans who are disbelievers or renegades stand for zakât. In this case one has to pay the zakât, too.

There are four distinct kinds of goods in the Beytulmâl:

1 - The zakâts that are taken for animals and produce of the earth and those which the **Âshir** takes only from the tradesmen he meets on their way, are given to the seven groups mentioned above.

2 - One-fifth of the ghanîma and of the metals extracted from the earth, is given to orphans, to miskîns and to those travellers who have no money left on their way. In all these three groups, those who are **Benî Hâshim** and **Benî Muttalib**^[1] have priority. Nothing is taken for petroleum or other liquids of its kind, for oxides, for ores that do not melt in fire, such as salts, or for things that are obtained from the sea.

3 - The kharâj and the jizya, which are taken from non-Muslims, and goods that the **Âshir** has taken from them. They are spent on public needs such as roads, bridges, inns, schools, law courts, and on national defence. They are given to those Muslims who mount guard over the frontiers and over the roads within the country, to the construction and maintenance of bridges, mosques, ponds, canals, to imâms, muezzins, to

^[1] **Hâshim** was the paternal great grandfather of the Messenger of Allah ‘sall-Allâhu ‘alaihi wa sallam’. Therefore, Rasûlullah’s and his uncles’ descendants are called **Benî Hâshim**, i.e. Sons of Hâshim, or **Hâshimîs** (Hâshimites). Descendants of Rasûlullah’s paternal great granduncle are called **Benî Muttalib**, i.e. Sons of Muttalib.

those who serve pious foundations, to those who teach and study Islamic knowledge, that is, Islam and science, to qâdîs, muftîs and preachers, to those who work so that Islam and Muslims will survive and spread. Even if these people are rich, they are given a share suitable with the customs and current prices in return for their work and service. [There is detailed information about those who have allotments from the Beytulmâl in the chapter about disasters incurred by the hand in **Hadîqa**]. When they die, their children are preferred to others if they have the qualifications. If their children are ignorant and sinful, they are not appointed to their fathers' place. It is written in **Ashbâh**, "If the Sultan appoints an ignorant person as a teacher, khatîb [speaker of khutba] or preacher, it will not be sahîh. He will have committed cruelty."

4 - Property left behind by rich people who do not have any inheritors and the **luqata**, that is, things found unattended of which no one claims ownership; they are spent on hospitals and on funeral of the poor, and given to poor people who cannot work and who have no one to take care of them. It is the State's task to make these four groups of goods reach the allotted people.

The State appoints an official called **Âshir** to work out of town. These officials protect tradesmen against highwaymen and all kinds of danger. The Âshir asks the tradesman he meets on the road the amount of his property. If it is the amount of nisâb and if he has had it for one year and if it is commercial property, of any kind of goods, he takes one-fortieth from a Muslim, one-twentieth from a zimmî, and one-tenth from a harbî. The property that is taken from the Muslim stands for his zakât. Zakât is not taken from one who says that he has given his zakât in the city or that he has not yet had it for one year. Nothing is taken from tradesmen from a country of disbelievers' which does not take anything from Muslim tradesmen. If it is known how much they take, the same amount is taken from them. [This implies that those who work in countries of disbelievers should pay taxes to the related governments].

It is written on the fifty-seventh page of the second volume of **Ibni Âbidîn**, (rahmatullâhi ta'âlâ 'aleyh), "If there are no more goods left in one of the four treasury departments of the Beytulmâl, some of the property in the other three departments is transferred on loan to this department and given to those who

have allotments from this department.” By the same token, when there is no property of kharâj and jizya left in the third department men of religion and those who perform jihâd are paid from the property of zakât and 'ushr in the first department. At a time when enemies of religion attack by writing and by every sort of propaganda to demolish Islam and to mislead the Muslims' children out of Islam, writers, societies, courses of the Qur'ân, print-houses, books and newspapers who answer them and who protect Muslims against their deceit are all champions, heroes of Islam. It is fard to give these champions, who protect Islam and Muslims in such a cold war, from the property of 'ushr and zakât in the Beytulmâl. The Sultân's abrogating the 'ushr does not absolve the Muslims from (giving) the 'ushr. It is fard for them to give the 'ushr themselves. They should give it to those mujâhids (above-mentioned champions of Islam). Thus they will both fulfill the fard and attain the thawâb of jihâd.

It is written on the two hundred and forty-ninth page of the fifth volume of **Ibni Âbidîn** (rahmatullâhi ta'âlâ 'aleyh), “If the property in the Beytulmâl has not been collected in a way fair and halâl, if it has been taken away by cruelty, it is fard to give the property that has been taken unjustly back to its owners. It is not given to those who have allotments from the Beytulmâl. It is harâm for them to accept it. If the owners are not known, the property is put in the fourth department of the Beytulmâl, and given to those who have allotments from that department.”

THOSE WHO DO NOT PAY ZAKÂT — The author of **Riyâd-un-nâsihîn** (rahmatullâhi ta'âlâ 'aleyh) says that Hadrat Alî, the Emîrulmu'mînîn 'kerrem-allâhu wejheh', says: Rasûlullah declared in his farewell hajj: **“Give zakât of your property! Be it known that those who do not give their zakât do not have namâz, fast, hajj, jihâd, or îmân,”** which means to say that if a person does not know it as a duty to give zakât, does not believe that it is fard, is not sorry for not giving it, and does not know that he is sinful, then he becomes a disbeliever. If a person does not give zakât for years, his debts of zakât pool together and cover all his property. He thinks his property belongs to him; it does not even occur to him that Muslims have rightful shares in that property. His heart never feels sorry. He has clasped the property so tightly. Such people are known as Muslims. But very few of them pass away with îmân. Giving zakât is commanded together with namâz at thirty-

two places in the Qur'ân. The thirty-fourth âyat of Tawba sûra declares about such people: **“Give the news of very bitter torment to those who save their property and money, but do not give their zakât to the poor among the Muslims!”** The following âyat informs us of this torment as follows: **“Property and money for which zakât is not given will be heated in Hell-fire and will be pressed on the foreheads, flanks and backs of their owners as if being stamped with a seal.”**

O thou, the arrogant rich! Let the transient property and money of this world not fool thee! Before thee they belonged to others. And after thee they will belong to others again. Think of the severe torment of Hell! That property from which you have not reserved and given zakât and that wheat for which you have not given 'ushr are in actual fact poisons. The real owner of the property is Allâhu ta'âlâ. The rich are like His representatives and officials and the poor are, as it were, His household and relatives. Allah's representatives have to give His debt to the poor. A person who does the tiniest favour will get its reward. A hadîth-i-sherîf states, **“Allahu ta'âlâ will certainly reward the good-doers.”** The ninth âyat of Hashr Sûra gives glad tidings, **“He who gives his zakât will certainly be saved.”** The hundred and eightieth âyat of 'Imrân sûra declares, **“Those who do not give zakât of the property which has been bestowed upon them by Allâhu ta'âlâ think that they are doing well and that they will remain rich. On the contrary, they are harming themselves. Their property will be a means of torment in Hell; in a serpent's guise, it will coil around their necks and bite them from head to foot.”** It is written so in the tafsîrs of **Albasît** and **Wasît**. Those rich people who believe in the Hereafter and torment in Hell should give zakât of their property and the 'ushr of their crops and fruit and thus escape the torment. A hadîth-i-sherîf declares, **“Protect your property against harm by paying zakât.”** The author of **Tafsîr-i-mughnî** (rahmatullâhi ta'âlâ 'aleyh) says, “Three things are conveyed together with other three things in the Qur'ân. If the former of each pair is not done the latter is not acceptable: unless one obeys the Prophet (sall Allâhu ta'âlâ 'alaihi wa sallam), one will not have obeyed Allâhu ta'âlâ; unless one thanks one's parents one will not have thanked Allahu ta'âlâ; unless one gives zakât of one's property, one's namâz will not

be accepted.” O you who have gotten drunk on the wine of oblivion! How long will you go on running after the world’s comfort and pleasure? Until when will you go on wasting this valuable life amassing property paying no regard to whether it is of the harâm or of the halâl? You ignore the commands and prohibitions of the Sharî’a! Think of the time when Azrâîl (‘alaihi-s-salâm) will come and take away your soul by force, when the lion of death will seize you with its paw, when the throes of death will attack you, when the devil will pique you in order to steal your îmân, when your acquaintances will offer condolences to your children by saying, “We are so sorry about his death. May you be safe!” Do you never apprehend the time when the sad voice of separation will reach you and they will say, “You have done nothing good for us, but have always done what we dislike. And we in turn will do to you as you have done to us.”?

Only think; what answers have you prepared for the questions in the grave and in the Hereafter? What pretexts will you profess to Allah’s reproaches? Pity yourself! You will be questioned, and you have no answer to give. If you go into Hell you cannot endure its fire. Do so much good to yourself and to others that when others do good people will think you did it. Do not harm yourself or others so that when someone does something harmful they will not think you did it.

A hadîth-i-sherîf in **Sahîh-i-Muslim** states, **“O Adam’s son! You keep saying, ‘My property, my property.’ What is yours from that property is what you eat up, what you wear out, and what you cause to survive eternally by giving it away for Allah’s sake.”** If you love your property, then why are you going away leaving it to your enemy? Do not part with your beloved one; take it with you! If you cannot give it all, then at least suppose you are one of your inheritors and mail your share to the Hereafter. If you cannot give this, either, then at least give your zakât and thus escape the torment! An epigram: Khwâja Abdullah-i-Ansârî, the great master from Hirat, stated: “If you love your property, spend it properly so that it will be your eternal friend! If you do not love it, eat it up so that it will cease to exist!”

A story: Ferîdeddîn-i-Attâr says in his book **Tedhkira-tul-awliyâ**: “Juneyd-i-Baghdâdî was seven years old, when one day he came back from school and saw his father weeping.

When he asked the reason his father said, 'Today I sent your uncle Sirrî Sakatî a few silver coins as my zakât, but he refused them. Now I am weeping after realizing that I have wasted my valuable life for these silver coins which men of Allah do not like but refuse.' 'Give the money to me, daddy, let me take it,' said Juneyd, and went off to his uncle's place with the money. He knocked at the door and when his uncle asked who he was he said, 'It's me, Juneyd, uncle. Open the door and take these silver coins which are my father's zakât!' When his uncle said that he would not take them he said, 'Take them for the sake of Allâhu ta'âlâ, who has done justice by commanding my father and been so kind by giving you freedom!' And when his uncle wanted to know what Allâhu ta'âlâ had commanded his father and how He had been kind to him, Juneyd said, 'He has done justice by making my father rich and by commanding him to pay zakât. And He has been so kind by making you poor and giving you a choice between accepting and refusing it.' Sirrî liked this word and said, 'Sonny! Before accepting the silver coins, I have accepted you.' He opened the door and took the money." Here we end our translation from **Riyâd-un-nâsihîn**.

2 – FASTING IN RAMADÂN

The fourth of the five principles of Islam is to fast every day in the blessed month of Ramadân. The fast became fard on the tenth day of the month of Sha'bân eighteen months after the Hegira and a month before the Ghazâ (Holy War) of Bedr. Ramadân means to burn. Sins of those who fast and beg Allah for forgiveness in this month burn and perish.

It is written in the book **Riyâd-un-nâsihîn** that Hadrat Abû Hureyra 'radiy Allâhu anh' stated in the book **Bukhârî: Rasûlullah 'sall-Allâhu alaihi wa sallam'** declared, **"When the month of Ramadân comes the doors of Paradise are opened and the doors of Hell are closed, and the devils are tied."** Imâm-ul-aimma Muhammad bin Is'haq bin Huzeyma writes that Hadrat Selmân-i-Fârisî (radiy Allâhu 'anh) conveyed that Rasûlullah (sall Allâhu 'alaihi wa sallam) had declared in his khutba on the last day of the month of Sha'bân: **"O Muslims! Such a great month is about to overshadow you that one night [Qadr night] in this month is more beneficial than a thousand months. Allâhu ta'âlâ has commanded fasting every day during this month. Also, it is a sunna to perform**

the namâz of tarâwih at nights during this month. Doing a small favour for Allah's sake during this month is like doing the fard in other months. Doing the fard in this month is like doing seventy fards in other months. This month is the month of patience. The place where the patient person will go is Paradise. This month is the month of getting along well. There is an increase in the subsistence of Believers during this month. If a person gives iftâr to a fasting person in this month his sins will be forgiven. Allâhu ta'âlâ will manumit him from Hell-fire. And he will be given as many blessings as has that fasting person." The Sahâba said, "O Rasûlallah! Each of us is not so rich as to give the iftâr to a fasting person or to give him a whole meal. The Messenger ('alaihi-s-salâm) declared; **"The blessings will be given even to a person who gives a date as the iftâr or who provides a little water to break the fast or who offers a little milk. This month is such a month that it has compassion in its early days, pardon and forgiveness in the middle, and liberation from Hell in the latter days. Allâhu ta'âlâ will forgive and rescue from Hell-fire those [patrons, chiefs, commanders and directors] who facilitate the duties of [workers, civil servants, soldiers and students]. Do four things very often in this month! Two of them Allâhu ta'âlâ loves very much. They are to say the Kalima-i-Shahâda and to say the istighfâr. And the other two you have to do at all times. They are to ask for Paradise from Allâhu ta'âlâ and to trust yourself to Allâhu ta'âlâ to be protected from Hell. A person who gives water to a fasting person during this month will never be in need of water on the Rising Day."**

A hadîth which exists in **Sahîh-i-Bukhârî** declares, **"If a person knows it as fard and as a duty to fast in the month of Ramadân and if he expects its thawâb from Allâhu ta'âlâ, his past sins are pardonned."** This means to say that it is necessary to believe that fasting is Allah's command and to expect blessings for it. It is a condition not to complain that the days are long or that it is difficult to fast. One should deem it good luck and a great fortune to fast with difficulty among people who do not fast.

It is declared in a hadîth, which is quoted from Jâbir ibn Abdullah 'radiy-allâhu ta'âlâ anh' by Abdul'azîm Munzirî, who

was a hâfiz [savant of hadîth], in his book **Etterghîb wetterhîb**, and by hâfiz Ahmad Bayhakî in his book **Sunan**: “In **Ramadân-i-sherîf Allâhu ta’âlâ bestows five gifts on my Umma, which He has not given to any other prophet**:

1 - The first night of Ramadân Allâhu ta’âlâ regards the Believers with compassion. He never torments a born slave of His whom He regards with compassion.

2 - At the time of iftâr the fasting person’s breath smells to Allâhu ta’âlâ more fragrant than any scent.

3 - During Ramadân angels pray day and night so that those who fast will be forgiven for their sins.

4 - In Ramadân Allâhu ta’âlâ allots a place in Paradise to give to those who fast.

5 - On the last day of Ramadân-i-sherîf He forgives the sins of all the Believers who have fasted.”

Hadrat Imâm-i-Rabbânî ‘quddisa sirruh’ wrote in the forty-fifth letter of the first volume, “The thawâb given for all nâfila worships, such as supererogatory namâz, dhikr, and alms that are performed during the month of Ramadân-i-sherîf, is like that which is given for the fard worships performed during other months. One fard performed in this month is like seventy fard performed in other months. A person who serves (the meal called) iftâr to a fasting person will be forgiven his sins. He will be freed from Hell. Also, he will be given as many blessings as the fasting person is given, while the blessings of the fasting person will not decrease at all. Those commanders who provide facilities for people under their command will be forgiven their sins. They will be freed from Hell. During the month of Ramadân-i-sherîf Rasûlullah would manumit slaves and give whatever he was asked for. Those who perform worships and good deeds during this month are given the blessings for performing them all the year round. He who disrespects this month and commits sins in it spends the whole year committing sins. One must deem this month a good opportunity. One must perform as many worships as one can. One must perform the deeds that Allâhu ta’âlâ likes. One must take this month as an opportunity to earn the Hereafter. The Qur’ân was revealed during Ramadân. The night of Qadr^[1] is in this month. It is

^[1] See ‘Sacred Nights’ in the second fascicle of **Endless Bliss**.

sunna to make the iftâr [to break fast] with dates in Ramadân-i-sherîf. Some important sunnats during Ramadân are to say the prayer (**Dhehabazzama' wabtelletil urûk wa thaba-tal-ajr inshâ-Allâhu ta'âlâ**) when making the iftâr [as noted in the Shalbî annotation to **Tabyîn**], to perform the namâz of tarâwîh, and to read the entire Qur'ân."

THE FAST HAS THREE FARDS:

- 1 - Niyya (to intend);
- 2 - To know the earliest time of the niyya, as well as its latest time;
- 3 - To fend off the things that will break the fast starting from dawn (fajr sâdiq) up to sunset, [that is, within the shar'î day]^[1].

THERE ARE EIGHT KINDS OF FAST:

- 1 - The fasts that are fard. Fard fasts also have two kinds: the one which is performed at a certain time, fasting during Ramadân-i-sherîf.
- 2 - The fast that is fard and yet which is not performed at a certain time. Examples of this are the fasts of qadâ and kaffârat. But the fast of kaffârat is fard-i-amalî. That is, he who denies it does not become a disbeliever.
- 3 - The fast that is wâjib and which is performed at a certain time, too, such as vowing to fast on a certain day or on certain days.
- 4 - The fast which is performed at haphazard times^[2].
- 5 - The fast that is sunna, e.g. fasting on the ninth and tenth days of Muharram.
- 6 - The fast that is mustahab, examples of which are fasting on the thirteenth, fourteenth and fifteenth days of every Arabic month, fasting only on Fridays, fasting on the day of 'Arafa, which is the day previous to the 'Iyd of Qurbân (Ad'ha). It is also said (by some savants) that it is makrûh to fast only on Fridays. A person who wants to fast on Friday had better fast on Thursday and Saturday, too. For it is better not to do something which is said to be sunnat or makrûh.

^[1] The word '**shar'î**' is an adjective. It means 'that which is prescribed by the Islamic Shar'at (canon law)'.

^[2] It goes without saying that they should not be times during which Islam prohibits fasting.

7 - The fast that is harâm. It is harâm to fast on the first day of the 'lyd of Fitra and on any of all four days of the 'lyd of Qurbân.

8 - The fast that is makrûh: to fast only on the tenth day of Muharram, only on Saturdays, on the days of Nawruz and Mihrijan, [which are the twentieth days of March and September], to fast every day throughout the year, and to fast without talking at all.

In a hadîth-i-sherîf quoted in **Marâqil-falâh**, it is declared, **“When you see the Moon start fasting! When you see her again, stop fasting.”** According to this order, the month of Ramadân begins when the waxing moon (the new crescent) is first sighted. In **Ibnî Âbidîn**'s discussion of the qibla and in the books **Ashî'at-ul-lama'ât** and **Ni'mat-i islâm**, the authors (rahmatullâhi ta'âlâ 'alaihim ajma'in) note that starting to fast by means of a calendar and calculation before seeing the new crescent is not permissible. It is wâjib-i-kifâya for every Muslim to look for the new crescent on the thirtieth of the month of Sha'bân after the sunset and to go to the Qâdi and inform him as soon as he sees the new moon.

[Islamic knowledge consists of two parts: religious knowledge ('Ulûm-i-dîniyya) and scientific knowledge ('Ulûm-i-hikamiyya). The source of religious knowledge is adilla-i shar'iyya-i erbaa. This knowledge has been handed down in its complete and perfect form from the original source. It is beyond the capacity and scope of human intelligence. Calculation and other rational theories are not valid in this respect. That is to say, this transferred knowledge cannot be refuted or changed through one's mind or by calculation. Those who try to change this information through mental exercises are called philosophers. Philosophy has no place in religious knowledge. 'Ulûm-i hikamiyya means scientific knowledge. The basis of scientific knowledge is calculation and experimentation. Rasûlullah (sallallâhu alaihi wa sallam) advised us not to try to change religious knowledge through calculation and experiment; on the other hand, he advised us to use calculation and experimentation in scientific research and to learn science from all sorts of sources, even if they are disbelievers.]

Scholars of the four Madhhabs unanimously said that fasting starts at the beginning of whiteness at one point of the horizon, which is called fajr-i sâdiq. It is said in the book **Multaqâ**,

“Fasting is not to eat, drink or have sexual intercourse from dawn to sunset. It is fard to intend with the heart for the fast of Ramadân within the period from the previous day’s sunset until the time of **dahwa-i kubrâ** on the day when you will fast. So is the time of niyya for the fast which is vowed for a certain day and for the supererogatory fast. It is necessary to intend for each individual day. When intending to fast in Ramadân, it is permissible also to intend to fast only or for the supererogatory fast without mentioning the name Ramadân. The time of dahwa-i-kubrâ is the middle of the duration of the fast, that is, of the Islamic daytime; hence, it is before noon. The interval between these two times is equal to half the time interval between the time of sunrise and the time of fajr, or imsâk, that is, as many minutes as half the time called **Hissa-i-fajr**. [Ba’sed on the time called Adhânî (or Azânî), Dahwa-i-kubrâ is $\text{Fajr} + (24 - \text{Fajr}) \div 2 = \text{Fajr} + 12 - \text{Fajr} \div 2 = 12 + \text{Fajr} \div 2$. In other words, half the Fajr time from 12 a.m. is Dahwa-i-kubrâ]. As one makes niyya before the Fajr, that is, before the time of Imsâk, one says, “I make niyya (intend) to fast tomorrow.” And if one makes niyya after the Imsâk, one says, “I make niyya to fast today.” Since fasting during Ramadân-i-sherîf is fard for every Muslim, it is fard for those who cannot fast then to make qadâ of it, (that is, to fast later). The fast of qadâ or kaffârat and the fast which is not vowed for a certain day cannot be intended for after dawn.

For it to be Ramadân, the new moon must be observed and seen in the sky immediately after sunset on the twenty-ninth of Sha’bân or, if it cannot be seen, the thirtieth day of Sha’bân must be completed. It is fasted until the time of the noon prayer on the thirtieth day of Sha’bân, and then the fast is broken if the day is not announced to be Ramadân. It is makrûh tahrîmî not to break it and to go on fasting. If one begins fasting without observing the new moon indicating the beginning of Ramadân and then if the new moon is observed (immediately after sunset) on the twenty-ninth day, which will mean (that the following day is the beginning of the following month, Shawwâl, the first day of which is at the same time the first day of) ‘Iyd, qadâ for one day is performed, (that is, one fasts one day again), after the ‘Iyd, if the month of Sha’bân is known to have begun upon the observation of the new moon (immediately after sunset on the last day of Rajab, the Arabic month previous to

Sha'bân). On the other hand, it is written in (the celebrated books) **Hindiyya** and **Qâdihân** that, if the month of Sha'bân is not known to have begun upon the observation of the new moon, one makes qadâ for two days, (that is, one fasts for two days with the intention of qadâ as if one missed two days of fasting during the past month of Ramadân). In cloudy weather when a just Muslim woman or man says she or he has seen the new moon, and in clear weather when a lot of people say that they have seen it, the Qâdî, that is, the judge who executes the Sharî'a, announces that it is Ramadân. At places without a Qâdî, Ramadân begins when a just person says he has seen the new moon. It is determined to be the 'lyd when two just persons say they have seen (the new moon). **Just** means (one) who does not commit grave sins and who has not made it a habit to commit venial sins. [It is a grave sin to give up namâz (salât). See chapter 23 in the fourth fascicle.] The word of a person of doubtful justice is also acceptable. It is written in **Fatâwâ-yi-Hindiyya** as well that it is not permissible to begin (fasting in) Ramadân or (to stop fasting in order to celebrate the) 'lyd by (taking the) calendar or calculation (as a guide).

[It is written in the hundred and thirty-ninth page of **Hadîqa**, "Holders of bid'at, that is, all the seventy-two groups who have deviated from the Ahl-as-sunna, are not just, even though they are **Ahl-i-qibla** and do all kinds of worship. For they have either become mulhids and lost their î mân, or they are holders of bid'at and they vituperate the (true Muslims who are called) the Ahl as-sunna(t), which is a grave sin, too." The book **Durrulmukhtâr**, in advising us on how to be a witness and how to give our testimony, says, "To speak ill of any Muslim is a sin. It destroys the justice. Such a testimony is not to be accepted." Therefore, when determining the times for Ramadân, 'lyd, hajj, iftâr, and namâz, or when seeking any religious knowledge one should not accept the testimony of the lâ-madhhabîs.]

When the new moon is seen in a city on the thirtieth night of Sha'bân, it is necessary to begin the fast all over the world. The new moon seen during the day is the new moon of the following night.

[Also, a Muslim who goes to one of the poles or to the moon must fast there during the day if he does not intend to be

safarî^[1]. On days longer than twenty-four hours he begins the fast by time and breaks it by time. He adapts himself to the time followed by the Muslims in a city where the days are not so long. If he does not fast he makes qadâ of it when he goes to a city where the days are not long.] The first day of Ramadân (determined and thereby the fast is) started upon seeing the new moon can be a day after that which is estimated by calculation. But it cannot be the day before. The case is the same with the day of 'Arafa, during which we stay for the waqfa at 'Arafât^[2]. It is said on the 283rd page of the book, **Bahr**, "If a captive who is in a disbelievers' country does not know the correct time of Ramadân, he makes an enquiry and fasts for a month whenever he guesses it is the month of Ramadân. Later on, when he is informed about the correct time, he will make qadâ of the days he fasted before Ramadân. If he started his fast after the correct day, yet made his intention before sunrise (every day he fasted), all the days he fasted are counted as qadâ. If a day he fasted coincided with the first day of Iyd-i Fitr, he will make an additional qadâ for that day." In those places where the Ramadân or 'Iyd are started by relying upon calendars instead of by watching for the new moon in the sky, the fasting and 'Iyd may have started a day before or after the correct time. Even if the fast's first and last days coincided with the correct time of Ramadân, it would be questionable whether they were Ramadân days or not. **Ibni Âbidîn** 'rahmat-ullâhi aleyh' says in the chapter discussing Ramadân, "Fasting is tahrîmâ makrûh on days that are not known for certain that they are the correct days of Ramadân. It is not an excuse to be unaware of worships in an Islamic country." Therefore, in places where Ramadân starts by relying upon a calendar or in those countries which are led by lâ-madhabîs, it will be necessary to fast two additional days of qadâ. It is written in the book **Majmuâ-i Zuhdiyya**, "A person who sees the new moon of the month of Shawwâl cannot break his fast. In cloudy weather, it is necessary for two men or one man and two women to give the testimony of having seen the new moon of Shawwâl. If the sky is clear, it is necessary for many people to witness the moons of

[1] See the fifteenth chapter in the fourth fascicle of **Endless Bliss** for safarî.

[2] These will be explained in the subject of Hajj.

Ramadân and Shawwâl.” It is stated in **Qâdihân**, “If the new moon sets after sunset, it belongs to the second night (of the new month); if it sets before sunset it belongs to the first night.

In order to get ready for the fast of Ramadân-i-sherîf, it is necessary to stop fasting by the fifteenth of Sha'bân and to strengthen the body by eating strong and delicious food, and thus to prepare it to do the fard. Workers, soldiers and students who have the habit of performing the fasts of sunna after the fifteenth of Sha'bân must perform them in their leisure time after Ramadân. It is also sunna to postpone the sunna in order to do the fard.

It is sunna to make haste for the iftâr and to have the sahûr late providing that it is before the fajr dawns. Rasûlullah (sall-Allâhu 'alaihi wa sallam) was very solicitous about these two sunnats. It is written in **Durer**: “The meal eaten at the time of seher is called sahûr. The time of seher is the final one-sixth of the night, [i.e., (of the time) from shar'î sunset to the time of imsâk.]” It has been made a sunna to make haste for the iftâr and to have the sahûr late perhaps because it shows that man is weak and needy. As a matter of fact, worships are intended for showing weakness and need.

It is said in the book **Riyâd-un-nasihîn**, “An âyat-i-kerîma in the Baqara sûra purports: **‘Eat and drink until you are able to distinguish a white thread from a black thread.’** Later, the word **fajrin** was added to indicate that these threads represent the daylight and the darkness of night. It was realized that fasting begins when the whiteness of the day can be distinguished from the blackness of the night like threads.” It is said in the books **Majmâ-ul Anhur** and **Hindiyya**: “According to the majority of Hanafî savants, when the whiteness appears on any place on the horizon, **imsâk time** begins and fasting should begin. [Six to ten] minutes after imsâk time, when the whiteness has spread over the horizon like a thread, the time of morning prayer starts. It would be prudent to act accordingly. [That is, it would be better and more cautious]. The fasting and prayer of anyone who follows this policy will be valid according to all the savants. Yet if he starts fasting after the secondly-stated imsâk time, (i.e. six to ten minutes later,) it will be questionable. Imsâk time can be determined by astronomic calculation and written in calendars. But nowadays, in some calendars, the second time (10 minutes after imsâk time) or even the time when the

redness of the sun is spread over the horizon, is being written as the beginning of the fast. If anyone follows these new calendars, their fast will be incorrect and invalid. Or, at best, the validity of his fasting will be questionable. The difference between these two times (the beginning of the fast and morning prayer) is about 10 minutes and is called “**Precaution time.**” It is not correct to describe that time as “tamkîn.” The author of the book, **Bahr-ur-râiq** informs us that it would be makrûh to delay the fasting time until the questionable time. Above all, the fastings that begin after the appearance of redness will not be valid at all. The first calendar in the Ottomon State was written in 987 [1528 A.D.].

Shernblâlî (rahmatullâhi ta’âlâ ’aleyh), wrote in the book **Nûr-ul-îdhâh**. “It is mustahab to have the iftâr early on cloudless nights.” While explaining the book, he wrote, “On cloudy nights one must be careful in order to protect one’s fast from being broken, [that is, one must delay the iftâr a little]. One who eats the iftâr before the stars are seen has done it early enough.” Tahtâwî says in his explanation of the book, “It is mustahab to break fast before performing the evening prayer. As written in the book **Bahr** [and also in **Ibnî Âbidîn**], to make haste for the iftâr means to have the iftâr before the stars are seen.” Also it is mustahab to perform the evening prayer at that time, that is, to perform it early. When it is well understood that the sun has set, first the iftâr is eaten with dates, water, olives or salt. That is, the fast is broken. Then the evening prayer is performed in jamâ’at in a mosque or at home. Then the supper is had. Because it will take a long time to eat the food at the table, especially during Ramadân, the iftâr must be made with a little food and the supper must be had after the evening prayer so that the evening prayer will be performed early and the meal will be eaten with ease and without haste. Thus, the fast will be broken early and the prayer will be performed early.

Where the terrain is level, such as seas and plains, or at any point where there is no barrier such as hills and buildings on the visible horizon, the sunset occurs when the sun’s upper edge disappears below the visible horizon [not true horizon]. At that time the sun will still illuminate the hills on the eastern side. For someone who is not able to see the sunset on the visible horizon line, the sunset time is shar’î sunset, which is the sun’s disappearance below the shar’î horizon, at which time the sun

no longer illuminates the mountains and clouds on the east side. Its light decreases and the east side gets darker. On hilly or mountainous terrain, it is not sufficient for the sun to disappear behind the hills and buildings, but it is also necessary for the light to go dim everywhere, and for a darkening of the sky on the east side to occur. On calendars where the times of shar'î sunset are written, it is necessary for those who cannot see the visible horizon to perform iftâr in accordance with the calendar. Ibni Âbidîn, while discussing the mustahabs of fasting, says that, "People living in low areas should have iftâr when they see the sunset. Those who live in higher elevations cannot have the iftâr at the same time with them unless they see the sunset themselves." He informs us that the hadîth-i-sherîf **"iftâr is started when the night starts from there,"** which he quotes during the course of his expatiation on fast, means to have the iftâr when it starts to get dark on the east side. [The beginning of the dark means the disappearing of light even in the highest areas.]

It is mustahab to have the iftâr before performing the evening prayer. However, the mustahab must be done without in order to save a worship from the danger of coming to naught. One should first perform the evening prayer and then have the iftâr. Thus, the iftâr will still be had before the stars are seen. That is, one will have made haste and one's fast will escape the danger of becoming null and void. It is possible to perform the maghrîb salât again before its time is over. The mistake's being on the part of the calendar, clock, candle, gun or adhân does not save one's fast from being ruined.

Ibni Âbidîn says in the section about prayer times, "Starting the iftâr requires two just Muslims' reporting that the sun has set. Even one Muslim will do." [As seen above, the person who prepares the calendar, the person who fires the iftâr cannon and the person who calls the adhan should all be dependable people].

WHAT BREAKS THE FAST — In the month of Ramadân, while one knows that one is fasting and while one has intended before the dawning of the previous fajr for the fast, eating or drinking something alimentary, that is, putting some nutritious, medicinal, narcotic or intoxicant substance into the stomach through the mouth, or having or being made to have sexual intercourse breaks the fast and necessitates qadâ and

kaffârat^[1]. According to this definition, smoking breaks the fast and necessitates both qadâ and kaffârat. For, the solid and liquid motes in the smoke go into the stomach together with the saliva. After such things as cupping and backbiting, which are certainly known not to break the fast, if one eats something consciously because one thinks that one's fast has already been broken, one's fast will be broken this time and qadâ and kaffârat will be necessary. If a person who has made his niyya after the dawn in Ramadân does something to break his fast before dahwa, both qadâ and kaffârat are necessary according to the two imâms. For he misses the opportunity to fast while it is present. But according to Imâm-i-a'zam only qadâ is necessary. If one eats and drinks after the dahwa time, kaffârat is not necessary according to all three imâms. The penalty of kaffârat is the recompense for desecrating the honour and dignity of the blessed month of Ramadân. It is the punishment for intentionally breaking the fast of Ramadân which is sahîh according to all four Madhâhib. For this reason, it being a condition to make the niyya before dawn in Shafi'î Madhhab, if a person in Hanafî Madhhab purposely breaks during the day the fast for which he did not make niyya before dawn, or if he is forced to break it or has to break it because of a good excuse (though he may have made niyya before dawn), he does not make kaffârat. When one breaks one's fast of qadâ or vowed fast or supererogatory fast, one does not make kaffârat. If a person who did something which necessitates only qadâ on one day of Ramadân does the same thing purposely on another day, it is necessary for him to make kaffârat, too.

If one breaks it by mistake, for example, if some water escapes down one's throat while making ablution, if one is forced to break it, if one administers an enema, if one sniffs up fluid medicine, lotion, smoke, [the smoke of a cigarette smoked by someone else], or the smoke of aloes wood fumigated with amber, into one's nose or drops medicine into one's ear, if the medicine put on the boil on one's skin penetrates in, [if one injects medicine by syringe], if one swallows something not medicinal or nutritious, such as a piece of paper, stone or metal, if one vomits a mouthful by forcing oneself to, if one with a bleeding tooth swallows only the blood or the blood which is fifty

^[1] Kaffârat for the fast will be explained a few pages ahead.

per cent mixed with saliva, if one eats not knowing that the dawn has broken or breaks the fast thinking that the sun has set, if one goes on eating thinking that one's fast is broken because one has forgotten one's fast and begun eating, if they pour water into one's mouth or have sexual intercourse with one while one is asleep, if one fasts without intending or does not intend before dawn in Ramadân and then gives up the fast after dahwa though one intended after the dawn; the fast is broken in any of these cases and it is necessary to make only a day-for-day qadâ after the 'lyd. Yet kaffârat is not necessary. If rain or snow goes down one's throat it breaks both the fast and the namâz. It is necessary to make qadâ. If one becomes junub by embracing, hugging and kissing, one's fast breaks and qadâ becomes necessary. But it does not break if one does not become junub. It is said by the authors (rahmatullâhi 'alaihim ajma'in) of the books **Hindiyya**, **Bahr** and **Durr-ul-Mukhtâr** that only qadâ is necessary when one becomes junub by manual masturbation. If one swallows something that has remained between one's teeth from the previous night, it breaks the fast if it is bigger than a chick-pea and qadâ becomes necessary. But it does not break the fast if it is smaller than a chick-pea. If a person who has forgotten his fast and eaten something eats or drinks something again after remembering that he is fasting though he knows that forgetting and eating will not break his fast, his fast breaks and it becomes necessary to make both qadâ and kaffârat.

It is written in **Multaqa** and in all other books that, "If the medicine put on a boil on one's head or body penetrates into one's brain or alimentary canal, one's fast breaks and only qadâ becomes necessary." It is written in the explanation of **Multaqa**, "Imâm-i-a'zam says that a fast breaks when food penetrates through the boil. But the two imâms say that it does not break because the fast breaks only when food goes in through the natural holes of one's body." Tahtâwî explains this very well in his explanation of **Marâqilfalâh**. He says, "If it is known that the liquid or solid medicine put on the boil on one's head or body has penetrated into one's brain or alimentary canal, one's fast breaks. If it is not known well that it has penetrated in, if the medicine is liquid one's fast breaks according to Imâm-i-a'zam. But the two imâms said that it does not break if it is not known for certain that the medicine has penetrated in. All three imâms

agreed that the fast does not break if the medicine which is not known for certain to have penetrated in is solid.” Hence it is understood that all three imâms said that the fast breaks when it is known for certain that the medicine has penetrated in, whether it is liquid or solid. This comes to mean that any inoculation or medical injection done with a syringe under the skin or in the muscles of one’s arms, legs or any other part breaks the fast.

WHAT DOES NOT BREAK THE FAST — In Ramadân-i-sherîf or while fasting for qadâ or kaffârat or while performing vowed or supererogatory fast, if one forgets that one is fasting and eats, drinks or has sexual intercourse, or has a nocturnal emission while asleep or emits semen involuntarily by looking [at something sexy] while awake, if one applies tincture of iodine or some ointment or kohl [even if their tint or smell is noticed in one’s saliva or urine], or if one kisses lustfully, backbites, applies cupping, vomits a mouthful involuntarily or vomits a little voluntarily, or if water goes into one’s ear or dust, smoke or a fly goes into one’s throat through one’s mouth or nose involuntarily, [or if one is given artificial air with an oxygen tube, or if one cannot prevent the smoke of others’ cigarettes from going into one’s mouth and nose], or if after rinsing one’s mouth one swallows the wetness remaining in one’s mouth together with one’s saliva, or if one puts some medicine in one’s eye or tooth cavity even if one feels its taste in one’s throat; the fast does not break in any of these cases.

[The author of the book **Bahr-ur râiq**, (rahmatullâhi ta’âlâ ’aleyh) says, “In some cases the mouth is thought of as an internal part of the body. Hence, if a fasting person swallows his saliva, his fast will not break. It is like something dirty inside the body passing from stomach to intestines. Bleeding from an injury in the mouth, from taking a tooth out, or at the point where an injection was made, or blood coming from the stomach to the mouth doesn’t break a fast or an ablution. When one spits out or swallows this blood, if the saliva is greater than the blood, that is, if it is yellow in colour, they are still not broken. It is the same when other things come to the mouth from the stomach, in which case neither the ablution nor the fast is broken. If a mouthful (comes to the mouth and) goes out of the mouth, both are broken. The inside of the mouth is sometimes considered to be an outer part of the body. The fast is not broken when water

is taken into the mouth.” The same is noted in **Jawhara**, too. Hence, it is seen that, when a tooth is extracted, if there is much bleeding, the fast is not broken when one spits it out. When one is not fasting, one’s ablution is not broken when one swallows it. Neither of the two is broken if the blood is less than the amount of saliva.

It is stated in **Fatâwâ-yi-Hindiyya**: “Administering clyster (enema) or dropping medicine into the ear-hole will break one’s fast, yet it will not necessitate kaffârat. Injecting water or oil into the penis will not break one’s fast even if the liquid reaches the bladder. However, liquid injected into the female pudendum will break a woman’s fast. Inserting one’s wet or ointed finger into one’s rectum or vagina will break one’s fast. Dry cotton (inserted into the rectum or vagina) will not break it. Water which one inadvertently lets go into one’s rectum when cleaning oneself after defecation will break one’s fast.”]

Such acts as tasting the food (while preparing it) without swallowing it, chewing gum-mastic, hugging and kissing despite the danger of losing one’s canonical cleanness, having a bath for refreshment will not break one’s fast, yet they are *tanzîhî makrûh*^[1]. Using kohl (for one’s eyes) or cosmetics for one’s moustache, smelling flowers, musks or lotions will not break one’s fast; nor are they *makrûh*. When intended for ornamentation, things such as kohl (on the eyes) and cosmetics (on one’s moustache) and flowers attached to the collar or carried in one’s hand are *makrûh*. Smelling dusty or smoky things or chewing artificial gums will break one’s fast. Using (the stick tooth-brush called) *miswâk* or cupping or bleeding are not *makrûh*.

It is *mustahab* to have the *sahûr* late and to make haste for the *iftâr*. *Ibni Âbidîn* says, “This is intended not to delay the *iftâr* until the stars are seen. In cloudy weather, even if the *adhân* is called and the gun is fired, one should not break fast until one is

^[1] Acts which our Prophet ‘*sall-Allâhu alaihi wasallam*’ disliked, abstained from or dissuaded from are called *makrûh*. These acts are not clearly prohibited in *Qur’ân al-kerîm*. However, The Messenger of Allah avoided some of them more strictly than he did the others. The scholars of *Ahl as-sunna* — may *Allâhu ta’âlâ* reward those great people plentifully — separated these acts from the others and termed them ‘*tahrîmî*’ on account of the danger that these acts may be *harâm*. And they termed the other acts of *makrûh* ‘*tanzîhî*’.

certain that the sun has set.” It is commanded in the 187th âyat of the Sûra Baqara that fasting starts as true dawn breaks. This is a command of Allah and cannot be changed.

An ill person does not fast if his illness will become worse; a pregnant woman, a woman with a suckling and a soldier in war does not fast when they are weak. They make qadâ of fast when they get well. A worker who knows that he will become ill while working to make his living is not permitted to break his fast before getting ill. A person who sets out with the intention of going three-days' way [104 kilometres], becomes a musâfir. The musâfir may break his fast the following day, and makes qadâ after Ramadân, yet he had better fast if it will not harm him. No need of kaffârat for breaking the fast while travelling or in places where one intends to stay less than fifteen days. When his journey is over and he comes back home or when he decides to stay for fifteen days in the place he has gone to, he makes qadâ of the days he did not fast. Those who are not ill and those who are not musâfirs must fast even if they are workers, soldiers or students. Its sin will be grave if they do not fast. And they will have to make qadâ for it. If they break the fast although they have made niyya, they will have to make kaffârat, too. The author of **Behjet-ul-fatâwâ**, (rahmatullâhi ta'âlâ aleyh) says, “When Ramadân-i-sherîf coincides with one of the summer months a liar may masquerade as a man of religion and hinder youngsters, students, and workers from fasting by saying, 'It is permissible for you not to make the niyya and not to fast now; you may make qadâ when the days are shorter during winter. If you eat and drink by not intending for the fast in Ramadân, kaffârat is not necessary.' He will be punished severely. He will be prevented from saying so.”

Ibni Âbidîn says, “If an ill person is seriously worried that his illness may become worse, or that his recovering may be slowed or he may have a severe pain, or if a hospital attendant fears that he himself may become ill (in case he fasts) and (as a result) his patients may all die, these people do not fast and make qadâ later. If a healthy person strongly believes that he would become ill, or a public servant who performs manual labor in adverse conditions, i.e. cleaning the river, worries about becoming seriously ill due to the effect of very cold or hot weather, or if a woman [who works to support herself and who lives alone and gets no financial support from anywhere]

strongly believes that she would become ill if she fasted while performing strenuous physical labor, such as a laundry washer or housemaid, it is permissible not to fast or break the fast intended and make qadâ for it. A strong belief means to notice the symptoms of death based on one's own personal experience or the information given by a Muslim expert physician (Tabîb-i Muslim-i hâziq). Expert (hâziq) means specialist in a certain field of illness. It is permissible to be examined and treated by a physician who is known as a kâfir (disbeliever) or **fâsiq** (one who commits sins), but worships cannot be given up with their advice. If one breaks one's fast by relying upon their advice, then kaffârat will be necessary. The author says under the topic of Ikrâh (duress) that to lose an organ or limb, or to lose one's entire property, or to suffer a violent or torturous imprisonment or beating may result in death." It is written in the book **Imâd-ul Islâm** "If one cannot find a Muslim expert physician and has no experience oneself one should first swallow a small piece of paper or swallow a grain of rice without any water, then eat some food, and then take the medicine. This procedure will free one from kaffârat." In the book **Bahrurrâiq** is written, "Anyone who is bitten by a venomous animal, breaks the fast in order to take an antidote and after Ramadân makes qadâ." Ibnî Âbidin says at the end of his discourse on the acts that annul fast, "Anyone who needs a means of subsistence and believes that he will possibly become ill if he works, breaks the fast. If he is an employee on a contractual basis and his employer does not grant him a leave of absence during the month of Ramadân, and if he and his family have the means of subsistence, he does not break the fast. For, begging is harâm for such a person. If he does not own his and his family's means of subsistence, it is necessary to find an easier job. If he cannot find an easier job, it is permissible to break the fast and continue to work. Likewise, if the Ramadân fasting harms someone who mows the crop, i.e. if he will not be able to mow the crop and the crop will be destroyed or stolen because of fasting, [or it is certain that the building will be destroyed by rain if the construction cannot be finished on time], if it is impossible to find someone to work for pay, it is permissible to break the fast and do the work. After finishing the work he fasts and makes qadâ, after Ramadân, of the days (he did not fast). It will not be a sin. Anyone who will

certainly become ill or die from thirst (in case he goes on fasting) may break the fast, and makes qadâ. In this case he does not make kaffârat.

QADÂ FOR THE FAST — It means to fast one day for one day, which can be performed on different days as well as on successive days. If another Ramadân intervenes while one is fasting intermittently, one fasts for the Ramadân first. A person who is so old that he will not be able to perform the fast of Ramadân or his fasts of qadâ till his death, and an ill person whose recovery is beyond hope, must eat secretly. If he is rich, for each day he gives one fitra, that is, five hundred and twenty dirhams [seventeen hundred and fifty grams] of wheat or flour or its equivalent in gold or silver money to one or more poor people. The total amount may also be given to one poor person all at once at the beginning or end of Ramadân. If he recovers after giving the fidya he performs his fasts of Ramadân as well as his fasts of qadâ. If he dies without giving the fidya, he wills (before dying) for isqât. If he is poor, he does not give the fidya. He prays. If an old or ill person of this kind cannot fast in hot or cold season, he makes qadâ in any season suitable for him. A person who cannot perform the salât standing as he fasts, fasts and performs the salât sitting. If a person breaks the fast or if a child becomes pubert or if a disbeliever becomes a Muslim or if a musâfir comes back to the city where his home is or if a woman becomes pure (of menstruation); they must abstain (from eating, etc.) as if they were fasting. The musâfir and the woman make qadâ of that day later.

KAFFÂRAT FOR THE (BROKEN) FAST — A slave is manumitted for the kaffârat of a fast. He who cannot manumit a slave fasts successively for sixty days. After sixty days, he makes qadâ for each day which he did not fast.

A person who has debts of kaffârat for several past Ramadâns or who has had two days each requiring a kaffârat for the same Ramadân makes only one kaffârat for both if he has not made kaffârat for the first one. But if he has made the first kaffârat he makes the second one, too.

If the fast of kaffârat is broken for excusable reasons such as illness and travel or because it is intervened by days of 'lyd or by Ramadân, it is necessary to fast for sixty days anew. If one does not break it on days of 'lyd, one still has to begin anew. If a woman breaks it because of menstruation or lochia,

she does not begin it anew. She completes it to sixty when she becomes pure. Yet if one of the same reasons, (i.e. menstruation or lochia), interrupts a woman's fast of kaffârat for a (broken) oath, which consists of fasting for three successive days, she has to fast for three successive days anew. One must begin one's fast of kaffârat at such a time that it should not coincide with Ramadân or with any 'lyd. If one begins one's fast of kaffârat on the first day of Rajab and if the sixty days are not completed by the last day of Sha'bân, one intends for going on a journey of three days' distance and leaves one's town. One intends for the fast of kaffârat on the first day of Ramadân **[Eshbah]**. For it is not fard for a musâfir to perform the fast of Ramadân; he is permitted to make qadâ of it later.

If a person is continuously ill or too old to fast for sixty days, he feeds sixty poor people one day. (To do this) it is necessary to give two complete meals to sixty hungry poor people in one day. It is not necessary for all of them to eat on the same day. It is also permissible to give two complete meals per day to one poor person for sixty days, or one complete meal per day for one hundred and twenty days. Or, he gives possession of half a sâ' [one thousand seven hundred and fifty grams] of wheat or flour, or one sâ' of barley, raisins, or dates to each one of the sixty poor people. It is also permissible to give the equivalent of the same in bread or other property or gold or silver to each of the sixty poor people, or to give the same amount to one poor person for sixty successive days. It is written in **Badâyi'** that also fulûs (paper money) may be given to the poor to feed himself instead of meals. If he gives the sixty days' food altogether to one poor person in one day, he will have given that of one day. If he feeds a hundred and twenty poor people once, he will have to feed half of them once more. If he feeds sixty poor people in the morning and sixty other poor people in the evening, he will have to feed those whom he has fed in the morning once more in the evening or those whom he has fed in the evening once more in the morning. Or he gives the material equivalent of one sadaqa fitr to each one of the sixty poor. If he gives twice the amount [one sâ'] of wheat to each of the sixty poor people for two kaffârats, he will have paid one kaffârat. It is not permissible for one who can buy a slave to fast (instead of buying the slave) and for one who can fast to feed the poor (instead of fasting). If the ill or old person is poor, he feeds the

poor when he becomes rich. It is necessary to make a niyyat (intend formally) for kaffârat.

People who have an excuse must eat secretly on the days when they cannot fast. Those who purposely do not observe the fast and eat in the presence of Muslims at public places and those who mislead fasting people and prevent their fast lose their î mân. It is sinful to run places for eating and drinking, such as restaurants, cafeterias, casinos and buffets during the days of Ramadân. What they earn from those who do not observe the fast is halâl, but abominable and harmful. They must be opened after the iftâr.

3 – SADAQA FITR

All of the following information was translated originally from Durr-ul-mukhtâr, and from Ibni Âbidîn's Radd-ul-mukhtâr, which is an explanation of the former:

By the first light of the morning of the first day of 'lyd of Ramadân, to give the Fitra becomes wâjib for every free Muslim who has property or money as much as the amount of nisâb in addition to his indispensable possessions and debts. It does not become wâjib before or after that time. The property that is to be included in the calculation of nisâb for fitra and Qurbân does not necessarily have to be intended for trade, nor does one have to have had it for one year. The condition is that one should have property as much as the amount of nisâb by the time morning prayer becomes performable on the first day of 'lyd. Giving the fitra is not wâjib for a person who receives the amount of nisâb or who is born, or becomes a Muslim after that moment. It is necessary also for the safarî (traveller) to give the fitra. It is also permissible to give it during Ramadân-i-sherîf, before Ramadân, or after the 'lyd. Furthermore, if a person died before giving the fitra, zakât, kaffârat or something he vowed, and if he did not will it in his last request that it must be given, it is permissible for one of his inheritors to give it to the poor out of his own property, [not necessarily out of the dead person's property]. But the inheritor does not have to give it. If he willed that it must be given, it is necessary to give it out of a third of the property he has left behind. His will is not executed if he has not left property. There will be more blessings if the fitra is given before the 'lyd prayer. It cannot be given before Ramadân in Shâfi'î Madhhab and before 'lyd in the Madhâhib of Mâlikî and

Hanbalî. As one person's fitra can be given to one or more poor people, so one poor person can be given the fitras of several people. If a small child or an insane person has property, his fitra is also given out of his property. If their guardian does not give it, the child gives his past fitra when he grows up and the insane person gives his when he recovers. If a child below the age of puberty does not have property, its father gives its fitra together with his own fitra. That is, he gives it if he is rich. He does not have to give the fitra for his wife or older children. But he attains blessings if he gives it.

It is written in **Durr-ul-mukhtâr** and **Radd-ul-muhtâr**, "If a person gives the fitra for someone else out of his own property, it becomes permissible if the latter has commanded it in advance. If he has not given it with the latter's command, it does not become permissible even if he consents afterwards. If he has given it out of the latter's property, it becomes permissible when the latter gives the consent (afterwards). A man can give the fitras of the people he is supporting in his home without their advice. If one commands one's wife [or someone else] to give one's fitra, too, and if she (or he) mixes her (or his) wheat with one's wheat without one's permission and gives the mixture to the poor, she (or he) will have given only her (or his) fitra. For, according to Imâm-i-a'zam she (or he) will have used the wheat by mixing the two amounts of wheat with each other, and thus the wheat will become her (or his) property. But it does not become her (or his) property according to the two imâms. If she (or he) has mixed them with one's permission, one's fitra also will have been given according to Imâm-i-a'zam, too (rahmatullâhi ta'âlâ 'alaihim ajma'in). If the act were done the other way, the wife's fitra would have been given, too. For it is permissible for the husband to give the wife's fitra as a kindness out of his own property without her permission. He can either mix the fitras of his wife and other household and give them without their permission, or weigh the wheat or gold equal to their total at once and give it to one or more poor people. But it is circumspect to prepare them separately and then mix them or give them separately."

If one loses one's property after having had the amount of nisâb, that is, after fitra and Qurbân having become wâjib and hajj having become fard, one is not absolved from them. But

zakât and 'ushr are forgiven since the property has left one's possession. But these are not forgiven, either, if one purposely disposes of it.

He who has the nisâb of fitra and Qurbân is called rich. It is wâjib for him to give fitra. And if he is mukallaf, which means discreet, pubert and settled (not travelling), it is also wâjib to perform the Qurbân only for himself. It is harâm for him to take zakât, and wâjib to support his poor male relatives who cannot work and his poor mahram female relatives.

Basic needs include a house, a month's food, three suits each year, underwears, things and gadgets used in the house, servants, means of transportation, books on one's profession, whatever their value, and one's debt. They do not have to exist. If they exist they are not included in the calculation of nisâb for zakât, fitra and Qurbân. Those possessions that are not intended for trade and are more than one's need, one's houses rented out, ornamental things in one's house, carpets that are not laid on the floor, spare furniture that is not used, and tools of art and trade are not considered as necessary property in this respect. They are included in the calculation of nisâb for fitra and Qurbân. If the house one is living in is big, it is sahîh that the spare rooms that one does not use are not included in the nisâb. See the beginning of chapter 4, which is about **Performing the Qurbân.**

For fitra, half a sâ' of wheat or wheat flour is given. Or one sâ' of barley or dates or raisins is given. In Hanafî Madhhab, at times when wheat, barley and flour are abundant it is better to give their equivalents in gold and silver. During times of scarcity it yields more thawâb to give these things themselves. In Hanafî Madhhab sâ' is (the volume of) a container with the capacity of one thousand and forty dirhams of millets or lentils. One sâ' is four muds, that is, four menns. Mud and menn are equal and are two ritls. One ritl is a hundred and thirty dirham-i shar'î or 91 mithqâl, so one sâ' is [728] mithqâls, or [1040] dirhams, that is 3500 gr. of lentils. Since barley is lighter than wheat and wheat is lighter than lentils, a container that is filled with one thousand and forty dirhams of barley is larger than one sâ.' But it will be circumspection to call it one sâ.' It will be circumspection to give 364 mithqâls, or five hundred and twenty [520] dirhams, which is seventeen hundred and fifty [1750] grams, of wheat instead of half a sâ.' Thus a little more will have been given. For, half a

sâ' of wheat is lighter than 364 mithqâls, or five hundred and twenty dirhams. I, the faqîr -Hüseyn Hilmi Işık- experimented by using a balance and a cylindrical glass measuring jug, and found out that a hundred grams of lentils is a hundred and twenty cubic centimetres. Accordingly, one sâ' is equal to four litres plus one-fifth litre [4.2 litres].

In the Madhâhib of Shâfi'î, Mâlikî and Hanbalî, to give the fitra is fard for a person who has a day's food, and of whether wheat or barley it is always necessary to give one sâ.' In Shâfi'î Madhhab one sâ' is one-third of a menn less than three menns. One menn is two ritl-i-Irâqî, or 260 dirhams. Then, one sâ' is six hundred and ninety-four [694] dirhams, which is written in **Al Anwar**. In other words, it is one thousand, six hundred and eighty [1608] grams. For in Shâfi'î Madhhab a dirham is 2.42 grams. One mud is two-third a menn, which is equal two 173 dirhams plus a third dirham. Then, one sâ' is four muds. In Shâfi'î it is not permissible to give gold or silver equivalent of wheat or barley. It is written in Şemseddîn Remlî's fatwâ that it is permissible to follow Hanafî and give the wheat's equivalent in silver instead of the wheat itself. The Madhâhib of Mâlikî and Hanbalî are the same as Shâfi'î Madhhab in this respect, and so one sâ' is five ritls plus one-third a ritl, that is, 694 dirham-i-shar'î, or 1680 grams. These amounts have been stated clearly in the books **Kimyâ-yi-se'âdet** and **Manâhij-al ibâd ilel meâd**. The Turkish translation of the Arabic lexical book **Kâmûs wa Okyânûs** states about the word **Sâ'**: "Sâ' is a measure of capacity that contains four muds of lentils. One mud, an amount of two handfuls, is equal to two ritls in Hanafî Madhhab. Accordingly, one sâ' is eight ritls. In Shâfi'î Madhhab one mud is one plus one-third ritls, and so one sâ' is five plus one-third ritls in that Madhhab." And it states about the word Menn: "Menn, which means **batmann**, is two ritls in every Madhhab."

A person who does not fast because of a good excuse has to give the sadaqa fitr.

Because the sadaqa fitr is small, it is given in silver. It is written in the book **Jawhara**, "When giving the sadaqa fitr, instead of wheat or barley, its value can be given in gold or silver, in fulûs, that is, metal coins [and paper bills], or in any other kind of property." And it is written in **Durr-ul-mukhtâr**, "Its value is given in gold and silver." To explain these statements, Ibni Âbidîn says, "The book **Jawhara** says that fulûs and urûz,

that is, kinds of property, can be given, yet when 'value' is said gold and silver are usually meant. Also Zeyla'î (rahmatullâhi ta'âlâ 'aleyh) conveys that it is better to give its value in gold or silver." Then, one should follow the words of the majority and give the fitra in gold or silver. Silver money is not in use now. And the value of paper money has been made dependent upon that of gold. Therefore, the value of silver with respect to the currency is below its value in the Sharî'a. It is given with its value according to the currency so that it will be to the advantage of the poor. In case it is difficult to give them, one should give half a sâ' [1750 grams] of wheat or flour instead of giving other property or paper money. One may also give paper money instead of gold by following the facility we have described in the first chapter. In the Madhâhib of Mâlikî and Hanbalî it is better to give dates, in Shâfi'î, it is better to give wheat, and in Hanafî it is better to give what is most valuable.

If it is difficult also to give wheat or flour, one may give bread or corns of equal value. To give bread and corns, not their weight but their cost or value is considered.

4 – SACRIFICE (PERFORMING THE QURBÂN)

If a discreet, pubert, free male or female Muslim, settled in a village, in a desert or in a town, has the nisâb amount of property or money in addition to what he or she needs, it becomes wâjib for him or her to slaughter a certain animal with the intention of 'lyd-al-ad'ha (the 'lyd of qurbân) within certain days. The need includes a house with household appliances and three sets of clothings. According to the Shaikhayn [Imâm a'zam and Imâm Abû Yûsuf], a father has to perform the qurbân on his rich child's behalf [if he has a rich child], the expense being taken from the child's property. The meat cannot be eaten by anyone but the child. The meat left over by the child is sold and the money is used to buy durable things, such as clothings for the child. But the fatwâ agrees with Imâm Muhammad's ijtihâd. Accordingly, it is not wâjib for the father to perform the qurbân on his child's behalf, neither at his expense nor the child's. We have explained the nisâb for qurbân in our discourse on the sadaqa fitr in the previous chapter. While explaining about the people (and institutions) that are to be given zakât, Ibn Âbidîn says that no matter how much produce a person gets from his field or year's rental he gets for his field,

house, shop, [workshop or lorry] , according to Imâm Muhammad, he is poor if it does not meet his yearly needs or if his monthly income does not meet his monthly needs and his debts to others. The fatwâ agrees with this. But according to Imâm a'zam and Imâm Abû Yûsuf, he is rich. For the value of the field, which is his property, or of the fixture, meets his needs, and what is left is (at least) the amount of nisâb. Setting apart a sum of each rental he takes, he must save money and give the fitra and perform the qurbân. That is, he must attain great thawâb. If he does not give the fitra and does not perform the qurbân, he is absolved from the sin according to Imâm Muhammad. As it is seen, both of the ijtihâds are well put and are matters of compassion for Muslims. If a person in this situation does not give the fitra or perform the qurbân Imâm Muhammad's ijtihâd will save him from torment. A person who can neither get any produce from his field nor rent it out, as well as a man or woman who has property more than necessary but does not have any money, follows Imâm Muhammad's ijtihâd and does not give the fitra or perform the qurbân. If he gives the fitra and performs the qurbân, he attains the thawâb for fitra and qurbân according to the latter ijtihâd. A person who performs a worship which is not wâjib for him attains thawâb for supererogatory (nâfila) worship only. He cannot attain the thawâb for a wâjib. If he gives the meat to the poor, he attains thawâb for alms, too. But the thawâb for fitra and qurbân, which are wâjib, is much greater than that which is given for nâfila and sunna. So is the case with every kind of worship. It is written in the books **Mîzân-i-kubrâ** and **Manâhij** that it is sunnat-i-muakkada according to the other three Madhhab. Anyone who claims that qurbân is not Islamic will become a disbeliever.

[It written in the books **Hazânat-al-muftîn** and **Eshbâh**, "If a person has houses and shops or a field and if the rentals he gets or the produce or rent of his field do not suffice to subsist his household, he is poor. It is permissible for him to accept zakât." As it is seen, the fatwâ has been given in agreement with Imâm Muhammad]. Ibni Âbidîn says, "A person who has a share in a joint-stock company and who cannot withdraw his money performs the qurbân if he has money enough to perform it."

If a person who has difficulty living on the rent he gets has the amount of nisâb, he should give the fitra and perform the

qurbân by saving money. Cooking and preserving all the meat he should save the money for buying meat for a few months and keep it for the next year's fitra and qurbân, and thus should not deprive himself of the thawâb for fitra and qurbân. He who performs the qurbân saves himself from Hell. A hadith-i-sherîf declares: **"The worst of misers is the one who does not perform the qurbân** [though it is wâjib for him to perform the qurbân]." Rasûlullah (sallallâhu alaihi wa sallam) would kill two animals to perform the qurbân. One was for himself, and the other was for his Umma (Muslims). It is mustahab and produces plenty of thawâb to perform the qurbân by killing one animal on Rasûlullah's behalf, too.

Qurbân means to sacrifice a sheep, a goat, an ox (or cow), or a camel with the intention of performing the qurbân on one of the first three days of the 'Iyd of Qurbân. Up to seven people may share a cow or a camel in their performance of the qurbân, buying it collectively. The qurbâns of vow and aqîqa may be joined to them. Although it is possible to become a shareholder later of the qurbân which a rich person has already bought, it would be makrûh. It is not permissible for eight people to purchase seven cows or for two people to purchase two sheep as qurbân shareholders. For each person would then own a share in each qurbân. To avoid interest earning, it is necessary to divide the meat by weighing it out in equal amounts. It is not permissible to divide the meat without weighing it even if the shareholders agree among themselves to waive their rights mutually. For waiving their rights mutually would mean giving presents. It is not permissible to make a gift of something which is sharable before the shares have been divided and distributed to the shareholders. If each of six of the shareholders is given a piece of the skin or a leg of the animal together with its meat, then it is permissible to share without weighing. It is written in the books **Hindiyya** and **Majmuâ-i Zuhdiyya** that the head is categorized as the skin of the animal.

It is written in **Hindiyya** that, "It is wâjib for a rich or poor person who says before the 'Iyd, 'for the sake of Allah, let it be my vow to slaughter as a qurbân a sheep or that particular sheep' to slaughter one sheep during 'Iyd-al-Adha ('Iyd of qurbân). If he is rich when he fulfills his vow on the days of 'Iyd, although he may have been poor when he made his vow before the days of 'Iyd, then it is wâjib to sacrifice one qurbân in

addition for 'Iyd. If the rich man intended to sacrifice it as an 'Iyd qurbân at the time he made his vow, he performs only one qurbân. If the rich man made his vow before the 'Iyd, then he certainly should perform two qurbâns. The poor sacrifices only one. They cannot sell the vowed qurbâns. The animal bought and slaughtered during the 'Iyd by a musâfir^[1] or a poor person or by a person who has not made an intention or a vow to perform the qurbân, becomes nafila (supererogatory) worship. It is wâjib to sacrifice the qurbân which a rich person bought and intended to perform as a thanksgiving for the blessings of life instead of intending to sacrifice it as the 'Iyd qurbân at the time of purchase." See the following chapter for further details.

The following is an expatiation on the qurbân which is wâjib for a rich person to perform. The qurbân is not performed by giving the animals alive as alms to the poor or to pious or charitable institutions. It is wâjib to butcher them. It is written in **Jawhara** that, "The thawâb that will be given for the money spent on the qurbân is very much more than the thawâb for a hundred times more [that is, a large amount of] money given as alms." It is permissible to appoint someone to act as one's wakîl (deputy) to buy the animal for qurbân, butcher it and give the meat to the poor, and to get these done by someone else and give the money to buy the animal or the animal alive to the deputy. But it is mustahab to be present as the animal is butchered. It is harâm to kill cocks, hens or wild animals such as deer in the name of qurbân; it means to imitate magians, i.e., fire-worshippers.

It is not wâjib for a person who knows he will be poor or safarî (travelling) on the third day of the 'Iyd to perform the qurbân on the first day. Yet for a person who knows he will be rich on the third day it becomes wâjib to perform it at dawn on the tenth day of (the month of) Zu'l-hijja, which is the first day of the 'Iyd. It is not determined according to one's being rich or poor or muqîm (settled) or safarî (travelling) on the first day of the 'Iyd. Performing the qurbân is not wâjib for hâdjis (Muslim pilgrims) who have journeyed to Mekka from other places. For they are safarî^[2].

^[1] This word has a technical meaning defined by Islam's Sharî'at. Please see **Endless Bliss** Fourth Fascicle.

^[2] See the fifteenth chapter in the fourth fascicle of **Endless Bliss**.

For those who perform the qurbân in cities it becomes wâjib after the 'lyd prayer. It is not permissible for them to perform the qurbân before the prayer. They may perform it any time before the sunset of the third day. In villages it can also be performed after fajr (dawn) and before the 'lyd prayer. For those who are in Mekka or Minâ on the first day of the 'lyd it is not wâjib to perform the 'lyd prayer.

It has been reported at the end of the twenty-first chapter in the fourth fascicle that it is sunna to clip one's hair, beard and moustache and to trim one's nails and to shave one's armpits and pubes every week. It is written at the end of the chapter about the 'lyd prayer in Ibni Âbidîn (rahmatullâhi 'aleyh), "These acts of sunna should not be delayed during the first ten days of the month of Zu'l-hijja. The hadîth that states, **'The person who is to perform the qurbân must not clip his hair or trim his nails when the month of Zu'lhijja begins!'** is not a command. It indicates that it is mustahab to delay these acts until after performing the qurbân. But it is sinful to delay them longer, especially if one has not done them for forty days."

As it is seen, for a person who intends to perform the qurbân it is mustahab not to cut his hair, beard, moustache or nails from the first day of the month of Zu'lhijja till after performing the qurbân. But it is not wâjib. It will not be sinful for him to do these acts, nor will it decrease the thawâb for qurbân. For a person who shaves because of a good excuse, growing the beard on those days causes fitna, which in turn is not permissible at all.

It is not permissible to give away the living animal of qurbân or its value in money as alms. If one gives it as alms, one has to sacrifice a second one until the evening of the third day. A person who has not killed the qurbân of 'lyd or the vowed qurbân by the evening of the third day gives the living animal or its value [in silver or gold] to the poor if he has bought the qurbân animal. If he sacrifices it after the 'lyd, he cannot eat from the meat; he gives it all to the poor. If the value of all the meat obtained from the animal is less than its value alive, he also gives the difference as alms. If he has not bought it he gives the value of a medium animal of qurbân as alms to the poor. Thus he escapes punishment, but does not attain the thawâb for performing the qurbân.

If the animal was imperfect before the purchase or if later it has been flawed with some imperfection disqualifying it from

being a qurbân though it was suitable for being killed as a qurbân during the purchase, the rich person buys another and kills it (as the qurbân). If the (animal bought for the) vowed qurbân is imperfect both the rich person and the poor person sacrifice it. If the animal for the vowed qurbân dies (before being sacrificed) they do not have to buy another one. It is not permissible to utilize the wool and the milk of an animal for qurbân before it is sacrificed.

Nor is it halâl to slaughter it and eat its meat or let rich people eat it before its prescribed time. These things, (that is, the wool, the milk, and the meat), can be given to the poor. Therefore, the qurbân cannot be performed on the 'Arafa^[1] day. It is not halâl for one to eat its meat or to let rich people eat it. After a day is judged to be the 'lyd day by testimony of witnesses and as prescribed by the Sharî'a and the 'lyd prayer and the qurbân are performed, if it is found out that it was the 'Arafa day, the prayer and the qurbân will be accepted. At places where Ramadân and the month containing the days of 'lyd cannot be discovered by testimony of witnesses as prescribed by the Sharî'a, the first day of the month of Zu'lhijja and hence the tenth day, that is, the first day of the 'lyd of qurbân are calculated by using the **Işık method**, which is explained in the eleventh chapter. The first day of the 'lyd is the day determined by this calculation. Or it is the next day. It cannot be the previous day. For the new moon cannot be seen before it appears in the sky. Being prudent, one should perform the qurbân on the second day of the 'lyd found by calculation. But the qurbân whose thawâb will be presented as a gift to the dead should be performed on the first calculated day. For, this sacrifice can be performed on the 'Arafa day, too. A Muslim who has not performed the qurbân should give directions in his last will before dying to his inheritors that the qurbân be performed on his behalf out of the property he is leaving behind. The willed qurbân is performed on (one of) the 'lyd days. The person who performs it cannot eat from the meat even if he is poor. He has to give all the meat to the poor. If a person has died before having given directions in his last will, his inheritors or others may kill an animal of qurbân out of their property any time and present the thawâb to him. The thawâb will belong to the

^[1] Day previous to the first day of 'lyd of Qurbân; ninth day of Zu'lhijja.

person who performs the qurbân. It can also be presented to the dead person. The person who performs this qurbân can eat from the meat, too.

If two persons' animals for qurbân are confused with each other, the animal killed by each person thinking that it belongs to him becomes his qurbân. If a person usurps or steals someone else's sheep, it is permissible for him to sacrifice it as a qurbân or to sell it, even if he pays the value for the living animal afterwards. For when its value is paid, the usurped animal will be his own property. In this case it is also necessary for him to do tawba (penance) for his sin of extortion.

An animal with one blind eye or with one lame leg so that it cannot walk or which has lost a major part of its eye, ear, tail or one of its front or hind legs or which is very feeble, cannot be the qurbân. It is permissible to make the qurbân from an animal which has broken horns or has no horns at all or which is scabby or castrated. A female animal as well as a male one can be killed as the qurbân. If it is a sheep, it produces more thawâb when it is male and is more white in colour than black, but with goats female ones bring more thawâb. Killing a sheep causes more thawâb than killing an ox when they are equal in value. A sheep or a goat has to be over one year of age, an ox has to be over two, and a camel over five. It is permissible if a six-month-old home-bred sheep is big enough and fat enough. If the young that comes out of an animal sacrificed is alive, it must be butchered if you are to eat it. It is not permissible to eat it if it is dead.

It is makrûh to drag an animal to the place of slaughter, to sharpen the knives after getting the animal to the ground, or to kill one animal in front of another.

First a knee-deep hole is dug. The sacrificial animal is blindfolded with a piece of cloth. It is made to lie on its left side with its face and throat towards the qibla. Its throat is brought near the hole. The ankles of its front legs are fastened together with one of its hind legs. The tekbîr of 'lyd is said three times. Next the following words are said: **"Bismillahi Allâhu akbar."** Then, if the animal is not a camel, its throat is cut at any place. While saying **"Bismillahi,"** the "h" must be articulated with due stress and aspiration. In this case it is not necessary to bear in mind that it is Allah's name. If one does not pronounce the "h" clearly enough, one has to bear in mind that one is saying

Allah's name. If one does not do this either, the animal becomes as unclean as a carrion. It is not halâl to eat it. For this reason, we should not say, "**Allah ta'âlâ,**" but should accustom ourselves to articulating the "h" always clearly by saying, "**Allâhu ta'âlâ.**" The animal's throat contains the oesophagus, called **merî**, the windpipe, called **hulqûm**, and the jugular veins, called **awdaj**, on both sides. Three of these four pipes must be cut at the same time. It is sunna for the person who jugulates the animal to face the qibla. It is makrûh to cut the whole neck before the animal begins to lose its living temperature, that is, before its struggle is over. It is harâm to cut the back of the neck only. Also, it is makrûh to cut off the animal's head or to begin skinning it before its struggle is completely over and it is dead. It is mustahab that the act of jugulating be done by someone who knows how to do it. A woman as well is permitted to do it. If one does not know how to jugulate the animal, it is mustahab to have it jugulated by one's deputy, also to be present at the place during the act, and to say the hundred and sixty-second âyat, (**Inna salâtî**), of **An'âm** sûra up to the part that reads, "**lâ sharîka leh.**"

It is stated as follows in the chapter about qurbân (Zebâih) in the book **Hindiyya**: "An animal which a Muslim or an Ahl-i-kitâb (a Jew or a Christian) has slaughtered by mentioning the name or an attribute of Allâhu ta'âlâ in any language, is edible. An animal killed by a polytheist or an apostate should not be eaten. If the person concerned mentions the name of Jesus or says, 'one of the three gods' as he slaughters the animal, the meat should not be eaten. If he holds this belief but does not express it (as he slaughters the animal), the meat becomes edible. It is the expression made during the slaughtering which is important. If a person makes such a (polytheistic) expression in the name of a prayer or thanksgiving or if he intends to worship someone other than Allah, e.g. if he says, 'for the sake of Allah and Muhammad,' what he slaughters cannot be eaten." A disbeliever who believes in a (past) prophet and in his **Holy Book**, which was interpolated afterwards, is considered (to be one of) the **Ahl-i-kitâb** (people of the book), even if he says that his prophet is a god or 'son of god' or entreats idols. For, words such as 'god', 'idol', 'lord', 'father' are used also in meanings such as 'helper', 'who causes creation,' 'who is loved very much.' If a person mentions Îsâ (Jesus) 'alaihis-salâm' with

these names in these meanings, he does not become a polytheist. In this case, his calling him 'one of the three gods' or 'god' is metaphorical, not literal. If he says that 'Jesus Christ creates whatever he likes,' he becomes a **mushrik** (polytheist). Most of today's Mûsawîs (Jews), Îsawîs, Nasrânîs and Christians are among the Ahl-i-kitâb. Because they love Îsâ 'alaihis-salâm' very much, they entreat idols and icons so that they intercede for the creation of their wishes. If the Basmala is omitted on purpose, the meat becomes harâm according to Hanafî but halâl according to Shâfi'î. Although it is permissible to eat the animal slaughtered by a Christian who calls Îsâ 'alaihis-salâm' 'god', you should not have such people slaughter your animals or eat the animals slaughtered by them unless there is a strong necessity to do so. Animals slaughtered by disbelievers without a holy book, e.g. by the Nusayrîs living in Syria or by Druzîs, cannot be eaten. It is not necessary to inquire and find out what kind of a person slaughtered the animal.

It is written in **Jawhara**: "When Rasûlullah (sallallâhu alaihi wa sallam) went on hajj he took a hundred camels for qurbân. He himself jugulated sixty-three of them and then gave the knife to Hadrat Alî, who jugulated the rest."

The person who performs the qurbân can eat the meat himself or he can give it to anyone whether rich or poor or a zimmî. It is mustahab to keep one-third of the meat for the household, to give one-third to the neighbors and one-third to the poor. One may give all the meat to the poor or keep all of it for one's household as well. That it is permissible to give the meat to zimmî disbelievers too is written in **Hindiyya** and **Behjet-al-fatâwâ**. The skin is given to a poor person who performs his duty of namâz. It is not given to people not known well enough. Or it is used at home. Or it is given in return for something of permanent use. It is not given for something consumable or money. If the skin or meat is sold, the money is given (to the poor) as alms. The person who butchers the animal cannot be given its skin or some of its meat in return for his labour. It is harâm to eat seven parts of the qurbân or any other (edible) animal: fluid blood, genital organ, testicles, glands, gall-bladder, the female animal's vagina, and urinary bladder.

It is written in **Hindiyya**, "There are two sorts of Zakât-i-

shar'î^[1]: optional and indispensable. Optional zakât is the nahr of the camel, (which means to kill it by stabbing it in the pit of the throat), and the zebh of other domestic animals, (which means to jugulate them). Indispensable zakât is the jerh of the animals of hunt, that is, to kill them by wounding them on some part of their body. It is necessary to utter the name of Allâhu ta'âlâ while performing zebh, or throwing the arrow or firing the bullet or sending off the greyhound upon the hunt. It is permissible to utter it in another language even if one knows Arabic. An animal cannot be jugulated with the same takbîr that has been uttered for another animal. An animal killed by zakât is canonically clean. If it is an edible animal which is halâl to eat, it can be eaten. Otherwise it cannot be eaten. But it can be utilized in some other way."

If a person makes a qurbân of his own sheep on someone else's behalf, it is not acceptable, whether the latter has ordered him or not. For, an animal can be killed as the qurbân for someone else only if it is that person's personal property. It is required that the former person present his sheep to the latter, or to the latter's deputy, and the latter, or his deputy, take possession of the sheep, appoint the former his deputy, and then give the sheep back to the former and have him kill it on his behalf. It is permissible to kill someone else's animal as his qurbân on his behalf without his knowledge. If one kills someone else's animal as one's own qurbân without his permission, it will be acceptable if one pays its value afterwards. If the owner refuses the value and takes the jugulated animal instead, the qurbân will have been performed for the owner. It is never permissible to perform the qurbân from an animal which one is keeping as an amânat (entrusted for safe-keeping), âriyat (borrowed for using), or hire." If a bullet hits the prey and kills it or the prey is killed with a stone or club, it cannot be eaten. For, it is necessary for the blood to flow.

When buying a qurbân one should make one's niyyat as follows: "I intend to buy a qurbân which is wâjib to sacrifice on the 'Iyd day." One does not have to make the niyyat again while jugulating the animal. Nor does one have to kill the animal which one has bought with that intention. But the value of the

^[1] Canonical purification of a beast for food by slaughtering it in the prescribed manner.

animal one is going to kill instead of that animal should not be less. One might as well not make the niyyat at all while buying the animal. But then it is necessary to make the niyyat while killing the animal, or when appointing someone one's deputy. A person who wishes to donate his or her qurbân to a charitable society should say, "I appoint you as my deputy to butcher my 'lyd (or nazr) qurbân or have it butchered by someone else you may appoint, and to give its meat and skin to anyone you consider proper." The person in charge (deputy), attaches a number plate to the qurbân which is delivered or bought. He keeps a record of both the name of the owner of the qurbân and the number of the qurbân in a note-book. He appoints the butchers as agents by announcing the names of the owners while the qurbâns are sacrificed. He gives the meat to whomever he wishes and the skin is given to a poor person in charge. That poor person, before the value of the skins he is given reaches the level of nîsâb, gives as a gift all he has to whomever he wishes. And that person sells them, and gives the money thus obtained to whomever he wants. It is permissible for a poor person to sell or give as a gift the skins that are given to him.

If one kills several sheep, all of them become qurbân. Or, according to more dependable information, the best one becomes qurbân and the others become supererogatory.

If a poor person with property below the amount of nisâb intends to kill an animal which is his own property as the qurbân, or if he buys an animal during the 'lyd of Qurbân but without the intention of qurbân and then intends to kill it as the qurbân, or if he buys it with the intention of qurbân but before the 'lyd of Qurbân, it is not wâjib for him to kill it. If he kills it, it becomes supererogatory; he can eat its meat, and the meat he gives to the poor becomes alms. If a poor person buys an animal with the intention of qurbân and within the first three days of the 'lyd, according to this report, the animal becomes a votive offering (a vow), then it becomes wâjib for him to jugulate it within the first three days of the 'lyd. According to another report, it does not become a vow; it becomes supererogatory. Whether rich or poor, a person who has performed the qurbân of votive offering cannot eat from the meat, nor can people who are not eligible to receive zakât, nor can he let the rich eat from the meat. If he does not kill the animal within these three days,

he gives away the living animal or its equivalent as alms after the 'lyd. It is permissible also to kill the animal and give the meat as alms, but in case the value of the entire meat is less than the value of the living animal, then the difference should be given as alms.

PERFORMING THE AQÎQA — Aqîqa means to jugulate an animal with the intention of thanking Allâhu ta'âlâ for the blessing of child. When the child is seven days old it is mustahab to name it, to shave its head, to give as alms the hair's weight in gold or silver (only silver if it is a girl), and to kill two animals of an aqîqa for a boy and one for a girl. It is mustahab in Hanafî Madhhab. The animal for aqîqa should be the same as the animal for qurbân. It can be killed later too. [It can be killed any time. It can be killed during the 'lyd of qurbân too. It is written in **Shir'a** that after his prophethood, Rasûlullah (sall Allâhu 'alaihi wa sallam) performed aqîqa for himself. A baby born dead is not named, nor is the aqîqa performed for him]. The meat can be eaten by the person who has sacrificed the animal and can be given cooked or uncooked to anyone rich or poor. Performing an aqîqa is sunnat-i-muakkada in the Madhhabs of Shâfi'î and Mâlikî. In the Madhhabs of Shâfi'î and Hanbalî, the bones are not thrown away or broken. They are separated from one another by the joints and then put together. Then they are wrapped up in clean, white cloth, and buried. The bones can be broken in the Madhhabs of Hanafî and Mâlikî. The aqîqa protects children against calamities and illnesses. It increases the children's intercession for their parents. It is written as follows in the first volume of **Mawâhib-i-leduniyya**: "Ibrâhim was born in the eighth year of the Hegira, and on the seventh day Rasûlullah had Ibrâhim's hair cut, gave as alms the hair's weight in silver, and killed two rams as aqîqa. Then he buried the hair."

5 – VOW (NAZR)

Ibni Âbidîn (rahmatullâhi 'aleyh) says in the chapter about the oath, in the third volume, and at the end of the chapter about the fast, in the second volume of the explanation of **Durr-ul-mukhtâr**:

Nazr, that is, adaq (vow), is a kind of worship. Nazr is performed only for Allâhu ta'âlâ. It is not performed for men. There are two kinds of vowing: absolute nazr, and conditional

nazr.

1 - Absolute nazr is, for example, to say, "I shall fast for one year for the sake of Allâhu ta'âlâ." It is not dependent upon a condition. It becomes wâjib to fulfil it, even if one did not mean it while saying it or it slipped out inadvertently during a conversation. For, in matters of talâq (divorce) and nazr, uttering without an intention or thought is like uttering seriously and intentionally. In fact, if one inadvertently says, "...to fast for a month..," instead of saying, "Let it be a debt upon me to fast for a day for Allahu ta'âlâ," it becomes necessary for one to fast for a month.

Nazr is an act of worship. For, namâz, fasting, going on hajj, manumitting a slave, and other kinds of worship can be vowed. The Sharî'a commands the fulfilment of the nazr. It is sinful not to fulfil it. Nazr is like taking an oath. If a person says, "Let it be my nazr," without naming the thing vowed and without intention, it becomes necessary for him to pay the kaffârat prescribed for an oath. If a person says, "I will fast for Allah's sake," without mentioning the number of days of the fast and without intending for anything, or if he intends only for a nazr without thinking of whether or not it is an oath, or if he intends both for a nazr and for an oath, his fasting becomes a nazr, and he fasts three days. If he intends not for a nazr but for an oath while saying it, it becomes an oath. If he breaks his fast it becomes necessary for him to pay the kaffârat (penalty) prescribed for an oath. If he intends both for a nazr and for an oath, or only for an oath without out the nazr, the fasting becomes both an oath and a nazr. If he breaks the fast, both qadâ and the kaffârat for breaking an oath become necessary.

The thing vowed has to be like one of the kinds of worship which is fard or wâjib and has to be an act of worship by itself. For example, making an ablution or shrouding the dead, which are not acts of worship by themselves, cannot be a nazr. Visiting the ill, carrying the dead Muslims to their graves, making a ghusl, entering mosques, holding the Qur'ân, calling the adhân, building schools, building mosques are within the area of worship, too. But none of them is an act of worship by itself. They cannot be vowed. The fard or wâjib which the vowed thing has to be like does not have to be an act of worship by itself. For example, it is permissible to vow donating something to a pious foundation. For, donating something to a pious

foundation is like building a mosque for Muslims. Building a mosque is not an act of worship by itself, but donating to a pious foundation is an act of worship by itself. For example, making an ablution is not an act of worship by itself, but it is a condition (to be fulfilled for the acceptability) of namâz, which is an act of worship by itself. Likewise, shrouding a dead Muslim is a condition for the acceptability of the namâz of janâza. The satr-i-awrat of the dead is a condition of the namâz of janâza.

One has to fulfil the absolute nazr immediately, even if one is poor. If the state of death is felt before one has fulfilled it, one has to add fulfilment of kaffârat to one's will. It is also permissible to delay it without a good excuse. When fulfilling the nazr, one does not have to fulfil also the things which one has designated to do. For example, if one has vowed to give a certain amount of money to a particular poor person at a certain place and time, or to perform the namâz at a certain place, one does not have to observe these particulars. Yet one cannot change the vowed amount. However, if one vows to give gold coins to a certain poor person at a certain place for Allah's sake, one will have to give them to that particular poor person. For, one's not appointing the (number of) gold coins or the (amount of) property one is going to give shows that one wants to appoint the poor person.

2 - Conditional vow. When the condition one has desired occurs one has to fulfil the nazr. [It is written in **Fatâwâ-i-khayriyya** that it is permissible to pay the kaffârat prescribed for an oath instead of fulfilling the nazr. It is written at the end of the chapter about fasting in the marginal notes titled **Imdâd** by Tahtâwî (rahmatullâhi ta'âlâ 'aleyh), "It is deduced from âyats and hadîths that nazr is permissible. If one has made the nazr depend upon the occurrence of a condition one desires, one will have to fulfil the nazr when the condition one has stipulated occurs. If one has stipulated a condition one does not desire to occur, when the condition one does not desire occurs one fulfils the nazr if one likes, if the nazr is hajj, fasting, alms, or supererogatory namâz. If one does not want to fulfil the nazr of this kind, one may pay the kaffârat for an oath instead. For example, if one says, "May it be my nazr to give a hundred pounds as alms for Allah's sake if I ever speak to Alî again," and then speaks to Alî, he has a choice between giving the alms or paying the kaffârat prescribed for an oath. But if one

has said, “May my wife be divorced...,” one will have divorced one’s wife when one speaks to Alî, and it will not be permissible to pay the kaffârat for an oath. It is not permissible to fulfil the nazar dependent upon a condition before the condition occurs. For example, if one has said, “May it be my nazar to give so and so much money as alms for Allah’s sake and present the thawâb for it to the soul of Hadrat Sayyed Ahmad Bedevî if my such and such ill relative recovers,” it is not permissible to fulfil the nazar before the ill person recovers. One has to fulfil it after the ill person recovers. Like in the former case, when fulfilling the dependent nazar it is not necessary to fulfil the specifications one has made as to time, identity of the poor person, number of the poor people, or kind of money. The dependent nazar shouldn’t be fulfilled in return for the occurrence of the stipulated condition. It should be fulfilled as an act of gratitude to Allâhu ta’âlâ. It is like making the sajda (prostration) of gratitude to Him].

Necessity of the fulfilment of nazar is declared in Qur’ân al-kerîm and in hadîths, and there is ijma’i-umma on this. The twenty-ninth âyat of Hajj Sûra declares: **“They must fulfil their vows!”** It is, therefore, wâjib to fulfil the nazar. Some (’ulamâ) said that it is fard.

Fasting, salât [namâz], alms, i’tikâf, manumitting slaves, and hajj, —even by walking—, can be vowed. For, each of these is an act of worship by itself and is like either a fard or a wâjib. For example, it is fard to manumit a slave for the kaffârat of fasting. Going on hajj by walking is fard for those Meccans who can. The worship here is not walking, but it is the hajj. And i’tikâf is like the sitting posture in the last rak’at of namâz. As for waqf (donation to a pious foundation), it is fard for the state to build a mosque for Muslims in every city by using the funds reserved for this purpose in the Beytulmâl. If the state does not build it, it becomes fard for Muslims.

When the nazrs of i’tikâf, hajj, salât, fasting, alms are not dependent, it is permissible to fulfil them without observing the specifications as to time, place, identity of the poor, and kind of money. For example, if one vows to give certain silver coins to a certain poor person in Mekka, on, let us say, Friday, it is permissible for one to give other silver coins to another person at some other place and time instead. It is permissible to perform the vowed hajj, salât, i’tikâf, or fasting before the time

appointed during the vow. But it will not be acceptable if the number of days is one day less (than the vowed number). The dependent nazr cannot be fulfilled before the condition it depends on occurs. One can still make changes as to the poor person (to be given the alms), place, and kind of money.

If a person who has made it his nazr to fast every day during the month of Rajab becomes ill and cannot fulfil it, he will have to make qadâ of his fastings later, as with Ramadân.

If something unlike any fard or wâjib is vowed, it is not necessary to fulfil it. The type of worship it is like has to be a fard-i-ayn. It is not necessary to fulfil the nazr which is like a fard-i-kifâya. An example of this is visiting a sick person. Entering a mosque cannot be vowed, though it is fard to enter the Majid-i-harâm for tawâf (visiting) or to enter a mosque after the imâm for Friday prayer. For, entering a mosque is not an act of worship by itself, but it is a part of an act of worship. Though it is fard to help one's needy parents, visiting one's parents cannot be vowed because it is not an act of worship by itself.

To sum up, when something is vowed its fulfilment is necessary if it has five conditions:

I - It has to belong to the class of a fard-i-ayn or wâjib.

II - It has to be an act of worship by itself.

III - It shouldn't be a sin in itself. It is permissible to vow to fast on the 'lyd day of qurbân. For, fasting is not a sin in itself. In this case one will have to fast some other day. Vowing something which is harâm becomes an oath. It is sinful to fulfil it. For example, when one vows to kill so and so, one does not kill so and so, but pays the kaffârat for an oath, instead.

IV - It is not sahîh to vow to do something which is already fard for one to do. For example, hajj is already fard for a rich person who vows to become hadji. To vow to become a hadji is to inform that one is going to make the hajj that is fard. For, he who makes a supererogatory hajj cannot become a hadji. Because it is not sahîh to vow the hajj which is fard, in this case it is fard for the rich person to make hajj only once. It is not necessary for him to go again for the fulfilment of his vow.

If a rich person vows to kill a sheep as a qurbân on one of the days of the 'lyd of qurbân, he will have to kill two sheep, one for the vow and the other for the 'lyd of qurbân. If this person means the qurbân of the 'lyd when vowing, he kills only one

sheep as the qurbân. If he vows it before the days of 'lyd, he will have to kill two, whatsoever his intention was. For, to mean something which is not yet wâjib for one to do is not to inform that one is going to do it. Also, if a person who becomes rich on one of the 'lyd days, (let us say, on the third day), vowed to kill a sheep when he was poor on one of the 'lyd days, (let us say, on the first day), he has to kill two sheep, for the same reason. For a rich person who has not become a hadji to vow hajj is similar to a rich person vowing a qurbân on one of the days of 'lyd of qurbân. For, performing the hajj, like performing the qurbân, is of two kinds: performing the hajj which is fard; and performing the supererogatory hajj. If, when vowing to go on hajj, he does not mean to become a hadji, that is, to perform the hajj which is fard, he will have to perform the hajj twice. For, if the person for whom it is wâjib to perform the qurbân does not mean the wâjib when vowing the qurbân, it will come to mean the supererogatory qurbân and so the vow will be sahîh. Likewise, if the hajj which is fard is not meant when vowing to go on hajj, it will come to mean a supererogatory hajj. So the vow will be sahîh, and the rich person will have to go on hajj twice, one for the fard, and one for the vow. The case is not so with vowing for the fast in Ramadân or, for example, vowing noon prayer or vowing to become a hadji. Only the fard is meant when they are said. They have no supererogatory forms. Because the person vowing them means only the fard, the vow is not sahîh. This means to say that something which can be both fard and supererogatory can be vowed. Its fard form shouldn't be meant when vowing. This applies to vowing namâz, fasting, hajj, and qurbân. A person who vows to fast in Ramadân does not have to fulfil anything. He only fulfills his fast of Ramadân, which is fard.

It is permissible for the poor as well as for the rich to vow a qurbân. Qurbân means a sheep, goat, ox, or camel killed on one of the first three days of the 'lyd, which is wâjib for the rich and supererogatory for the poor. A person who has vowed ten sheep kills ten sheep within the three days of the 'lyd. If they are not killed within that time, he gives them alive as alms if he still possesses them. For, the commandment is to kill only one sheep. That the vowed number is ten shows that he did not state that he would perform the qurbân which is wâjib. The vowed qurbân must be performed on one of the certain three

days. If the animals are killed before these days the qurbân has not been performed and the nazr has not been performed. If the vowed qurbân is not performed by the end of the certain three days, its equivalent in gold or silver or the animal itself is given alive as alms to the poor. If he kills it after the certain three days ('lyd days) and gives the meat to the poor, the value of the meat shouldn't be less than the value of the animal was when it was alive. If it is less, he will have to give the difference in money to the poor. But if a person vows to kill a sheep instead of mentioning the name of qurbân, he may kill it at any place and at any time he likes, including the days of the of 'lyd of qurbân, even if he has appointed the time and the place.

V - The thing vowed should be a piece of property, and it shouldn't be more than one's property or belong to someone else. For example, if a person who has a hundred pounds vows to give a thousand pounds as alms, he will have to give a hundred pounds. If he vows to give a certain number of gold coins, and then if he loses the gold coins, the nazr lapses.

It is permissible to vow to read the Qur'ân or to visit the Kâ'ba. It is permissible to vow to say a certain number of salawâts for our Prophet (sallallâhu alaihi wa sallam), [e.g. to say the prayer of **Delâil-i-khayrât** or **Jâliyet-ul-ekdâr**].

[It is not permissible to vow a cock by saying, "I will make a qurbân of a cock or kill a cock for Allah's sake." For the cock is not an animal for qurbân. A person who wants to vow a cock must say, "I will kill a cock and give it to the poor for Allah's sake," and must give the cock, alive or after killing it, to the poor. Thus, he will have vowed not the qurbân but the alms]. If a person who has vowed alms has also mentioned its amount, he gives that amount. If he has not mentioned the amount he pays the kaffârat for an oath, which is to give half a sâ' of wheat or its equivalent to each of ten poor people.

When one's relative or friend is back from a long journey or when one is visited by a person whom one loves and respects, it is not permissible to kill an animal out of joy or reverence to the visitor or for thanks. The animal can be vowed before or after the arrival of an expected guest, and killed as a vow, that is, for Allah's sake; in this case the meat is given to the poor; the rich are not allowed to eat it. [If one says "qurbân" when vowing the animal, one has to kill it on the 'lyd of qurbân]. Also, it is permissible to kill an animal with the intention of giving a

special meal to the expected visitor.

It is permissible to fulfil the absolute nazr before the appointed time. But it is not sahîh to fulfil the dependent nazr before the desired condition comes into being. A person who has vowed something as alms can give something else of the same value or its equivalent. He who has vowed to fast in a certain month has to fast every day in that month, and has to make qadâ of the omitted days. If he has not appointed the name of the month, he fasts for one month [thirty days], which he can complete in several months. If a sick person vows that he will fast for a month for Allah's sake and then dies before recovering from his illness, nothing is required. If he recovers even one day before his death and does not fast on that day, he wills an isqât for the whole month.

Whether rich or poor, a person cannot eat from the meat of the animal killed as the fulfilment of his vow, nor can he give it to people to whom it is not permissible to give zakât. Nor can he let his parents, children, wife, [or husband, if the person is a woman], eat from the meat, even if they are poor. If he should eat or let those people eat from it, he gives the equivalent of the meat eaten as alms to the poor. Of his relatives and household, whether young or old, everyone who he is permitted to give his zakât to can eat from the meat. But the rich ones cannot. If they do, the performer of the vow will have to give the equivalent of what they have eaten to the poor.

Ibni 'Âbidîn 'rahmatullâhi 'aleyh' says at the end of his discourse on zakât for sheep: In zakât, 'ushr, kharâj, fitra, nazr, and in all kinds of kaffârat except manumitting slaves, it is permissible to give the equivalent of property which is not mithlî even if the property itself exists. [Property of zakât can be given as an equivalent for property of zakât. Other property cannot be given. Any property can be given for other kinds of property]. It is permissible to give three fat sheep instead of four thin sheep. For things that are mithlî, that is, things that can be measured by weight or volume, their equivalent of the same kind cannot be given. For example, it is not permissible to give four gold coins of high carat instead of five gold coins of lower carat or four pounds of good wheat instead of five pounds of wheat of poorer quality. It is necessary to give the same amount (five gold coins or five pounds of wheat) of the better quality too. But it is permissible to give their equivalent of some other kind. For,

when goods in whose comparison there is fâidh (interest, usury) are of different kinds, it is permissible to give less or fewer of the better ones and more of the poorer ones. In qurbân and in emancipating slaves equivalents cannot be given. For these two require shedding blood and rescuing from slavery, not giving property. Only after the 'Iyd days are over can the equivalent of the animal for qurbân be given to the poor. A person who has vowed to kill two medium sheep as the qurbân cannot kill a big ram as the qurbân which is equal to them in value. He has to kill two. [In lieu of sheep (vowed) the same number of goats can be killed, and equal number of cattle can be offered in place of camels vowed. They do not have to be equal in weight or value.] But he who has vowed to give two medium sheep as alms (to the poor) can give a big ram which is equal to the two sheep in value. A person who has vowed a tin of low quality dates cannot give half a tin of good dates which are equal in value. For, when they are of the same kind, if their amounts are not equal when being changed for each other the act becomes fâidh. It would be permissible if he gave half a tin of good barley which is of equal value.

A vow to kill an animal must be for Allah's sake without any stipulation. It is permissible to give the meat to the poor and to present the thawâb for it to a Walî or to an exalted religious person. Then, one must pray for the realization of one's wish for the sake of the alms and the Walî (to whose soul one has presented the thawâb for the alms one has given to the poor). In other words, one must do one's vows as exemplified: "If I attain this wish of mine, I will kill a sheep for Allah's sake at Eyyûb^[1], give the meat to those poor people who are neighbors to Hadrat Khâlid^[2], and present the thawâb to his soul." An

[1] A district in Istanbul. It is situated alongside the Golden Horn. It embodies the blessed grave of hadrat Khâlid Eyyûb al-Ansârî 'radiy-Allâhu ta'âlâ anh', one of the Sahâba. See below.

[2] When the Messenger of Allah completed his painful trek from Mekka and finally arrived in Medina, —the onerous migration has been termed 'Hijrat' (Hegira) ever since,— all the Muslims living in Medina met the blessed Prophet at the gate of the holy city, each and every one of them begging the Messenger of Allah to honour his house and be his guest. Lest anyone should be offended, the Prophet said to them, "I shall be the guest of the person in front of whose house my camel kneels down." The camel, with the blessed Prophet on its back, walked for a while and stopped and knelt down in front of hadrat Khâlid Eyyûb

animal vowed with a stipulation of this sort cannot be killed before the realization of the wish. The animal shouldn't be killed near the grave. Also, our religion does not permit such things as fastening pieces of cloth or string on tombs or burning candles on tombs. These things are done by Christians. Candles shouldn't be burned on graves. If candles are taken to the poor people who serve the tombs and who pray there, it will cause thawâb of alms. And this thawâb will be presented to the dead people there. Dead people do not need candles. A Believer's grave is a garden of Paradise. It is in nûrs (haloes). And a disbeliever's grave is a ditch of Hell. It is full of torment. Candles will not rescue him from this torment.

It is written at the end of the chapter about the fast in **Durr-ul-mukhtâr**: "Ignorant people vow such things as money and candles for the dead. They want to approach the great Awliyâ and get benefits from them. These vows are harâm and useless. They should be vowed for Allâhu ta'âlâ and given to the poor Muslims (serving and worshipping) in the mausoleums." While explaining these statements, Ibni Âbidîn says: "It is harâm to go to the grave of one of the great Awliyâ and say, 'If you find my lost property, —cure my sick relative, solve my such and such problem,— I will give this money —or food— for your sake, I will burn a candle and leave it here for you.' For, a vow is done only for Allah's sake. It is disbelief to expect something from a dead person independently from Allâhu ta'âlâ. It drives away one's îmân. [He who goes to a church, sacred spring, grave or tomb and asks for something from Hadrat Îsâ (Jesus), Mariam (Mary), or the Awliyâ and prays to them becomes a disbeliever. One should ask from Allâhu ta'âlâ so that He will give for their sake. Hadrat Abdulhakîm Arwâsî 'quddisa sirruh' used to say that such expressions as "The Grandfather who gives promptly" are very ugly and cause disbelief]. One should say, 'O my Allah! I vow that if You cure my sick relative I will give this money to the poor

al-Ansârî's house. So the Prophet stayed in his house. Years later this fortunate Sahabî joined an Islamic expedition and went to Istanbul to conquer the city. Yet the siege ended in failure and he was one of those who attained martyrdom. His blessed grave is at Eyyûb, Istanbul. There is a shrine over his grave and a splendid mosque was built by the shrine. Every day thousands of Muslims visit the shrine and the mosque.

people living near that Walî's tomb and present the thawâb to the Walî's soul.' It is harâm for the rich to accept things given in fulfilment of such vows. Property which is not given as alms to the poor is not acceptable as a vow. For example, such vows as burning candles on graves, lighting candles (or lights) on minarets, saying mawlid loudly in mosques like songs and dance music are not acceptable. It is harâm and useless to pay or take money for such things." It is written at the end of '**Uqûd-ud-durriyya** that it is bid'a to use more lights than usual in mosques on sacred nights. The same is written in the chapter about the rules concerning a mosque in **Eshbâh**.

Some people make a vow by saying, "**Table of Zachariah**." They put 40 kinds of fruit on a table, and then they invite their neighbors and close friends to eat from this table. They expect that the wishes they make as they eat at these tables will come true. Such a vow is bid'at. It is a Jewish custom. It is harâm for anyone, except a poor person, to eat from something that has been vowed. To cause bid'at and harâm is a grave sin.

It is permissible to vow to kill an animal when laying a foundation or when one's sick relative recovers and then to give the meat as alms to the poor. It produces thawâb for alms.

6 – OATHS—KAFFÂRAT FOR AN OATH

Yemîn (oath) means strength. It indicates strength in a statement, intention or desire to do or not to do something. Also, the words "half", "hilf", and "qasem" can be used instead of "yemîn." There are three kinds of yemîn:

1 - **Ghamûs** oath, [which causes sin and going to Hell]. It is to knowingly swear a false, lying oath on something in the past. It is a grave sin. In order to repent, tawba and istighfâr are necessary, but not kaffârat.

2 - **Mun'aqida** oath. It is to swear an oath to do or not to do something in future. There are three types. In all three types, breach of the oath necessitates kaffârat. But kaffârat is not paid before the breach:

A) There is no given time. If a person swears that he will beat Ahmad, the oath is not broken if he does not beat him as long as both are alive. The oath is broken when either one dies. For, when he swears that he will beat Ahmad, it does not become wâjib for him to do it till his death. If he swears that he will not beat Ahmad and does not beat him till after his death,

the oath eternally will never be broken. For, in this case it immediately becomes wâjib for him not to beat Ahmad. The oath is broken if he beats him once. He pays kaffârat, and the oath expires. If he beats him a second time he does not pay kaffârat again.

B) The time is appointed. If he breaks the oath before the time comes, kaffârat becomes necessary. The oath is not broken if he dies before the appointed time comes.

C) The oath which is made dependent upon a condition. It is to make the fulfilment of one's oath dependent on one's or someone else's doing something. It is to swear to something else by saying, "If you do this...", in order to prevent oneself or someone else from doing something intended, or by saying, "If you don't...", in order to get someone sitting to do something. This oath's being sahih (valid) requires in the first case the person's doing it at once (if the time has not been appointed) or by the appointed time (if the time has been appointed) and in the second case the person's not doing it or being unable to do it. If the person in the first is incapable of doing what is to be done the oath does not become sahih. If the time has not been appointed and if he (the browbeaten person) gives up doing it first and then intends a second time and does it, the oath becomes sahih in the second case. But it does not become sahih in the first case. When a person says to another, "I swear (by Allah) that I will beat you if you don't leave this place and come home", if the latter stands up immediately, goes to the toilet, puts on his clothes, goes home, then comes back to the former place to get his key and then goes home again, the former's oath does not become sahih. For, these things done by the latter are not considered as matters delaying going home. So it is not necessary for the former to beat him. If the husband says to the wife who is getting ready to go out, "You will be divorced if you go out," and if she first gives up going out and then gets ready again and goes out later, she will not be divorced. If a man who attempts to beat his child is told, "I swear (by Allah) that I will not speak with you any more if you beat the child!" and if the man sits for a while and then beats the child, it is not necessary for the swearer not to speak with him any more. If a person asks another to stay and eat with him and if the latter swears that he will not eat with him and leaves the place, saying, "If I eat with you...", the oath will lapse when

he comes back and they eat together.

3 - **Laghw** [vain] oath. It is to swear an oath mistakenly by making a wrong guess on something in the past. This does not put one into a sinful state; nor does it entail kaffârat.

In all three kinds, making or violating an oath because of forgetfulness or under duress is like making or violating it knowingly and willingly.

For a mun'aquida oath to be sahîh its fulfilment must be possible mentally and actually. If a certain period of time is appointed, fulfilment of the oath should be possible until the end of the appointed time. For, fulfilment of the oath becomes wâjib at the end of the appointed time. It is sinful to swear for something impossible. When a person says to another, "I swear (by Allah) that I will give you your due tomorrow morning," the oath will not become sahîh if either one of them dies before morning. For, it is impossible to fulfil the oath by the appointed time. When a person swears, "Today I will drink up the water in this large jug," the oath will not be sahîh if there is no water in the jug or if the water is poured out before the day is over. If he has not appointed a time, his oath will not be sahîh if there is no water in the jug; but if the water which is in the jug is poured out after the oath, the oath will be sahîh and will have been violated, and kaffârat will be necessary, because he has not drunk it. For, though fulfilment of an oath for which there is no appointed time becomes wâjib when one is about to die, it is wâjib to do it whenever one can, because at the time of death it will be very difficult to fulfil it, or to pay kaffârat or will the payment of kaffârat if one cannot fulfil it.

If a person swears that he will ascend to the sky or that he will change a certain piece of stone into gold, he becomes hânith (a perjurer) and pays kaffârat, because he cannot do it. For, though science cannot do these two things yet, they are not impossible mentally. As angels can and some prophets did ascend to the sky, so the atoms that make up a piece of stone can change into atoms of gold.

While explaining the talâq (divorce), Ibni Âbidîn says, "If a person swears, 'May everything which is halâl for me be harâm if I do such and such a thing,' twice for two different things, his wife becomes divorced once when he does the first thing. And when he does the second thing she becomes divorced a second time. For, his wife's not being in his nikâh as he does

the second thing does not affect his second oath from being sahih. Because she was in his nikâh when he swore the second oath, his second oath became sahih.”

It is written in the books **Multaqâ** and **Durr-ul-mukhtâr**, “There are three different ways of making an oath: By the names of Allâhu ta’âlâ, by making something that causes disbelief depend on a condition, and by making a divorce certain [by saying, ‘May I be divorced from my wife if...’]. Making an oath by using the names of Allâhu ta’âlâ is done either by letters or by words. If one of the prefixes “b”, “tâ”, and “wa” is added at the beginning and the “esre”^[1] is added at the end of the name, it becomes an oath. An oath can be made only with the names of Allâhu ta’âlâ. A Muslim’s oath cannot be made by other things. When making an oath by one of the names of Allâhu ta’âlâ which can be given to men also, such as Halîm, Alîm, Jewâd, it is necessary to intend and keep in mind that it is Allah’s name. It is permissible also to make an oath with some of His attributes which have been traditionally used in oaths. Like saying, ‘I swear by the Almightyness [Greatness, Compassionateness] of Allâhu ta’âlâ....” An oath cannot be made with the Qur’ân, with the Prophet ’salawât-ullâhi aleyhim ajma’in’, or with Kâ’ba. It is not an oath to swear with one’s honour, e.g. to say, ‘Upon my honour, I promise,’ or ‘Upon my honour it is the truth.’ It is harâm to swear with one’s life or head. It is an oath to say, ‘I swear by Allah that....” It is an oath to say, ‘I promise by Allah.’ Also, it is an oath to use the words “qasem”, “half”, or “yemîn” in one’s promise, whether by using the simple present tense or present continuous tense in the promise, or to say, ‘Esh-hadu,’ and not to say Allah’s name after it. If one says, “Be it my oath” or “Be it my vow” or “Be it my promise,” it becomes an oath.

It is an oath to utter something that causes disbelief, such as to say, ‘You are a disbeliever, or a Jew, or a Christian, or atheist if you do this,’ or to say the same in the future tense: ‘You will be....’ The oath becomes broken when the second person does that thing. If the first person said it with the intention of an oath he has to pay kaffârat. If he said it because he wanted the latter to be a disbeliever, he (the sworn person) becomes a

^[1] The vowel point placed under a consonant to indicate its being followed by “i” in pronunciation, like in “be”.

disbeliever. For, a person who gives consent to disbelief becomes a disbeliever. He who calls a Muslim a disbeliever becomes a disbeliever himself, even if he did not mean it. He who gives a positive answer to a person who calls him a disbeliever, such as to say, 'Yes, sir,' becomes a disbeliever. He should either not answer it at all or refuse it.

If a person says, 'If I enter this room, may it be *halâl* to take interest, (or may everything be *harâm* for me to eat),' it becomes an oath of the second kind. For interest is *harâm* in every religion. It is disbelief to say, 'May it be *halâl*.' And also it is disbelief to say, 'May everything be *harâm*,' because it means: 'May it be *harâm* to eat and drink such things as bread and water, which are *halâl* to eat and drink in every religion.' If a person utters words that cause disbelief with the intention of swearing an oath, he will not become a disbeliever, but he will have sworn.

It is not an oath to say, 'If you do this, may Allah's wrath (or curse) be upon you, (may you be an adulterer, a thief, a wine drinker, an interest charger or usurer).' For it is not customary among Muslims to swear by using these words. It is not an oath to say, 'May it be a right upon me.' But it is an oath to say, 'For the sake of Allah.' It means for the right of Allah. It is an oath to say, 'I take an oath by Allah.' It is written in **Ibni Âbidîn** that if a person stands up to show reverence to another person passing by him though the latter, upon seeing his attempt to stand up, deprecates, 'Don't, for Allah's sake,' nothing is necessary for the latter, for having said these words. But the former should respect Allah's name and should not do the thing which he is adjured not to do. This comes to mean that a person who has adjured another not to continue doing or not doing something has not made an oath. But if he adjures him to begin doing something, he has made an oath. If the latter does not do it the person who has made the adjuration will have to pay *kaffârat*. He who says, 'I swear by my wife's being divorced,' has not made an oath. If a person swears by making his own property *harâm*, it does not become *harâm*. For example, if he says, 'May my clothes be *harâm* for me if..., ' his clothes do not become *harâm*. But he will have to pay *kaffârat* when he uses his clothes. If he says, 'May everything *halâl* be *harâm* for me if..., ' not only will everything that can be eaten or drunk be *harâm* for him when he breaks the oath, but also, if he is

married, his wife will get one divorce, even if he did not intend (to divorce his wife). He will not have to pay kaffârat also. If he intended to divorce her three times, she would be divorced three times. So is the case with saying, 'May my wife be divorced (May she be harâm for me) if I do this!' If an unmarried person says, 'May everything be harâm if...', he has made an oath. If he eats and drinks from his property after breaking his oath, kaffârat becomes necessary.

If a person vows something which has the conditions for being vowed, it becomes a nazr if he is willing to do it when he vows it. It becomes wâjib for him to do it. For example, if he says, 'May it be my nazr to fast for one month for Allah's sake,' or, 'May it be my nazr to fast a month if I find what I have lost,' it becomes wâjib for him to fast for a month when he finds the lost thing. He cannot escape it by paying kaffârat.

If he makes the nazr depend on a condition which he does not want to do, e.g. if he says, 'May it be my nazr to fast for a month if I steal so and so's purse,' he fasts for one month or pays the kaffârat for an oath without having stolen it.

If a person says, 'Inshâ-Allah,'^[1] when making an oath, it will not become an oath.

It becomes an oath to say, 'For the Qur'ân's sake,' or to put one's hand on the Qur'ân, or to point to the Qur'ân and say, 'For the sake of this.' For, this kind of oath has been customary.

It is written in **Durr-ul-mukhtâr** that in Shâfi'î Madhhab the lexical meaning of the word expressing the act which is made dependent on an oath is taken into account. In Mâlikî its meaning used in the Qur'ân is taken into account. In Hanbalî the meaning intended by the sworn person is taken into account. And in Hanafî Madhhab its meaning is taken in the sense in which it has been customary to use it in the concerned country or countries of the time. For example, when a person swears that he will never get on an animal's back, his oath will not be broken if he gets on a man's back. For, though man is described as **Haywân-i-nâtiq** (the reasoning and articulating animal) in dictionaries, it has not been customary to call man animal. If a person who has sworn that he will not sit on a post sits on a mountain, his oath will not be broken. The Qur'ân calls

^[1] 'If Allah wills it to be so.'

mountains posts, but it has not been customary to call them so. If a person who has sworn that he will not demolish a house spoils a spider's web, his oath will not be broken. For, though a spider's web is called a house in the Qur'ân, it has been customary to call it a web. If the sworn person says that when he swore he thought of the word in its meaning as used in the Qur'ân or as shown in dictionaries, his statement is to be accepted. But if the word has been used figuratively, that is, not with its own meaning, his saying that he meant its customary figurative meaning is not accepted. If a person who has sworn not to buy anything with fulûs buys something with gold his oath will not be broken. For, fulûs is the name of the copper coin which has been monetized. He cannot claim that he meant to say, 'I will not buy anything.' Even if it is customary to say so, the meaning of 'fulûs' is clear. Custom cannot change the meaning. If a person swears that he will not go out through the door and then goes out through the window or swears that he will not beat with a whip and then beats with a stick, his oath will not be broken. While explaining things that are harâm, Ibnî Âbidîn says that he who has sworn that he would not look at someone's face can look at his image in a mirror. For, the image is not the person himself but his likeness. [Likewise, what is heard through a loudspeaker or on the radio is not the human voice, but its likeness].

He who has sworn to commit a harâm or not do an act of worship breaks his oath and then pays the kaffârat.

For the kaffârat of an oath you manumit a slave. Or you give a set of underwear, large enough to cover the entire body, to each of ten poor men or women, or feed ten poor people twice one day. It is also acceptable to feed one poor person twice a day for ten days. It is not permissible to feed other ten people the same day for the second time. Therefore, if he feeds twenty poor people in the morning, he is obliged to feed ten of them in the evening or to give them the equivalent property of sadaqa-i fitr. It is not necessary to feed all the poor people on the same day. He can feed some other ones or former ones the next day. Also, it is permissible to give a poor person a set of underwear every day for ten days or to feed him twice a day for ten days or once a day for twenty days. Also, it is acceptable to give half a sâ' of wheat or flour or bread to each of the ten poor people once for one day or to one poor person once a day for ten days.

Material or other property [such as a cloth, a towel, a handkerchief, socks, meat, rice, underwear, slippers, medicine or religious, scientific or moral books] or gold or silver money of the same value can be given, instead. If you give ten days' amount to one poor person in one day, all of it will be for one day. If you give hundreds of sâ' to each of ten poor individuals in one day, it will still be the kaffârat for one oath. The same is done for the kaffârat of an oath paid on behalf of a dead person. It is permissible to make someone your deputy to feed the poor or to give the money and to pay him the money later. He who cannot do any of these fasts for three successive days. For each of these fasts he must intend during the previous night. If a woman begins menstruating before completing the three days of fast, she does not continue fasting. She fasts for three more days after the menstruation is over. Kaffârat for Ramadân's fast is different. It is not correct to give the kaffârat before the Hins, that is, before breaking the oath. It is sinful to delay the kaffârat of an oath. It is written in **Dâmâd**: A separate kaffârat is made for each (broken) oath. If a person says, "Vallahi verrahmâni verrahîmi, I will not do such and such a thing," he will have made three oaths. If he does that thing three kaffârats will be necessary. It is written in **Bedâyi'** and **Hindiyya** that fulûs [paper money] can be given in lieu of feeding. It is necessary to intend while giving the kaffârat.

Rasûlullah 'sall-Allâhu alaihi wa sallam' stated, **"Most tradesmen and market-dealers are fâjir (dissolute, sinful)!"** When he was asked the reason he said, **"Their buying and selling is not halâl. For they sin by swearing and lying very often."** In another hadîth he states, **"A person who cheats someone out of his property by perjury will find Allâhu ta'âlâ wrathful on the Resurrection Day."** Please see the second page of the fifteenth chapter of the third part of the Turkish version. In another hadîth, **"A person with î mân may commit any fault. But he cannot betray or lie."** In another hadîth, **"Lying is permissible in three places: In war [and also when it is necessary to protect oneself and other Muslims against the harm of enemies of religion], in passing one Muslim's words on to another in order to reconcile them, and in handling one's wives."** It is permissible to conceal a Muslim's sins, or his hiding place or property from a cruel person. Lying is permissible (when it is done) in order to prevent

a quarrel between two Muslims or between a wife and a husband, to protect one's property, to prevent a Muslim's secret or fault from being revealed, or to prevent other things like these that are harâm. It is like eating meat canonically unclean lest one should die.

It is written in **Tarîqat-i-Muhammadiyya**: "Our Prophet 'sall-Allâhu alaihi wa sallam' declared, '**Perjury is a grave sin.**' He declared in another hadîth, '**Hell is the destination of person who cheats a Muslim out of his rights by perjury.**' Uttering an oath very often, even if you tell the truth, means to slight the name of Allâhu ta'âlâ and yemîn. It is utterly loathsome to swear flippantly with such names. So is the case with swearing in songs, plays, and parties.

If you break several oaths you have to make a kaffârat for each one. Kaffârat, like zakât, is worship through property. It is permissible to give your property through a deputy to the poor. But you have to make a niyya (intention) when preparing the property or at least before it is given to the poor."

It is written on the four hundred and seventh page of the book **Ibdâ**, "A hadîth declares, '**Do not swear an oath by saying, "Upon my father." An oath can be sworn only with Allah's name.**' Another hadîth, which exists in Abû Dâwûd, declares, '**He who swears by his honour and chastity, which has been entrusted to him (by Allah) is not in our community.**' A hadîth, communicated by Tirmuzî 'rahmatullâhi ta'âlâ 'aleyh', declares, '**He who swears with any name other than that of Allah, becomes a disbeliever.**' Oaths sworn by using such expressions as 'by your father,' 'by your life,' 'by your head,' 'by Kâ'ba,' 'by your (my) honour,' and 'by the soil (on the grave) of such and such a Walî' have become so widespread."

It is written in **Uyûn-ul-basâir**, "It is not sahîh (valid) for a disbeliever to take an oath or to pay kaffârat." Hence, it is understood that adjurations made by disbelievers or renegades are not sahîh. So it is not necessary to do what they ask you to do by adjuration.

Hadîqa states in its discourse on the afflictions incurred through speech, "It is not permissible to ask someone for something mundane by saying, '**For Allah's sake.**' It is declared in a hadîth that such people are accursed." As written in **Durer wa Ghurer**, in the fifth volume of **Ibni Âbidîn**, and in

Hadîqa, if a Muslim tells you to do something ‘for Allah’s sake,’ it is not necessary to do it, that is, it is not sinful not to do it. But it is good to do it if it is something mubâh (permitted), especially if it is Tâ’at (something which you will anyway be rewarded for in the Hereafter). It is harâm to pray through the right of the Prophet or for the sake of a dead or living Walî. For no one has any rights upon Allâhu ta’âlâ. This is the ijtihâd of some savants, but such a prayer is permissible if your intention is: ‘O my Allah! For the right Thou hast given them....’ For, the forty-seventh âyat of Rûm Sûra purports, **“It has been a right upon Us to help Believers.”** And the twelfth âyat of An’âm Sûra, which purports, **“Allâhu ta’âlâ has made it an obligation for Himself to have compassion for His slaves,”** shows that through His compassion and kindness He has bestowed rights upon His beloved ones. It is written in a fatwâ of **Bezzâziyya** that it is permissible to pray through Prophets or through the Awliyâ whether they are dead or living. These documentaries clearly show that Wahhabis’ attack upon the Ahl-as-sunna on these grounds is quite wrong.

7 – PERFORMING THE HAJJ

Hajj is Islam’s fifth principle. In other words, it is fard to go and visit the Kâ’ba-i-mu’azzama once in a lifetime. The second and later hajjes become supererogatory. The lexical meaning of hajj is ‘to mean, to do, to wish.’ In the Sharî’a it means to visit a certain place by doing certain things at a certain time. These certain things are called **Menâsik**. Each of these menâsik, (that is, singular form of menâsik), is called **Nusuk**. Nusuk means worship. Hajj and Umra also are called nusuk. In the tenth year of the Hegira Rasûlullah ‘sallallâhu alaihi wa sallam’ went on hajj on his camel named Kuswâ. It is written at the end of the chapter about Friday Prayer in the book **Durr-ul-mukhtâr**, “A person who goes (to the Kâ’ba) both for trade and for hajj gets thawâb if hajj occupies the major part of his intention. [The amount of the thawâb varies in proportion to the scope of the intention for hajj]. If his intention for trade is greater or if the two intentions are equal, he cannot attain the thawâb for hajj. But if he fulfils its precepts he will have performed the fard only. Thus, he will escape the torment for not having done the fard. So is the case with the thawâb for any worship or pious deed which is done for ostentation.”

A person who performs the hajj is called a hadji. There are three kinds of hadjis:

1 - Mufrid hadji: a person who intends only for hajj when putting on the ihrâm. Inhabitants of Mekka can be mufrid hadji only.

2 - Qârîn hadji: a person who intends both for hajj and for umra. First he performs the tawâf^[1] and sâ'i^[2] for umra and then, without taking off his ihrâm and without cutting his hair, performs the tawâf and sâ'i again, this time for hajj on the days of hajj. There is more thawâb for the qirân hajj than for either of the other two kinds.

3 - Mutamatti' hadji: he puts on the ihrâm to perform umra in the months of hajj, performs the tawâf and sâ'i for umra, cuts his hair, and takes off his ihrâm. He does not go back to his home town (or country) but, on the day of Terwiya^[3], or earlier, in the same year, wears ihrâm for hajj, and performs the hajj like a mufrid hadji. Only, he performs the sâ'i after the tawâf, too. Thawâb for this tamattu' hajj is more than that of the ifrâd hajj (first kind). The months for hajj are Shawwâl and Zu'l-qa'da, plus the first ten days of Zu'l-hijja. It is wâjib for the qârin and mutamatti' hadjis to perform the thanksgiving qurbân. If they do not, they will have to fast on the seventh, eighth and ninth days of Zu'l-hijja and also for seven more days after the 'lyd (of qurbân). All these days add up to ten days. Meccans cannot be qârin or mutamatti' hadji.

Umra means the performance of the tawâf and sâ'i with the ihrâm on and the shaving or cutting of the hair on any day of the year except the five days allotted for hajj. Doing umra once in a lifetime is sunna muakkad in (the Madhhabs of) Hanafî and Mâlikî, while it is fard in Shâfi'î and Hanbalî. The hajj which is fard is called **Hajj-i akber** or **Hajjatul-Islâm**. Umra is called **Hajj-i asghâr**.

The hajj has conditions, farâid (fards), wâjibs, and sunnas. It has two kinds of conditions:

B - Conditions for incumbency. They are eight according to

[1] Visiting, and going around the blessed Kâ'ba at Mekka.

[2] Performance of the course between Safa and Merva.

[3] The eighth day of Zu'l-hijja. The day previous to 'Arafa, which, in turn, is previous to the first day of the 'lyd of Qurbân.

Imâm a'zam:

- 1 - To be a Muslim.
- 2 - For a person living in a country of disbelievers to hear (or know) that the hajj is fard.
- 3 - To be discreet.
- 4 - To have reached the age of puberty.
- 5 - To be free; not to be a slave.

6 - In addition to the necessary livelihood, to have halâl money sufficient for the round trip for hajj and also for the subsistence of the household who will be left at home. The prescribed necessary livelihood here is the same as that which is prescribed for zakât. [Please see the first chapter!] He who has harâm property is liable not for the hajj but for returning the property to its rightful owner (or owners). A person who goes on hajj with harâm property will escape the torment for not having performed the hajj but will not attain the thawâb for hajj. It is similar to performing namâz at a usurped place. Such people should not be discouraged from worshipping. Sins do not debar worships. A person who doubts whether his money is halâl must, as written in **The Fatwâ of Yahyâ Efendi**, borrow money from a person whose earnings are halâl, and spend it on the hajj to attain the thawâb. And then he must pay his debt out of his doubtful money. [Pious Muslims have followed this procedure in defraying their needs.]

7 - For the time of hajj to have arrived. The time of hajj consists of five days: the 'Arafa day, and the (four) days of 'Iyd. The time spent on the way being taken into consideration, it becomes fard for a person who has the conditions for incumbency at the beginning of this time (for hajj) to go and perform the hajj once in his lifetime. A person who is in Dâr-ul-Islâm and who has property must know whether or not hajj is fard for him when the time for hajj comes.

8 - Not to be too blind, too ill, too old, or too disabled to go on hajj.

B - Conditions for performance are four:

- 1 - Not to be imprisoned or debarred.
- 2 - For the route to be taken for hajj and for the place of hajj to be safe and without danger. The hajj is not fard when one is compelled to go by dangerous means, by ship, train, bus or plane. During years when highwaymen attack the hadjis' lives

and possessions it is not fard to go on hajj. But the murder of a few hadjis is not an excuse (for not going on hajj). On hajj, it is permissible to pay the tax or bribes charged for entering the country. Bribery is always permissible when it is for saving one's life or property. But it is sinful to ask for bribe.

3 - To go on hajj, a woman who lives in a place three-days-plus-three-nights' way (by walking) to Mekka has to be accompanied by her husband or by an eternally mahram relative whom she can never marry and who is not on record sinning. Also, the woman must be rich enough to meet his expenses too. A hadîth, which is quoted by Bezzâr in **Kunûz ud-deqâiq**, declares, **"A woman cannot go on hajj without her mahram accompanying her."** Because we live in an age when mischief and wrongdoing are on the increase, one should not travel with a person who is one's relative through marriage or ridâ^[1]. The husband cannot prevent his rich wife from going on hajj with a mahram relative of hers once. For a husband does not have the right to prohibit his wife from doing the farâid. [**Hadîqa**, p. 591]. Again, it is written at the end of the chapter about the afflictions incurred through speech, "The husband can prohibit his wife from going on nâfila (supererogatory) hajj with her mahram relative. If she goes with his permission, her livelihood will be provided by her husband throughout the course of her going and coming back, but not if she goes without his permission." Please see the section dealing with a marriage contract with stipulated conditions in the twelfth chapter. According to Shâfi'î Madhhab, a woman without a mahram relative accompanying her can go on a hajj which is fard for her by joining two other women. It will be an excuse for a woman whose mahram dies on the way of hajj to imitate the Shafi'î Madhhab.

4 - For a woman not to be in the state of iddat, that is, not to be newly divorced.

By the year a person has the conditions for performance as well as the conditions for incumbency the hajj becomes fard for him. If he dies on his way to hajj in the same year, he becomes

^[1] A sucking from the same breasts with another. Becoming another person's foster brother or sister on this wise. There is detailed information about 'ridâ' in the Turkish original version of **Seâdet-i ebediyye**, Part 2, Chapter 37

absolved from the hajj. In this case he does not have to request in his last will the sending of a deputy. But he becomes sinful if he does not go that year. If he puts off going on hajj until a few years later, he becomes gravely sinful. For, insisting on small sins causes grave sins. If he becomes ill, imprisoned, or disabled on his way for hajj or at home in one of the later years, he will have to send a substitute in his place from his country, or request it in his last will. If he recovers after sending the substitute, he will have to go in person, too. If he goes on hajj in a later year, his sin for delaying the hajj will be forgiven. According to Imâm Muhammad and Imâm Shâfi'î, it is permissible to put it off until later years.

Going on hajj is not fard for a person who does not have one of the conditions for incumbency. It is not necessary to provide the conditions for incumbency. For example, it is not necessary to accept the money or property that is presented to him so that he can perform the hajj. If a person has the conditions for incumbency but lacks one of the conditions for performance, it is not fard for him to go on hajj, but if this excuse continues till his death he has to send a Muslim as a deputy in his place or command in his last will that someone should be sent in his place. There are three kinds of worships:

1 - Worships that are only done physically, such as salât, fasting, reading the Qur'ân, and dhikr. No one can do physical worships on someone else's behalf. Everyone has to do them himself. He cannot make someone else his deputy.

2 - Worships that are done only with property. Examples of these worships are zakât of property, zakât of body, namely, sadaqa fitr, zakât of landed property, namely, 'ushr, kaffârats such as emancipating slaves and feeding or clothing the poor. No matter whether or not a person has an 'udhr^[1], his worships that are to be done with property can be done by someone else, even by a zimmî, on his behalf, with his permission and with his property.

3 - Worships that are done both physically and with property, such as the hajj that is fard. As long as a person is alive, it is only when he has an 'udhr that someone else can perform the hajj on his behalf with his permission and with his money. He who is not liable for hajj can send a deputy for the

^[1] Excuse (being incapable, imperfect).

supererogatory hajj even when he has no 'udhr.

A person can give as a gift the thawâb of his worships to a dead or alive person, such as salât, fasting, sadaqa, Qur'ân al-kerîm, dhiqr, tawâf, hajj, umra, visiting the graves of Awliyâ and giving a shroud for a dead person, even if they are fard or supererogatory for him, after having done or while doing any of them. But in the Madhhabs of Shâfi'î and Mâlikî the thawâb of worships that are done only physically cannot be given to someone else as a present. Imâm-i Subkî and the later Shâfi'î savants (rahmatullâhi ta'âlâ alaihim ajma'in) said that these also could be given as gifts. It is useless to have your worships done by payment or to sell the thawâb of your worships to someone. It is a payment if you bargain before the worship is done. And it is to sell the worship if you bargain after doing the worship.

When putting on the ihrâm, the deputy has to intend with his heart for the person who has appointed him. A person who has the debt of hajj must command his trustee by giving him the name of the deputy who will perform the hajj on his behalf after his death. The dying person or his appointed non-inheriting trustee cannot make one of the inheritors his deputy unless the other inheritors approve of it. Unless a person countenances it, it is not permissible to send someone else for hajj on his behalf. But if the dead person has not made a will in this respect, that is, if he has not reserved money for hajj, his heir can go on hajj on his behalf or send someone else with the money from his share of the inheritance. Thus he will have saved his father or mother from the debt of hajj. If the hajj has become fard for himself, too, he has to go for himself in addition. But saving his parents from the debt of hajj will make him attain the thawâb for ten acts of hajj. According to the Madhhabs of Hanafî and Hanbalî, the (trip for) hajj must be started from the city they used to live in. For example, if a person living in Istanbul loses his father stationed in Erzurum, and if he wants to send someone as his father's deputy on hajj though his father did not request it in his will, it is fard for him to send the deputy from Erzurum. It is not permissible to send the deputy from some other place in the Madhhab of Hanafî. But in Shafi'î Madhhab it is permissible to send the deputy from any place except Mîqât^[1]. In fact, it is permissible in Shâfi'î Madhhab to give

^[1] Place where the hadjis assume the garb that is called ihrâm and worn

money to someone going on hajj and tell him to find a deputy in Mekka and have him perform the hajj from Mîqât on behalf of your father. The Hanafîs with little money can follow Shâfi'î Madhhab and make someone in Mekka deputize for their father, mother, or other close relative who has not commanded it in his or her last will. Yet while giving the money they have to make their niyya: "I am following Imâm Shâfi'î."

If a person performs hajj on behalf of someone else without his permission, the hajj belongs to him. That is, if he has the debt of hajj he has paid it. He can present its thawâb to the person he has deputized for. Any Muslim can present the thawâb for any of his worships to any other Muslim dead or alive. But the person presented with the thawâb (of hajj) will not be absolved from his debt of hajj. The trustee (wâsî), that is, the person who has been enjoined on the will, sends the deputy commanded (by the owner of the will). And the deputy cannot send someone else on his behalf, unless he is told to do as he pleases. If the owner of the will has added the amendment, "My deputy or someone else," to his will, or if he has not appointed a deputy while enjoining his will on his trustee, his trustee can go himself as well as send someone else for the hajj. It is not permissible for a person for whom it is not fard to go on hajj to send someone else for the fard hajj on his behalf. A child who is discreet but below the age of puberty can be a deputy. It is not permissible to appoint a deputy by giving him a certain sum of money in the name of a payment (for his work). Estimating the cost of the journey and his subsistence during the course of the hajj, you say to the deputy, "With this money...." The money given to him now is not a payment but a donation. It is written in **Eshbâh**: "The money left is returned to the inheritors. If the inheritors tell the deputy that they appoint him also as a deputy to present the rest of the money to himself and to accept it for himself, the deputy does as he is told." Though it is permissible in Hanafî for a person who has not made his own hajj and has not reached the age of puberty or for a woman to be a deputy, it is not permissible in Shafi'î. It is permissible for a deputy who is a hadji himself^[1] not to come back and to remain in Mekka after making the hajj on someone else's behalf. But it is better to

during the rites of pilgrimage.

^[1] i.e. a person who has performed the hajj that is fard for him.

command him to come back. In **Ukûd-ud Duriyya**, it is written, "Although it is permissible for a poor person who has not performed his duty yet to perform hajj instead of someone else, when he arrives in **Hil**, it will become fard for him also to perform hajj. In this case he will have to stay in Mekka and to perform his own hajj the next year. On the other hand, due to his staying and not returning home, after the previous hajj, the dead person's hajj will remain incomplete. If the deputy is told to do whatever he wishes, then the deputy may also delegate someone else." [If he finds a deputy in Mekka he performs his own hajj also in the same year]. A hadji's going on hajj as a deputy (for someone else) is better than his going on hajj once more for himself.

If a poor person goes on supererogatory hajj, when he reaches Mîqât he becomes like a Meccan and it becomes fard for him to make the hajj walking, and therefore he must make his niyyat to perform the fard. If he makes niyya (intends) to make supererogatory hajj, it becomes necessary for him to make hajj again. But the case is not so with a deputy who is poor. For, he has reached there, and will go back, with someone else's power. If a deputy, (that is, a person appointed by a rich person to make hajj on behalf of the rich person), has not made hajj for himself, he must stay in Mekka and one year later make the hajj for himself, too. The thawâb for a rich person's hajj is greater than the thawâb for a poor one's. If the poor person dies of hunger or exhaustion on his way to hajj, he becomes sinful. Going on hajj is makrûh for a poor person who will be in need and will have to ask for help from others on the way. A deputy who has been given a choice can give the money to another person and send him instead, regardless of whether or not he becomes ill on the way. But he cannot send another person if he has not been given permission. A hadji who dies before standing on Arafât does not have to command in his last will that his hajj should be made, if his going on hajj and dying happen in the same year when the hajj becomes fard for him. But if he goes on hajj a few years after (the hajj became fard for him), it will be wâjib for him to command in his last will that a deputy should be sent from his own city. A deputy may as well be sent from the place he has appointed or from any place whence it is possible to send one with the money he has allotted. Words used in a will must be chosen with care.

In case one-third of a person's property would sufficiently meet the expense (of sending a deputy on hajj from his town), it is sinful for him, (while dying), to will the amount of money that will not suffice for sending a deputy from his town or to command that a deputy should be sent from some other place. If he did not appoint the place or the amount of money, a deputy is sent from his town, even if he died on his way for hajj. No one can go on hajj with his own money on behalf of a person who commanded hajj while dying that his hajj should be performed (after his death). If anyone does, hajj will belong to himself. The dead person's debt of hajj will not have been paid. The person who makes hajj can present its thawâb to the dead person after the hajj. The dead person's hajj is performed by using one-third of the property left by him, or the money which he reserved from one-third of his property, and by starting the journey from his town. The deputy may as well add some of his own money to this. If the money reserved is insufficient a deputy can be sent from any place offering convenience. If it is still impossible, the (dead person's) will becomes invalid. If a person is alive but disabled (for hajj), he has to give the person he deposes enough money to enable him to go on hajj from his town. If the dead person did not add the stipulation that the hajj should be done by using the property he left behind, his inheritor may send a deputy with his own property, whether or not he has the intention to meet the expense from one-third of the heritage. If he has the intention to take it from the dead person's property, he cannot go on hajj himself. In the hajjes of tamattu' and qirân the cost of the qurbân belongs to the deputy. If the deputy swears that he has made the hajj he is to be believed. No one can ask him to return the money. A deputy who has been perfidious can be dismissed before the assumption of the ihrâm.

A person for whom zakât and hajj become fard, first goes on hajj, immediately, and then gives zakât of what is left from the hajj. If he cannot go on hajj, he gives the zakât of the entire amount. After the time for hajj has come, that is, after the hajj has become fard, it is not permissible to spend the money for hajj buying things one needs, such as a house or a year's supply of food. One has to go on hajj. However, it is permissible to buy them before the time of hajj comes. For hajj does not become fard before its time comes.

It is necessary to provide the conditions for performing the hajj. But a woman does not have to get married or imitate the Shâfi'î Madhhab in order to go on hajj. For, the husband does not have to take his wife on hajj. Nor is it permissible for her to contract a temporary marriage with a man going on hajj. This is written in Durr-ul-muntaqâ.

If a person lacking one of the conditions for incumbency goes on hajj, he has made a supererogatory hajj. He will have to make hajj again when the conditions are completed. If a person lacking one of the conditions for performance goes on hajj, he has performed the fard.

A woman cannot go on hajj without a man to accompany her. Her hajj will be accepted if she goes, but it is harâm. When she goes with her husband (or eternally mahram relative), it is harâm for her to join men in a hotel, during the tawâf and sâ'i, or while throwing stones, which would not only annihilate the thawâb for hajj but would also cost her a grave sin. A woman without any eternally mahram relatives sends a deputy in her place when she is old, when she cannot see any more, or when she catches an incurable disease. She does not send a deputy before then.

HAJJ HAS THREE FARÂID (FARDS):

Hajj is not sahîh if any one of these three farâid is not fulfilled.

1 - To make the hajj in an ihrâm. An **ihrâm**, like large bath towels, consists of two white pieces of cloth, one of which is wrapped around that part of the body below the waist and the other is wrapped around the shoulders. It is not fastened with thread or secured with knots. Before beginning the Tawâf, it is sunnat to wrap the ihrâm round the upper part of body, with the middle part of the ihrâm under the right arm and its two ends on the left shoulder.

For people who come (to Mekka) from long distances for hajj, 'umra, trade or for any other purpose, it is harâm to go through the places called Mîqât and enter the Harem, that is, the blessed city of Mekka, without the ihrâm on. Any person who passes by (the Mîqât without the ihrâm on) has to return to the Mîqât and put on the ihrâm. If he does not put on the ihrâm he will have to kill an animal of qurbân. Between the places called **Mîqât** and the Harem, that is, the city of Mekka, is called

Hil. People who intend to remain in the Hil for some business while going through the Mîqât and people who live in the Hil are permitted to enter the Harem without the ihrâm except when they intend for hajj. For example, the city of Jeddah is in the Hil. The **Harem** is a little larger than the blessed city of Mekka and its boundaries are determined by stones set up by the Prophet Ibrâhîm ‘alaihis-salâm’. The stones have been replaced many times. For hajj the inhabitants of the Hil put on the ihrâm in the Hil and those who live in the Harem put it on in the Harem. The ihrâm is assumed when passing through the places of Mîqât, intending in the prescribed way and saying the prescribed prayers. It is permissible—even better—to assume the ihrâm before reaching the places of Mîqât or even in your hometown (or country). It is permissible but makrûh to assume it before the months of hajj.

A person wearing the ihrâm is prohibited from certain things. These prohibitions include killing the animals of hunt living on land, wearing sewn clothes, shaving any part of the body, having sexual intercourse, fighting or quarrelling, using perfumes, cutting the nails, (for men) wearing mests or shoes, covering the head, washing the head with marshmallows, wearing gloves or socks, entering a bath, plucking or uprooting oats or trees growing by themselves, and killing the lice found on one’s body or showing them to someone else so that he will kill them. Those who do these knowingly or unknowingly or by forgetting will have to pay a penalty by killing a qurbân or giving alms. The owner can eat the meat of his qurbân of tamattu’ or qirân. But he cannot eat the meat of qurbân which he has killed in payment of a penalty. If a qârin hadji commits a fault which necessitates one qurbân in mufrid hajj, it becomes necessary for him to perform two qurbâns, one of which is for the ‘umra.

While in the ihrâm it is permissible to kill fleas or all kinds of flies, lice found on someone else, animals that are harmful or that would attack a man, such as mice, snakes, scorpions, wolves, kites, to wash your head with soap, to wear clogs or other shoes with open upperpart, to have your (aching) tooth extracted, to scratch yourself slightly provided you shall not kill lice or lose hair, to wear coloured ihrâm, to make ghusl, to sit in the shade of a roof, a dent or an umbrella, provided your head shall not touch it, to cover your head with things that are not normally used as headcovers, [such as bowls and trays], to put

a parcel or the like on your head, to wear a belt or sash round your waist, to carry a money purse, a sword or a gun tied on your waist, to wear a ring, to pluck or uproot the vegetables or trees sown or planted by people, to fight your enemy.

It is necessary for women to cover their heads and permissible to veil their face, provided the veil shall not touch the skin, to wear sewn clothes, mests, stockings, and ornaments under cover.

2 - On the day of 'Arafa to stay for **Waqfa** at any place of 'Arafât other than the place called Wâdi-yi Urana after the early and late afternoon prayers. Like all others, you stand, or sit if you cannot stand, towards the imâm, and listen to the prayers he will say. Then you can sit or lie down.

A person arriving late for hajj goes directly to 'Arafat. He does not have to perform the **Tawâf-i-qudûm**. If a hadji stays at 'Arafât for a while within the time between the early afternoon prayer on the day of 'Arafa and the morning prayer on the first 'lyd day or if he passes through 'Arafât with his ihrâm on or if after putting on the ihrâm falls asleep or faints and is carried on a stretcher or something else and is made to carry out the menâsik or if he gets sick or faints before putting on the ihrâm and someone else assumes the ihrâm and also carries out the menâsik on his behalf before he wakes up or if he stays at 'Arafât not knowing that it is 'Arafa day, his hajj becomes sahîh and he gets absolved from the tawâf-i-qudûm. It is not necessary to know that the place is 'Arafat or to intend. A person who is not at 'Arafât or who does not go through 'Arafât on that special day or night cannot be a hadji, nor can one who flies by there by plane. The hajj performed a day earlier, as Wahhabîs have been doing for some years, is not acceptable. A new moon sets close to the setting point of the sun and after the time of sunset. Its puffed up part is on the western side. At **terbî'** (i.e, on the seventh night)^[1] the moon sets six hours later than the sun. At **bedr-i tam** (on the 14th night)^[2] the moon becomes a full sphere and it rises while the sun sets and sets in the morning. The daily newspaper **Türkiye** of July 28, 1987, on a Tuesday, stated that "In the city of Kayseri, on Sunday the new moon of the month of Zu'lhijja was not seen. On Monday,

[1] First quadrature.

[2] Full moon.

the sun set at 19.50 p.m. At 20.20 p.m., the new moon was seen and it set at 20.55 p.m.” According to this information (in 1987), the first day of the month of Zu’lhijja was Tuesday. Therefore, the ninth day of the month (Wednesday) became the day of ‘Arafa. But the Wahhabi government took the hadjis to ‘Arafât on Monday and they prevented the ones who wanted to visit it again on Wednesday.

3 - **To make Tawâf-i-ziyârat** to the Kâ’ba. Tawâf means to go round the Kâ’ba-i-mu’azzama within Masjîd-i-harâm. Seven turns are made, four of which are fard and three are wâjib. It is permissible to make the tawâf by taking the well of Zemzem and the Maqâm-i-Ibrâhîm within the circle. It is written in the book **Eshbâh** that it is better for women not to keep close to the Kâ’ba while making the tawâf. If there is the risk of the men touching the women, it is necessary for those who are in the Shâfi’î Madhhab to imitate either the Hanafî or the Malikî Madhhab. It is not permissible to make the tawâf outside of Masjîd-i-harâm. It is fard in itself to make a niyya (to intend) for the tawâf. Also, it is fard to make tawâf-i-ziyârat after (standing at) ‘Arafât. If the adhân is called as you are making the tawâf or the sa’i, you put it off and complete it after performing the namâz. It is written in the marginal notes by Tahtâwî in the book **Marâqilfalâh**, “There is the fear that a person who goes round any mosque other than the Kâ’ba for worship may become a disbeliever.”

THE HAJJ HAS TWENTY-ONE WÂJIBS

1 - To make sa’i, that is, to walk in the prescribed way, seven times between the mounts of Safâ and Merva, provided this will be after the tawâf-i-qudûm and within the months of hajj. Sa’i without tawâf is not sahîh (valid).

2 - To perform (the rite termed) waqfa (pause) at Muzdalfa on the way back from ‘Arafât. Muzdalfa is the place where the Prophet Âdam first met the blessed Hawwa (Eve).

3 - To throw clean pebbles, or anything on which it is permissible to make tayammum, for three days at Minâ.

4 - Before taking off the ihrâm, to shave at least one-fourth of your head or to cut or have someone cut at least three centimetres of your hair. It is not an excuse not to find a barber or a shaver. Even a person without any hair or with a sore on his head has to pass the shaver around his head without touching his head.

Women do not shave or clip their hair. But they cut a little of it with scissors.

5 - For those hadjis who are **Âfâqî**, that is, who come to Mekka from places that are farther from the places called Mîqât, to make **Tawâf-i-sadr**, that is, **Tawâf-i-wadâ'** (farewell visit), the day before departing from Mekka. This tawâf is not wâjib for a menstruating woman.

6 - To stay at 'Arafât for a while after sunset. It is written in the books **Jawhara** and **Majmû'a-i-Zuhdiyya**, "A person who leaves 'Arafât before sunset will have to kill a qurbân. You can stay at 'Arafât when you are junub.

7 - During tawâf-i-ziyârat, to make three more turns after going round the Kâ'ba-i-mu'azzama four times. The night after tawâf-i-ziyârat is spent at Minâ.

8 - Not to be without an ablution or a ghusl while making the tawâf.

9 - To wear clean clothes.

10 - To make the turns by taking the place called the Hatîm within the circle while making the tawâf.

11 - To make the tawâf with the Kâ'ba-i-mu'azzama always on your left hand side.

12 - To have made the tawâf-i-ziyârat by the sunset of the third day of 'Iyd.

13 - To cover the awrat parts^[1] while making the tawâf. This is very important for women.

14 - While making sa'i between the mounts of Safâ and Merva, to begin from Safâ.

Getting on top of the mount of Safâ, you turn towards the Kâ'ba. You make tekbîr (say: "Allâhu akber") and tehlîl (say: "lâ ilâha illallah"), and say the prayer of salawât. Then, stretching both arms forward on a level with your shoulders and opening your palms toward the sky, you say your prayers. Next you walk towards Merva. You walk four times from Safâ to Merva and thrice from Merva to Safâ.

15 - To perform two rak'ats of namâz in the **Masjîd-i-harâm** after each tawâf.

16 - To do the devil-stoning (the Jumarats) during the 'Iyd days.

^[1] See Chapter 8 of fourth fascicle of Endless Bliss.

17 - To shave the head or cut the hair on the first day of 'Iyd and within the Harem.

18 - To make the sa'i walking. Men walk faster between the two green posts.

19 - For people making qirân or tamattu' hajj, to kill a qurbân for thanksgiving.

20 - To kill the qurbân on the first day of the 'Iyd.

21 - Doing such forbidden things as having sexual intercourse before staying at 'Arafât will nullify the hajj. It is fard not to do such things before staying at 'Arafât. It is wâjib to forbear from those things other than sexual intercourse till after taking off the ihrâm and from intercourse till after making the tawâf-i-ziyârat.

A person who does not perform a wâjib at its prescribed place and time, whether he knows it or not, is liable to punishment. The punishment is to kill a qurbân or to give alms as much as the amount of fitra. Nothing is necessary when it (the wâjib) is omitted for such reasons as illness, old age, or for the place to be overcrowded. [Nor is it necessary to have a deputy perform the wâjib (one has omitted for such reasons)]. A woman in the state of haid (menstruation) or nifâs (lochia) cannot enter the Masjîd-i-harâm. She performs the ordinances other than the tawâf and the sa'i. And she performs the tawâf and the sa'i when she is canonically clean. Each day's menâsik may as well be made on the night following it.

It is permissible to perform the fard or supererogatory namâz as well as to perform a namâz in jamâ'at in the Kâ'ba. It may as well be performed by turning your back toward the imâm's back. It is makrûh to perform it by turning your back toward the imâm's face or to perform it on top of the Kâ'ba. While performing the salât by forming a circle round the Kâ'ba, people other than those on both sides of the imâm can be closer to the Kâ'ba than the imâm.

THE HAJJ HAS ELEVEN SUNNATS:

1 - For those who are âfâqî (from distant places), to go directly into Masjîd-i-harâm and make **Tawâf-i-qudûm**. While looking at the Kâ'ba they say tekbîr, tehlîl, and prayers. Men rub their hands and face gently on the Hajer-i-aswad. After the tawâf-i-qudûm and two rak'ats of namâz, the sa'i between Safâ and Merva is performed. Then, without taking off their ihrâm, they stay in Mekka and make as many supererogatory tawâfs as they like until the day of Terwiya. Because the mufrid hadjis and the qârin hadjis cannot take

off their ihrâm till after throwing pebbles and shaving their head (or cutting their hair), they have to avoid the things prohibited when in the ihrâm. People who cannot avoid such things had better become mutamatti' hadji. It is not sinful to pass in front of people who are performing salât in Masjîd-i-harâm.

2 - To begin the tawâf from **Hajer-i-aswad** and to end it there.

3 - For the imâm to make the (speech called) khutba at three places: The first in Mekka on the seventh day of Zu'l-hijja month; the second at 'Arafât when the time for the early afternoon prayer comes, before the early and late afternoon prayers on the ninth day; and the third at Minâ on the eleventh day. At 'Arafât, when the khutba is over, the early afternoon prayer and immediately after this the late afternoon prayer are performed in jamâ'at. A person who is late for the jamâ'at performs the late afternoon prayer at the time of the late afternoon prayer. After the salât, the imâm and the jamâ'at (congregation) leave Masjîd-i-Namra to go to Masjîd-i-Mawqif and, the imâm sitting on an animal and the hadjis staying on the ground, standing or sitting, they perform the waqfa. It is better for the jamâ'at to be on animals, too. It is not necessary to mount the rocks of **Jabal-i-rahma** or to make niyya for the waqfa. [The salât which is performed behind the imâm who belongs to a group of bid'at should be repeated. For, it has been conveyed through hadîth-i-sherifs that worships performed by people who belong to a group of bid'at will not be accepted.]

4 - To leave Mekka for 'Arafât on the day of **Terwiya**, that is, on the eighth day of Zu'l-hijja, after the morning prayer. After Mekka you come to Minâ.

5 - To sleep at Minâ on the night before the 'Arafa day and on the nights of the first, second and third days of the 'Iyd. It is not obligatory to stay at Minâ on the third night and day.

6 - To leave Minâ for 'Arafât after sunrise.

7 - To sleep at Muzdalfa on the night of 'Arafa. You go from 'Arafât to Muzdalfa and, when the time for the night prayer comes, you perform the evening and night prayers one right after the other in jamâ'at. Those who have performed the evening prayer at 'Arafât or on the way have to perform it again together with the night prayer at Muzdalfa, in jamâ'at or alone.

8 - To stay for Waqfa after dawn at Muzdalfa. Spending the night at Muzdalfa, you perform the morning prayer right after dawn and then perform the waqfa at a place called **Mesh'arilharâm** until

it becomes rather light. Then you leave for Minâ before sunrise. On the way you should not stop at the valley called **Muhasser**. This is the place to stop for the **As-hâb-i-fil**. After coming to Minâ, at a place called **Jamra-i-aqaba**, which is the farthest from the **Masjîd-i-Khîf**, by using the thumb and the pointing finger of your right hand you throw seven pebbles as big as chick-peas at the foot of the wall marking the place of Jamra from a distance of two and a half metres or more. It is acceptable if they fall at the foot of the wall after striking the wall or a man or an animal. Though it is permissible to do the pelting any time until the dawn of the following day, it is sunna to do it before noon of the first day. Then, leaving the place immediately, you slaughter a qurbân if you like. For, it is not wâjib for a safarî person to perform the qurbân. Because hadjis are safarî, it is not wâjib for a mufrîd hadji to perform the qurbân. After the performance of the qurbân you shave your head (or cut your hair) and take off the ihrâm. Those who are at Minâ on the first day of the 'Iyd and all hadjis do not perform the 'Iyd prayer. Then, the following day or the other day or the day after the other day, you go to Mekka and, after intending, make the **Tawâf-i-ziyârat**. This is also called the **Tawâf-ul-ifâda**. It is makrûh to postpone the tawâf-i-ziyârat and the haircutting till after the sunset of the third day of the 'Iyd, and doing this necessitates killing a qurbân. It is only when you are unconscious that someone else may perform the tawâf on your behalf. You do not make **Reml** and **Sâ'i** during the tawâf-i-ziyârat. After the salât of tawâf you return to Minâ. You perform the early afternoon prayer in Mekka or at Minâ. The khutba is made at Minâ after the early afternoon prayer on the second day of the 'Iyd. After the khutba you throw seven pebbles at each of three different places. You begin with the place closest to the **Masjîd-i-Khîf**. On the third day of the 'Iyd you throw seven more pebbles at each place, and the number of pebbles becomes forty-nine. It is not permissible, or it is makrûh (according to some savants), to throw them before noon. You leave Minâ before the sunset of the third day. It is mustahab to spend the fourth day at Mina, too, and to throw twenty-one more pebbles any time you like from dawn to sunset. If you stay at Minâ until the dawn of the fourth day and leave the place without having thrown pebbles at all, you will have to kill a sheep. After throwing pebbles at the first place and at the second place you stretch forward your arms on a level with your shoulders and turn the palms to the sky or to the qibla, and say your prayers. The seventy pebbles to be thrown are picked up at

Muzdalfa or on the way. It is permissible to throw the pebbles when on an animal. After the **Tawâf-i-sadr** you will drink from the water of zemzem. You will kiss the threshold of the Kâ'ba, and rub your chest and right cheek gently on a place called **Multazam**. Then, holding on to the curtain of the Kâ'ba, you say the prayers you know and send your invocations. Then, while weeping, you go out the door of the Masjîd.

Minâ is to the north of Mekka; Muzdalfa is to the north of Minâ, and 'Arafât is to the north of Muzdalfa. With the recently built asphalt roads, between Minâ and Mekka is 4.5 kilometres, between Minâ and Muzdalfa is 3.3 kilometres, between Muzdalfa and 'Arafât is 5.4 kilometres, between Safâ and Merva is three hundred and thirty metres, and between the arch on the mount of Safâ and the Kâ'ba is about seventy metres.

9 - To make a ghusl before the Waqfa at 'Arafât.

10 - During the last return to Mekka from Minâ, to stop at a valley called Ebtah and stay there for a while. Thence you come to Mekka, and stay there as long as you like.

11 - Before setting out for hajj, it is a sunnat to ask for permission from your parents who are not in need, from your creditors, and from your surety. If your parents are needy it is harâm to set out without their permission. Also, it will be harâm to set out without your wife's permission if you do not leave subsistence with her. It is mustahab to enter Mekka through a door called **Mu'allâ**, and the Masjîd through the **Bâbussalâm** and during daylight.

He who omits the sunnats of hajj is not liable to punishment. Yet it is makrûh and causes a decrease in the thawâb (not to do them). If the 'Arafa day coincides with a Friday it produces the thawâb of seventy hajjes. It is common among the people to call this Hajj-i-akber, which is not true.

Lying between two opposite combinations of mountains extending in a north-south direction, Mekka covers an area of three kilometres in length and one kilometre in width. Its stone-built houses have mostly three to four stories. In the center of the city is a great mosque named **Masjîdilharâm**. Masjîdilharâm is open on the top and has a yard which, like the yards of Istanbul's mosques, is surrounded by three rows of domes. The domes number five hundred and are supported by 462 pillars, of which 218 are made of slender marble, 224 are carved from a stone called hajar-i-

shems, six or eight angled, and yellow-coloured. Masjîd-i-harâm has an oblong form, its north wall is 164 metres long, south wall 146 metres long, east wall 106 metres long, and west wall 124 metres long. In 1375 [1955 A.D.] Wahhâbîs extended these four walls, so that Safâ and Merva were included in the Masjîd. Hence, the mosque became one hundred and sixty thousand square meters. The blessed mosque of Saint Sophia in Istanbul is 77 metres long and 72 metres wide, and the blessed Sultanahmed (blue) mosque is 72 metres long and 64 metres wide. Masjîd-i-harâm has nineteen doors, of which four are on the east wall, three on the west wall, five on the north wall and seven on the south wall. It has seven minarets. During the time of the Ottomon Empire, the distance between Mekka and the port of Jiddah was 75 km., between Medina and Jiddah 424 km., and between Medina and Badr 150 km. The shortest road between Mekka and Medina is 335 km. The coastal way whereby Rasûlullah migrated was 400 km. Mekka is 360 metres above the sea level. Medina is 160 kilometres inland from the coast.

Before the time of Hadrat 'Umar (radiy-Allâhu 'anh), Masjîd-i-harâm did not have any walls. Around the Kâ'ba was a small square sorrounded by houses. The Caliph 'Umar had some of the houses demolished and had a one-metre-high wall built around the Kâ'ba, and thus Masjîd-i-harâm was built. Masjîd-i-harâm was restored various times. Today's Masjîd-i-harâm, together with the eleventh restoration of the Kâ'ba-i-mu'azzama, was built in 1045 hijri [1635 A.D.], during the time of Sultan Murâd Khan IV, the seventeenth Ottoman Emperor. Now Wahhâbîs, on the pretext of enlarging them, are demolishing and annihilating those historic Islamic works, building in their place things that have only materialistic value. At the cost of desecrating the Kâ'ba-i-mu'azzama, they are building taller houses and hotels.

The Kâ'ba-i-mu'azzama is a cubical room built of stone in the middle of Masjîd-i-harâm, and is 11.4 meters tall. Its north wall is 9.25 metres long, south wall 8.5 metres long, east wall 13.5 metres long, and west wall 13.3 metres long. On the corner of the east-south walls is the stone of Hajer-i-aswad, which is over one metre above the ground. With so many hadjis having kissed it, its surface is now rather concave. The Kâ'ba has a door on the east wall. 1.88 metres above the ground, the door is 1.7 metres wide and 2.6 metres high. Its inner side, as well as the floor, is covered with coloured marble. Its minaret-like spiral staircase near the corner

called Rukn-i-Iraqî, with its twenty-seven stairs of which seven are made of marble and the rest of wood, was restored by Mustafa Khan II. To the right of the door is a hollow and three pillars reaching high up to the ceiling. The outer side of the Kâ'ba is dressed with black silk tissue. The door is curtained with green satin.

The Zemzem well, also within Masjîd-i-harâm, is in a room opposite the corner of hajer-i-aswad and fourteen and a half meters away from the corner, and has a stone curb 1.9 metres high. Its diameter is two and a half meters long, and its depth is thirty meters. The room, built by Sultan Abd-al Hamîd Khan I, who also had the Beylerbeyi Mosque built in Istanbul, has a floor covered with marble, sloping near the walls, and ending in gutters at the feet of the walls. The gutters are of such competent work as they do not let any water ooze into the well. The mouth of the well is about one metre and half above their level. This work of art, a valuable keepsake of history, was barbarously destroyed in 1383 [1963 A.D.] They lowered the mouth of the well and an area of several metres around it to a level several metres below the earth's surface.

The four corners of the Kâ'ba are called the four rukns. The one pointing to Damascus is termed Rukn-i-Shâmî, the one pointing to Baghdad is termed Rukn-i-Irâqî, the one toward the Yemen is termed Rukn-i-Yemânî, and the fourth corner is termed Rukn-i-Hajer-il-aswad.

It is mustahab to drink zemzem after the farewell tawâf. With hundreds of thousands of hadjis drinking the zemzem, washing themselves with it, and taking lots of it to their countries, the water in the well cannot be exhausted. And now everyday the water has been pumped out day and night with a machine and a large-hose pipe, but it still does not seem to be exhaustible.

There is a Gold Gutter on the north wall of the Kâ'ba. The space between this gutter and the curved small wall, which is below the gutter and in line with it, is called the Hatîm. While making the tawâf it is necessary to make the turns outside of this Hatîm wall.

The earth has only one Kâ'ba. And it is in the city of Mekka-i-mukarrama. To perform the hajj Believers go to the city of Mekka-i-mukarrama, and there they do the things commanded by Allâhu ta'âlâ, and become hadjis. Disbelievers go to other countries and visit other places. They are not called hadjis. Muslims' acts of worship and disbelievers' irreligious acts are different things.

If people living in the Hil enter Mekka without the ihrâm it becomes wâjib for them to make hajj or 'umra.

The final pages of the part entitled "Twin Apples of the Eyes of Muslims" in the Turkish book **Ashâb-i Kiram**, give detailed information indicating that after making the hajj it is necessary to go to Medina-i-munawwara and visit the Prophet's blessed grave. The **Hujra-i-sa'âda** (the Prophet's grave), being close to the east corner of the qibla wall of Masjîd-i-sherîf, remains on the left side of a person who stands towards the qibla in the mihrâb. And the Minbar remains on his right. The area between the Hujra-i-sa'âda and the minbar is called **Rawda-i-mutahhera**. The Hujra-i-sa'âda is enclosed by two walls, one within the other. There is a hole in the middle of the ceiling of the inner wall. The outer wall reaching up to the ceiling of Masjîd, its green dome can be seen from long distances. The outer walls and the high grating outside are screened with curtains called **Settâra**. No one can go inside the walls, for they have no doors. On the 384th page of the book **Mir'ât-i Medîna** it is written that when Masjîd-i-sa'âdat was first constructed, its width was 60 dhrâ' [25 meters], and its length 70 dhrâ' [29 meters]. Two months before the Battle of Badr, i.e. in the month of Rajab of the second year, after the heavenly order to change the qibla direction towards the Kâ'ba was revealed, its door was moved from the north wall to the south wall, and the masjîd's length and width were extended to a hundred dhrâ' [42 meters] each. This door is named **Bâb-ut-tavassul**. During the restoration period of **Velid bin Abdulmalik** and the Abbasî Caliph **Mehdî** (rahmatullâhi alaihim ajma'in) in 165 [781], the masjîd's length became 126 meters and its width 76 metres. Wahhâbîs extended it in 1375 [1955] and its length became 128 metres and its width 91 metres. They changed the historic names within Masjid-i Nabî and put the Wahhâbî names in their places..

Masjîd-i-Nabî now has five doors. Two of them are on the west wall; the one near the qibla is called **Bâbussalâm**, and the one near the north corner is called **Bâburrahma**. The east wall has no door on the qibla side. The east wall has the **Bâb-i-Jibrîl**, which is opposite the Bâburrahma. Please see the chart on the ninety-sixth page of (sixteenth edition of) **The Sunnî Path**.

It is written in **Durr-ul-mukhtâr**, "The fard hajj must be made before visiting Medina. It is also permissible to visit Medina first. While making the supererogatory hajj you go to the city which is on your way first. When entering Medina you must intend only to visit

the Prophet's 'alaihi-salâm' grave. One prayer of salât in Masjîd-i-Nabî is superior to a thousand prayers of salât at other places. So is the case with such kinds of worship as fasting, alms, dhikr, and reading the Qur'ân. You do not wear the ihrâm when you enter Medina. The prohibitions that are valid as you wear the ihrâm in Mekka are not valid in Medina. Ibn Teymiyya said that one should not go to Medina in order to visit the Prophet's grave, but his assertion has been answered by the savants of Ahl-as-sunna. Imâm-i-Abû Hasan Alî Subkî 'rahmatullâhi ta'âlâ aleyh', [in his books **Erreddu li-Ibni Teymiyya** and **Shîfâ-us-sikâm fî ziyârat-i Sayyid-il enâm**], refutes Ibni Teymiyya's misleading words with strong proofs. It is permissible even for women to visit the blessed grave at times when it is not crowded, provided they shall cover themselves." The articles refuting Ibni Teymiyya, by Imâm-i-Subkî and other savants, have been published in Arabic in the book **Islamic Savants**.

It is written in **Marâqilfalâh** and in its marginal notes, "Seeing Medina from a distance, you say salât and salâm. Then say the following prayer: **"Allâhumma hâzâ haram-u-Nabiyyika wa mehbit-u-wahyika famnin 'alayya bi-d-duhûl-i-fîhi waj'alhu vikâyatan lî min-an-nâr wa amânan min-al-'azâb waj'alnî min-al-fâizîna bi-shafâ'at-il-Mustafâ yawm-al-meâb."** You make a ghusl before entering the city or Masjîd. You put on some good alcohol-free perfume. You assume new, clean clothes. It will be good to enter the city walking. After placing your luggage, etc. at some place, with a hanging head and a broken heart, meditating on the value and the greatness of those sacred places, saying the prayer, **"Bismillâhi wa 'alâ millati Rasûlillah,"** and the eightieth âyat of sûra **Isrâ**, which was revealed on the night of Hegira, and also the salawât-i-sherîfs, which are said also in namâz, you arrive at Masjîd. Entering Masjîd either through the Bâb-us-salâm or through the Bâb-ul-Jibrîl, you perform two rak'ats of **Tahiyyatul-masjîd** namâz near the minbar. The pillar of the minbar must be in line with your right shoulder. Rasûlullah 'sallallâhu alaihi wa sallam' would pray there. Then you perform two rak'ats of namâz of thanksgiving. After saying your prayers you stand up and with adab come near the Hujra-i-sa'âda. With your face toward the wall of Muwâjaha-i-sa'âda and toward Rasûlullah's blessed face and your back toward the qibla you stand with adab, about two metres from the blessed grave. You keep in your mind that Rasûlullah sees you, hears your salâm and prayers, and answers you, saying âmîn.

Beginning with, **“Essalâmu ‘alaika yâ sayyidî, yâ Rasûlallah...,”** you say the long prayer in the (above-named) book. You say the salâms sent (by others) through you. Then, first saying the salawât, you say the prayers you choose. Then, moving one metre to your right, you greet Hadrat Abû Bakr by saying the long prayer in the book which begins as, **“Essalâmu ‘alaika yâ khalîfata Rasûlillah...”** Then, moving half a metre to your right you greet Hadrat ‘Umar by saying the long prayer in the book. Then you pray for yourself, for your parents, for those who asked you to pray for them, and for all Muslims. Then you come back opposite Rasûlullah’s blessed face. You say the prayer in the book and also other prayers which you will choose. Then you come to the pillar to which hadrat Abû Lubâba tied himself and made tawba (penance). Here, and in the Rawda-i-mutahhara, you perform supererogatory or qadâ salât. You make tawba and pray. At your own discretion, you should also visit **Masjîd-i-Kubâ, Masjîd-i-qiblatayn**, the martyrs of Uhud, the graves at Baqî, and many other sacred places.”

Ibn Qayyem says, “You say your prayers by turning your back to Rasûlullah’s grave. Likewise states Abû Hanîfa.” It is written in **Durer-us-seniyya** that “Alûsî, too, states so in his tafsîr.” However, all the savants of Ahl-as sunna write that you say your prayers by turning toward the blessed grave while putting the qibla wall behind you. Even Alûsî, who is a follower of Ibni Teymiyya and Ibni Qayyem, is reasonable enough not to hide the fact, and writes in his **Ghâliya**: “After performing two rak’ats of namâz in Masjîd, you come to the Hujra-i-sa’âda, turn towards his blessed face and, standing with adab as you would do if he were alive, say salât and salâm and say the prayers prescribed by the Sharî’a. For, Rasûlullah is alive in his grave too. Most savants say that it is a sunna to come from far away places only to visit the blessed grave. For, a hadîth declares, **‘He who comes to visit me and only visits me without doing anything else will have the right upon me that I should intercede for him.’** Another hadîth declares, **‘I acknowledge the greeting of the person who greets me.’**”

Abdulhaq-i-Dahlawî ‘rahmatullâhi ta’âlâ aleyh’ says in Persian in his book **Jazb-ul-qulûb**: As the **Masjid-i-sherîf** was being built, two more rooms were built, one for Aisha and one for Sawda ‘radiyallâhu anhumâ’. Then, a room was built for each wedding, and the number of rooms became nine. It being a custom in Arabia, the rooms were made of date branches and were roofed with hair felt.

Its doors were no more than hanging curtains. The rooms were on the south, east and north sides of Masjîd. Some of them were made of sun-dried bricks. The doors of most of them opened into Masjîd. Their ceilings were a span higher than a man of medium stature. There was a door between the rooms of Hadrat Fâtima and Hadrat Âisha. A few days before his passing away, he had the doors of the Sahâba's rooms opening into Masjîd closed, with the exception of that of Abû Bakr.

In the seventeenth year of the Hegira, Hadrat 'Umar 'radiyallâhu anh' had Masjîd enlarged on the north, west and south sides. With the rooms belonging to the Zawjât-i-tâhirât 'radiy-Allâhu ta'âlâ anhunna' being on the east side, he did not do any enlargement on the east side. Thus, its south-north wall became a hundred and forty dhrâ' [seventy metres] and the east-west wall became a hundred and twenty dhrâ'. He said, "I would not enlarge Masjîd if I had not heard the Prophet's command: **'It is necessary to enlarge my Masjîd!'** " He had the new walls made of sun-dried bricks and date branches like the old ones. Hadrat Abbâs donated his room, which was adjacent to the west wall. Half of Ja'fer Tayyâr's house adjacent to it having been bought, the two were added to Masjîd-i-sherîf. In the meantime hadrat 'Umar had the **Hujra-i-sa'âda** restored with sun-dried bricks. In the thirtieth year of the Hegira hadrat 'Uthmân had these walls demolished again and the Masjîd enlarged. He had the new walls and the pillars made of stone and the ceiling of teak timber. A hadîth conveyed by Abû Hureira declares, **"If they enlarged my Masjîd as far as San'â city in Yemen, all of it would be my Masjîd."**

In the eighty-eighth year the Caliph Walid gave an order to the governor of Medina 'Umar bin Abdul'azîz, having all four walls demolished, whereby the rooms of the Zawjât-i-tâhirât, which were on the east side, were added to Masjîd. The four walls of the Hujra-i-sa'âda were demolished and rebuilt with dressed stones from the base. As the base was being dug out Hadrat 'Umar's one foot was seen. It had not rotted at all. A second wall was built around the Hujra. It had no doors. The ceiling of the Hujra became half a metre higher than Masjîd, and Masjîd became two hundred dhrâ' long and a hundred and sixty-seven dhrâ' wide. Forty craftsmen had been brought from the east Roman Empire, and the walls, the pillars, and the ceiling were ornamented with gold. For the first time, the mihrâb and four minarets were built. The work took three years. In the hundred and sixty-first year Mahdî, one of the Abbasid caliphs,

enlarged it by erecting ten pillars only on the north side. Also the Caliph Ma'mûn enlarged it a little more in the year 202. Then, in the year 550, Jemâleddîn Isfahânî made a grating of sandalwood around the second wall. This grating is called **Shabaka-i-Sa'âda**. A white silk curtain, which was sent from Egypt in the same year and on which the Sûra-i-Yasîn was written in red silk embroidery, was hung around it. This curtain is called **Settâra**. In the year 678 [1279] the Turkoman sultan of Egypt Salih Klawun 'rahmatullâhi ta'âlâ 'aleyh' had today's **Kubba-i-hadrâ** built and had it covered with sheet-lead. Today's Masjîd was built in 888 [1483] by Eshref Qaytebay 'rahmatullâhi ta'âlâ 'aleyh', one of the Circassian sultans of Egypt, and was restored and embellished by the Ottoman sultans. Here, we end our translation from **Jazb-ul-qulûb**.

The center of **Da'wat-ul-islâmiyyat-ul-âlamîyya**, which is in Mîrpur, Pakistan, sent a declaration to all Muslim countries in 1398 [1978]. The declaration stated:

Our center of **Da'wat-ul-islâmiyyat-ul-âlamîyya** has met with disgust the article that proposes the demolition of the **Qubbat-ul-hadrâ** and which was written by a Wahhâbî named Sa'dulhamein in the Sha'bân 1397 [1977] issue of the periodical **Ad-da'wa**, which is published in Saudi Arabia. Our members convened in Mîrpur, Pakistan, to protest the article. The assembly was presided over by Allâma Muhammad Beshîr 'rahmatullâhi ta'âlâ aleyh'. The following is a summary of speeches made in the presence of that great audience:

The Qubbat-ul-hadrâ is the apple of the eye of all Muslims. Muslims regard visiting this Hujra as a means for their salvation. For, our Prophet 'sall-Allâhu alaihi wa sallam' declared, "**My shafâ'a (intercession) is wâjib for a person who visits my grave.**" That squalid article of Sa'dul-hamein's is a great mischief and is a surreptitious stratagem of the enemies of Islam. Could a Muslim ever think of such a thing? Could he act as a ringleader in destroying the ensign of Allâhu ta'âlâ? We swear by Allah that he could not. We have reason to believe that the scandalous article has been buttressed up by clandestine hands, e.g. Jewish forces, from behind. It is beyond doubt that their exhumation of the blessed bodies of the Sahâba and of our Prophet's father Abdullah from their graves has emboldened them to the detestable thought of demolishing the Qubba-i-hadrâ. This abominable article will lead to great mischief. There is no value in this. The Saudi Arabian government must explain whence the daring comes for this ugly

article which has deeply hurt Muslims, whose hearts are filled with the love of Rasûlullah and of the Qubbat-ul-hadrâ. Muslims, no doubt, love the Arabs because they have been serving the Hamein-i-sherîfein and the Qubbat-ul-hadrâ. If the Arabs desecrate these sacrosanct places, Muslims' hearts will certainly no longer have any love for them. We call upon the Muslims all over the world to inform the government of Saudi Arabia with the vehemence of the sorrow caused by this detestable trickery and to join the struggle for the neutralization of this atrocious stratagem!

The Arabic origin of the above-given summon has been appended to the end of the 1978 edition of the book **Al-madârij-us-saniyya**.

It is written at the end of the chapter about hajj in the book **Ibn Âbidîn**: "A poor person who goes on hajj does supererogatory worship until he arrives in Mekka. Hence he is given thawâb for supererogatory worship. When he arrives in Mekka it becomes fard for him to make the hajj. But a rich person begins to earn the thawâb of the fard the moment he leaves his country for hajj. If a poor person leaves his country (or hometown) after putting on the ihrâm, he will earn the thawâb of fard on the way too, thus attaining the same thawâb as the rich one does. A person whose parents do not need him can go on the hajj which is fard without their permission. [But he cannot go on the supererogatory hajj without their permission.] Doing things useful for Islam, such as building mosques, schools for teaching the Qur'ân, and the like, causes more thawâb than the supererogatory hajj. If the money spent on the supererogatory hajj is portioned out to Muslims in need, making supererogatory hajj or 'umra will cause more thawâb than giving alms in your own country. For, in this case, you will be worshipping both through property and through the body. It is stated in the twenty-sixth letter in **Maqâmât-i-mazhariyya** that in this hajj it is necessary not to omit a fard or wâjib without an excuse and not to commit a harâm or makrûh. Otherwise making the supererogatory hajj will produce sins rather than thawâb. Please see the final part of the twenty-third chapter in the fourth fascicle, the first chapter in this fascicle, and the letters 29 and 123 and 124 in the (Turkish book) **Müjdecî Mektûblar**. Serving Islam by joining the army or through publication or propagation causes more thawâb than the supererogatory hajj. For a person who does not have such services, helping the poor, the needy, the pious, the sayyids with money causes more thawâb than making the supererogatory hajj or

doing such services as building mosques, schools for teaching the Qur'ân, and the like.”

*An eye whose looks take no warning,
Is one's enemy on one's own head.
Ear that takes no advice at each hearing;
In its hole one must pour hot lead!
A hand that has no good, pious doing,
Is not given Paradise grade.
Foot must be cut if worship's not its knowing;
Hang it near mosque, let others dread!
If the heart's not inhabited by divine loving,
Don't call it heart, it's fed in the mead!
Don't call the devil my nafs; it takes you to evil-doing.
Nafs will run to good, like downhill sled.
How could one call it heart, which Satan's leading;
By pride it's led, and on grudge it's fed.*

8 – THE CONVERSION OF A SOLAR YEAR INTO A LUNAR YEAR

As it has been stated in the chapter captioned PRAYER TIMES in the fourth fascicle, one of the units of measurement of time is the year. Two kinds of years of different lengths are: solar year and lunar year. A solar year is the duration of time in which the earth makes one tour around the sun: which is 365.242 solar days. Lunar year is the length of time it takes for the moon to make 12 rotations around the earth: this takes an average of 354.367 solar days. Therefore, a solar year is 10.875 days longer than a lunar year. Regarding the starting point of time, two types of calendars are being used: **Hegira** and **Gregorian**. The Gregorian one is supposed to have started at the birthday of the Prophet Îsâ ‘alaihis-salâm’, However, contrary to the common belief, it is written in, **Cosmographia**, by Hasîb Bey, that King Charles IX of France ordered in 970 [1563 A.D.] that the new year should start on 1 January. The Hegira calendar starts with the year when our Prophet (sallallâhu alaihi wa sallam) migrated to the city of Medina. The starting day of the Hegira solar year is the 20th of the Gregorian September, which was Monday, the 7th of September of the Roman year, when he entered Medina. This information is written in further detail in the calendar of Abuz-ziya, dated 1310 [1893 A.D.]. The Persian solar year starts six months before the Hegira solar year, on the 20th of March, which coincides with the

Zoroastrian feast. On the other hand, the starting day of the Hegira **lunar** year is the 16th of July (A.D), the first Friday of the month of Muharram of the same year. The migration of our Prophet (sallalâhu alaihi wa sallam) took place in 622 (A.D.). The beginning of the Hegira lunar year is 196 days (0.54 years) after the completion of the year 621 A.D. The Hegira solar year began 262 days (0.72 years) after the completion of the year 621 A.D. So, the beginning of the Hegira solar year is 66 days (0.18 years) later than the Hegira lunar year. If 0.18 years is added to the number of the Hegira solar year, the number of the Hegira solar year also will start on the 16th of July. Due to the 10.875 days' difference in a year, for every 32.59 years of the Hegira solar calendar, 33.59 years have elapsed of the Hegira lunar calendar. If the number of lunar years is multiplied by the quotient of $32.59 \div 33.5 = 0.97023$ the product will be the number of solar years. If the number of Hegira solar years is multiplied by the quotient of $33.59 \div 32.59 = 1.0307$ the product will be the number of lunar years.

Let us find out the Hegira solar year which coincides with the beginning of the lunar year 1404. Since a year begins after the last day of the previous year, and if the solar year had also started on the 16th of July, then the number of solar years would simply be $1403 \times 0.97023 = 1361.23$. But, since a solar year starts 0.18 years later than the 16th of July, 0.18 years is subtracted and then 1361 is taken: $1361.05 - 1361 = 0.05$. Therefore, the beginning of the Hegira solar year becomes $0.05 \times 12 = 0.6$; first month's $0.6 \times 30 = 18$ th day of the year 1362.

Let us find out the lunar year which coincides with the beginning of the 1362 Hegira solar year: If the lunar calendar had started on the 20th of September, too, it would be $1361 \times 1.0307 = 1402.78$, and an 0.18 year excess of that number would be 1402.96 and taking 1402 from it $1402.96 - 1402 = 0.96$ and $0.96 \times 12 = 11.52$; half of the twelfth month of the year 1403.

Let us find out the starting dates of the Hegira years which coincides with the beginning of 1984 A.D. The Hegira solar year which coincides with the beginning of 1984 A.D. is $1984 - 622 = 1362$. The difference between the 20th of September and the 1st of January is 103 days (0.28 years). We have already found that the lunar year which coincides with the beginning of the solar year 1362 is 1402.96. So, the lunar year would become $1402.96 + 0.28 = 1403.24$. That means $0.24 \times 12 = 2.88$ or the third month ($0.88 \times 30 = 26.4$) or the twenty-seventh day of the lunar year 1404.

9 – CONVERSION OF A LUNAR YEAR INTO ANNO DOMINI

Let us find the anno domini which coincides with the beginning of the Hegira lunar year 1404; $1403 \times 0,97023 = 1361.23$ would become the Hegira solar year which starts on the 16th of July. Then $1361.23 + 621.54 = 1982.77$ would be $(0.24 \times 30 = 7.2)$ the eighth day of $(0.77 \times 12 = 9.24)$ the tenth month of the year 1983 A.D.

10 – FINDING OUT THE FIRST DAY OF THE HEGIRA YEAR

The first day of Muharram is the beginning of the Hegira year. To find out what day it is (it was, it will be), the concerned year is multiplied by five. The number obtained is divided by eight. The remainder shows the number of days from Thursday. For example, the first of Muharram, 1357:

Five times 1357 is 6785. When this is divided by eight the remainder is one. The first day of Muharram is Thursday. Please see the fourth fascicle of **Endles Bliss**.

11 – FINDING OUT THE FIRST DAY OF ANY ARABIC MONTH (By the IŞIK Method)

One minus the number of the year is multiplied by 4.367. The figure assigned to the month concerned is added to the unit figure of the number obtained. When the total is divided by seven, the remainder shows the number of days from Friday.

The figures assigned to the twelve Arabic months are relatively the first letters of the twelve capitalized words in the following minemonic couplet:

Hilmi, Be not Drifted by Hopeless Zeal of Earth!

Jibing Damsel Was to the Zealous its Beauty's Joy.

The succession of the twelve capital letters in the couplet is the same as the succession of the twelve Arabic months beginning with Muharram. Each letter is the assigned number of the month occupying the same position in the series of twelve.

The letters in the words “Ebjed hewwez hutty” are called **Hurûf-i-jummal** and represent the following:

E = 1, b = 2, j = 3, d = 4, he = 5

w = 6, z = 7, hu = 8, t = 9, y = 10.

Accordingly, the first letters of the capitalized words in the

couplet above denote the following months:

Hilmi = 8 = Muharram

Be = 2 = Safar

Drifted = 4 = Rabî'ul-awwal

Hopeless = 5 = Rabî'ul-âhır

Zeal = 7 = Jamâzil-awwal

Earth = 1 = Jamâzil-âhır

Jibing = 3 = Rajab

Damsel = 4 = Sha'bân

Was = 6 = Ramadân-ul-mubârak

Zealous = 7 = Shawwâl

Beauty = 2 = Dhu'l-qa'da

Joy = 3 = Dhu'l-hijja

As an example, let us find out the twenty-ninth day of the month of Dhu'l-qa'da 1362:

Let us multiply the number 1361 by 4.367; the answer is 5943. Now let us add two to this, -for the number assigned to Dhu'l-qa'da is tw—; the answer is 5945. If we divide this by seven the remainder is two. So, the first day of Dhu'l-qa'da is the second day beginning with Friday: It is Saturday. And the twenty-ninth day is again, naturally, Saturday. This method, discovered by Hüseyn Hilmi Işık^[1] 'rahmatullâhi ta'âlâ aleyh', the compiler and the publisher of the book **Endless Bliss** is very precise and accurate.

While the moon joins the daily east-west motions of the sun and the stars, it moves in a west-east direction around the earth. This motion is faster than the sun's motion from west to east. The moon completes one rotation in 27 days plus 8 hours. Therefore, it completes its daily tour fifty minutes plus 30 seconds after the stars. The sun, on the other hand, completes its tour four minutes after (the stars). Consequently, the moon reaches the meridian later than the sun did the previous day and sets 45 minutes after the sun the first night. There is an angle of approximately five degrees between the plane of the lunar orbit and the ecliptic plane. Once each revolution, the sun, the earth and the moon become aligned with one another, the sun and moon being in the same direction from the earth. This state of collinearity is called **İjtimâ'i neyyireyn = Conjunction**. In this state the face of the moon in our direction

^[1] Please see the twelfth chapter of **The Proof of Prophethood**.

becomes obscure. We cannot see the moon. This period of time is called **Muhâq**. There is not a fixed period of muhâq. It varies from twenty-eight hours to seventy-two hours. The Ottoman calendars give a maximum of three days. The time of conjunction is exactly the middle of the period of muhâq. Scientific calendars determine its exact time for each month. Since the earth revolves about the sun, too, the duration of time between two conjunctions is 29 days and 13 hours. At the time of conjunction, the sun and the moon pass the meridian at the same time. The moon can never be seen anywhere before the angle between the two elongations (**Beynûnet**), i.e. the elongation between the earth and the moon and that which is between the earth and the sun, has become eight degrees [approximately fourteen hours after the moment of conjunction]. When the angle becomes eighteen (18) degrees maximum, the moon comes out of the state of invisibility and the new moon appears on the western horizon during the forty-five minutes prior to sunset. However, due to (the fifty-seven minute phenomenon termed) parallax, when it reaches a position five degrees from the horizon, it can no longer be seen. After the moon comes out of the state of invisibility, the new moon can be observed in places situated on the same longitude as the location where the sunset is taking place. As for later hours, that is, at night, it can be observed after sunset in countries west of these places. For instance, close to the beginning of the month of Rajab, the time of conjunction was fifteen (15) hundred hours according to Turkish meantime [Izmit's local time], on 14 May, Wednesday, 1980. The new moon cannot be observed before 5 a.m. the following day, i.e. Thursday. As it was accepted by the Ottoman scholars, when the (moon's) elongation becomes eighteen (18) degrees, which means a duration of one and a half days, the first appearing of the new moon will be at 3 a.m. on 15 May, Friday. Since the time of sunset as of (that) Friday in Istanbul is 19.20 hours, it will be possible to observe the new moon during sunset on Friday [the night previous to Saturday] in the city of Chicago, America, where the sunset is 16 hours earlier, that is, they are 240 degrees east of Istanbul and 270 degrees east of London. It cannot be observed on this same night in places east of the two hundred and seventieth meridian. Their nights begin at the time of sunset and the mornings following these nights begin at midnight. The purpose for these calculations is not to determine the time when the lunar month begins, but to find out the (beginning of the) month when the new moon can be seen.

Those who say that it began before Friday night should not be believed. Imâm-i-Subkî also said so. We should not believe those people who falsify the Imâm's statement. **(Commentaires of Tahtâwî and Shernblâfî)**. It is stated as follows on the two hundred and eighty-ninth page of the first volume of Ibni Âbidîn, during the discourse on how to find the direction of qibla: "Scholars said that we should not trust calendars in learning the first day of Ramadân-i-sherîf. For, the fast becomes fard after the new moon is seen in the sky. Our Prophet 'sall-Allâhu alaihi wa sallam' stated, '**Begin to fast when you see the new moon!**' On the other hand, the (first) appearing of the new moon depends on calculation, not on seeing it; calculation is valid, and the new moon first appears on the night indicated by calculation. Yet it can be seen on the following night instead of that night, and it is necessary to begin the fast on the night it is seen, not on the night it must appear (according to the calculation). Such is the commandment of the Sharî'at." It is an act of worship to look for the new moon in the sky. As it is seen, announcing the beginning of Ramadân-i-sherîf beforehand is an indication of not knowing the Sharî'at. Likewise, the first day of the 'Iyd of Qurbân is determined by observing the new moon for the (beginning of the) month of Zu'lhijja. The ninth day of the month of Zu'lhijja, the Arafa Day, is the day found by calculation or calendar, or the following day. The hajj performed by those who climb the Arafât a day earlier is not valid. So none of them can be a hadji.

The books **Ma'rifetnâma** and **Ajâib-ul-makhlûqât** contain other different methods and charts instructing how to determine the first day of an Arabic month. The latter also quotes Imâm-i-Ja'fer Sâdiq 'rahmatullâhi ta'âlâ aleyh' as having said: The first day of each year's Ramadân-i-sherîf is the fifth day of the week that is supposed to begin with the first day of the previous year's Ramadân-i-sherîf. Following is Uluğ Bey's chart and the directions showing how to use it, derived from Ahmed Ziyâ Bey's book:

Monts	0	1	2	3	4	5	6	7
Muharram	6	4	1	6	3	7	5	2
Safar	1	6	3	1	5	2	7	4
Rebî'ul-awwal	2	7	4	2	6	3	1	5
Rebî'ul-âkhir	4	2	6	4	1	5	3	7
Jemazil-	5	3	7	5	2	6	4	1

Jemazil-âkhir	7	5	2	7	4	1	7	3
Rajab	1	6	3	1	5	2	7	4
Sha'bân	3	1	5	3	7	4	1	6
Ramadân	4	2	6	4	1	5	3	7
Shawwâl	6	4	1	6	3	7	5	2
Zu'lka'da	7	5	2	7	4	1	6	3
Zu'lhijja	2	7	4	2	6	3	1	5

The Abuzziyâ Calendar of the year 1310 [A.D. 1893] formulates the steps for finding the first day of an Arabic month as follows: The number of the hijrî lunar year is divided by eight. The remainder is found on Ibni Ishâq Ya'qûb Kindî's chart, above, the first line. A vertical movement downward from this number and a horizontal line leftward from the name of the month will intersect on the number representing the day counted from Friday on.

There are various methods for finding the first day of an Arabic month. The most dependable method is the one systematized by Uluğ Bey. According to this method, the first step is to find the first day of the first month, Muharram, of the hijrî year. For finding the first day of the month of Muharram, the number of the hijrî year concerned is divided by the fixed number 210. The first figure of the remainder (the first on the right) is subtracted from the remainder. The number found is checked on the first chart (The first one of Uluğ Bey's charts of lunar month): it will be one of the numbers on the first column, that is, the column containing numbers with their first figures discarded. A horizontal move rightward from this number and a vertical projection from the figure representing the first figure of the remainder (on the uppermost horizontal line) will converge on the number indicating the first day of Muharram counted from Sunday. For example, let us find the first day of Muharram of the hijrî year 1316: $1316 / 210 = 6. 56 / 210$. The remainder is 56. When its first figure, 6, is subtracted, number 50 will be found. As you move rightward from number fifty on the first column, you will find number 1 on the column belonging to number 6, (which is on the uppermost horizontal line). Hence, the first day of the year (the hijrî year 1316) was Sunday. To find the first day of any Arabic month, first the first day of that year is found. On the second chart, the number on the intersection of the (horizontal) line belonging to the month concerned and the column containing the

number on the line belonging to the month Muharram, i.e. the number on the first line representing the first day of the year, represents the number of the day counted from Sunday and it is the first day of the month concerned. As an example, let us find the first day of Ramadân, 1316: Sunday, the first day of that year, (as we have already found in the first example above), is the first day of the week. Therefore, on the second chart, the number on the intersection of the column belonging to number 1 on the first line and the horizontal line belonging to Ramadân is 6. Hence, the first day of Ramadân is the sixth day from Sunday, i.e. Friday.

Finding the beginning of the hijrî year concurring with a given Christian year:

A hijrî year begins approximately eleven days earlier in the Christian year following the Christian year in which the previous hijrî year began. Once every 33.58 hijrî years, which means once every 32.58 Christian years, the beginning of hijrî year coincides with one of the first days of January. Chart III shows the hijrî years beginning in December. The hijrî year-beginnings following these move yearly from this twelfth month backwards to the first month, coinciding with each of the Christian months. For finding the Christian month corresponding with the beginning of any of such hijrî years which the chart does not contain, the hijrî year that is closest to it and which the chart contains is found on the chart, and thereby the Christian year next to this hijrî year on the chart. The difference between the two hijrî years is added to the Christian year found on the chart. For instance, let us find the Christian year coinciding with the beginning of 1344 hijrî: $1344-1330=14$; $1911+14=1925$. It coincides with July, which is below number 14 on Chart IV. The Christian year with which a certain Christian month within a certain hijrî year coincides, if this certain month is before the month with which the beginning of the hijrî year coincides, is one year ahead of the year found.

ULUĞ BEY'S CHARTS OF LUNAR MONTHS

CHART I

THEIR FIRST	First figure of remainder									
	0	1	2	3	4	5	6	7	8	9

0	2	6	3	1	5	2	7	4	2	6
10	3	1	5	2	7	4	2	6	3	1
20	4	2	7	4	1	6	3	1	5	2
30	7	4	1	6	3	7	5	2	7	4
40	1	6	3	7	5	2	7	4	1	6
50	3	7	5	2	6	4	1	6	3	7
60	5	2	6	4	1	5	3	7	5	2
70	6	4	1	5	3	7	5	2	6	4
80	1	5	3	7	4	2	6	4	1	5
90	3	7	4	2	6	3	1	5	3	7
100	4	2	6	3	1	5	3	7	4	2
110	6	3	1	5	2	7	4	2	6	3
120	1	5	2	7	4	1	6	3	1	5
130	2	7	4	1	6	3	1	5	2	7
140	4	1	6	3	7	5	2	7	4	1
150	6	3	7	5	2	6	4	1	6	3
160	7	5	2	6	4	1	6	3	7	5
170	2	6	4	1	5	3	7	5	2	6
180	4	1	5	3	7	4	2	6	4	1
190	5	3	7	4	2	6	4	1	5	3
200	7	4	2	6	3	1	5	3	7	4

CHART II

MONTHS	DAYS						
Muharram	5	6	7	1	2	3	4
Safar	7	1	2	3	4	5	6
Rabî'ul-awwal	1	2	3	4	5	6	7
Rabî'ul-âkhir	3	4	5	6	7	1	2
Jamâzil awwal	4	5	6	7	1	2	3
Jamâzil âkhir	6	7	1	2	3	4	5
Rajab	7	1	2	3	4	5	6
Sha'bân	2	3	4	5	6	7	1
Ramadân	3	4	5	6	7	1	2
Shawwâl	5	6	7	1	2	3	4
Zu'lqa'da	6	7	1	2	3	4	5

Zu'l hijja	1	2	3	4	5	6	7
'Eid Qurbân	3	4	5	6	7	1	2

12 – MARRIAGE (NIKÂH) IN ISLAM

To have a **nikâh** means to get married, and **tatlîq** means to divorce.

In the book **Manâhij-ul-ibâd**, the Islamic nikâh is explained as follows:

The seventh chapter of this book covers the etiquettes of nikâh. The information on marriage sometimes varies because people, times and situations are not always the same. For this reason, while there are nass (âyats and hadîths) and ahbâr (reports, narrations) encouraging marriage, there are also others favoring bachelorhood. The times and states of the Ashâb al-kirâm and Tâbi'în demonstrate that in their time it was best to get married. There were three reasons for this:

The first reason: During the time of Hadrat Muhammad Mustafâ 'sallallâhu alaihi wa sallam', Christianity was prevalent throughout the world. Since Îsâ 'alaihissalâm' was equipped with spirituality, bachelorhood, being alone and leading a solitary life in seclusion were more appropriate for the times and conditions of his ummat and for his companions. Priests were ordering everyone to become monks and to lead a solitary life. They presumed that approaching Allâhu ta'âlâ and being in His way could only be achieved by living alone and by not getting married.

CHART III

Christian year	Hijrî year	Christian year	Hijrî year
1323	724	607	-14
1356	758	640	20
1388	791	672	53
1421	825	705	87
1454	859	737	120
1486	892	770	154
1519	926	802	187
1551	959	835	221

1585	994	868	255
1617	1027	900	288
1650	1061	933	322
1682	1094	965	355
1715	1128	998	389
1748	1162	1030	422
1780	1195	1063	456
1813	1229	1095	489
1845	1262	1128	523
1878	1296	1160	556
1911	1330	1193	590
1943	1363	1226	624
1976	1397	1258	657
2008	1430	1291	691

CHART IV

0 1 2	3 4	5 6 7	8 9 10	11 12 13	14 15 16
Dec.	Nov.	Oct.	Sept.	August	July
17 18	19 20 21	22 23 24	25 26 27	28 29 30	31 32 33 34
June	May	April	March	Feb.	Jan.

Hadrat Muhammad Mustafâ 'sallallâhu alaihi wa sallam' possessed all spiritual and material realities and superiorities; hence, being alone or being together with others, being single or getting married are all useful for his Ashâb and for his Ummat. Therefore, both ways are appropriate for his Ummat, the moderate way being preferable. Since priests were ordering everyone to live like monks and to abstain from marriage, the Prophet Muhammad Mustafâ 'sallallâhu alaihi wa sallam', in order to terminate this way of life, prohibited his Ashâb (Companions) to live a bachelor life, by saying, **"Islam does not contain monkhood."** He also said in another hadîth, **"Getting married is my sunnat; whoever does not follow my sunnat is not one of my Ummat."** Numerous similar hadîths annihilated the wrong ideas imposed on the minds of people. Also the thought of "Allâhu ta'ala can only be approached by living like a monk" was removed from the hearts. People who

lived during the first two hundred years, which was the time of the Ashâb al-kirâm and the Tabi'în 'radiy-Allâhu ta'âlâ 'alaihim ajma'în' knew that these hadîths were said in order to refute the wrong allegations of priests. When this era was over, different hadîth-i-sherîfs were emphasized. These hadîths informed us that there are good aspects to bachelorhood and to married life depending on the special situations of those involved. Rasûl 'alaihissalâm' said, **"After two hundred years, the best of you is the one who is hafîfulhâz."** When he was asked the meaning of hafîfulhâz he said, **"The person who has no wife or child."**

Great scholars like Bishr al-Hâfî, Bâyezîd al-Bistâmî and Abul-Huseyn Nûrî were all bachelors. This hadîth-i-sherîf reveals the honor and superiority of these great scholars and those like them who lived two hundred years after the Hijrat.

The second reason: The Ashâb al-kirâm, Tabi'în and Taba al-tabi'în lived in the best of times; thus, their belief (îmân), patience (sabr), asceticism (zuhd), and tawakkul were very strong and valuable. The following hadîth-i-sherîf praises them by saying, **"The best of times is my era. Then the time which is next to mine. Then the Muslims of the era next to them. Following these, lying will become a widespread practice. (Some) people will bear false witness even without being asked to do so."** The nafs of these great personalities would not attach themselves to the means which the Sharî'at disliked, and would not incline to earn through ways of harâm because they increased their tawakkul, zuhd, and ridâ (consent) by being close to Rasûlullah 'sallallâhu alaihi wa sallam', and by attending his sohbat. However, later generations could not be like them.

The third reason: Hadrat Muhammad Mustafâ 'sallallâhu alaihi wa sallam' knew through the nûr (light) of prophethood and through the correct firâsat (intuition) that the religion of Islam would be spread throughout the world by the Ashâb al-kirâm, Tabi'în and Taba al-Tabi'în 'radiy Allâhu ta'âlâ anhum ajma'în.' He encouraged marriage so that those who would spread the religion of Islam throughout the world, and those with whom the Islamic religion would be strengthened, would multiply.

For these three reasons, marriage was necessary during the time of the Ashâb al-kirâm, Tabi'în and Taba al-Tabi'în

‘alaihi-murrîdwân.’ It was also proper to be single for people who came after them; therefore, when Sufyân al-Sawri ‘rahmatullâhi aleyh’ heard the above-mentioned hadîth, he said, “Wallah, it is halâl to be single in this time.” When they asked Bishr al-Hâfi the reason for his being unmarried, he answered, “I have such a nafs that firstly I am trying to divorce it. How can I add another one to it?”

Today likelihood of earning through ways of halâl has decreased. It is now very difficult to protect oneself from the harâms. It is neither suitable for the aql (wisdom) nor for the dîn (religion) to drag someone else into harâms. Nevertheless, if one’s lust becomes uncontrollable, one should try to reduce its intensity by fasting. If one cannot decrease its strength by fasting then marriage becomes obligatory (fard) for him. [If one is afraid of being cruel to one’s wife, it will be tahrîm makrûh for one to get married. Also people who are in danger of being deceived and led to harâms by their nafs when they are among lowly women who do not cover themselves and who expose their private parts to men, should get married. It becomes fard (obligatory) for this type of person to find a chaste Muslim girl and marry her. Youngsters who are not desperate such as the above-mentioned people for marriage, first should strive hard to obtain knowledge and good morals. Then they should learn the knowledge which pertains to the menstruation period of women (Hayz), and the knowledge which covers the time that is right after the birth of a child (Nifâs) and then they should get married.] The appropriate time for marriage for a Muslim man is when he learns the Sharî’at, and when he trains his nafs on how to obey the Sharî’at, and when he acquires good moral conduct and becomes a nice-tempered person, and also, when he improves his wisdom. After fulfilling all these conditions, he should marry a girl who has manners, modesty, and good moral conduct, sufficient Islamic knowledge, and who is obedient to the Sharî’at and who covers herself compatibly with the Sharî’at when she goes out. One should look for a girl who has chastity and who cares for her religion. One should not hold wealth or beauty as a prerequisite. One also should not overlook the chastity and goodness of a woman for the sake of money or beauty. In a hadîth-i-sherîf Rasulullah ‘sallallâhu alaihi wa sallam’ said, **“One marries a woman either for her money or for her beauty or for her religion (her piety). You choose the**

one who is religious. A person who marries because of her money will not be able to possess her money; a person who only marries for her beauty will be deprived of her beauty.” It would be the ideal if one can find a girl who is beautiful and pious. It is not permissible for a Muslim girl to marry a man who is a disbeliever. When she intends to marry him, she becomes an apostate. In fact, two disbelievers will have been married. They both should become Muslims and renew their nikâh.

Seeing the girl before the nikâh is a sunnat; also it will facilitate a good relationship between the mates during marriage. One should search for a sâliha (pious) woman who has good manners, who has a noble ancestry, and who is also fertile. There is a saying which states that a man should avoid four types of women:

1 - A divorced woman who lived comfortably with her former husband and now is longing for those days and recollecting them.

2 - One should not marry a girl with brags about her money, rank or father.

3 - One should not marry a girl who will distribute her husband's property among her own relatives or acquaintances.

4 - One should avoid marrying to a woman who has the reputation of being immodest and who would cause scandals.

A hadîth-i-sherîf which states, **“Do not smell roses that grow on a dunghills,”** commands us not to marry a base and immoral person. [A young man married a girl in Bukhâra (a city in central Asia). The first night the bride asked the groom if he had learned the knowledge of hayz (menstruation). The young man answered in the negative. The bride then said, “Allâhu ta’âlâ orders **‘Protect yourself and those under your command from Hell-fire!’** How can an ignorant man protect them?” The young man liked her statement so much that he entrusted his bride to Allâhu ta’âlâ and departed to study. He studied at Marw for fifteen years. He also studied under Imam al-Muhammad ‘rahmatullâhi ta’âlâ ‘aleyh’. He then memorized everything in six years, and came back to his wife as an âlim (scholar). His teacher named him as **Abû Hafs al-Kabir** rahmatullâhi ta’âlâ ‘aleyh.’]

A person who desires to get married should perform istihâra

several times; then, he should trust himself to Allâhu ta'âlâ and ask His help to protect him from being interfered with and deceived by his nafs and by base people.

One should strive to perform the nikâh in agreement with the four Madhhabs. For making a valid and correct nikâh according to Shâfi'î, Hanbalî and Mâlikî Madhhabs, the first condition is that the walî of the girl has to give permission to her even if she is beyond the age of puberty. 'Friend' is the lexical meaning for the word 'walî'. If it is used in the subject of Aqâid (belief), it means ârif-i billah. If it is used in the subject of Fiqh then it means a (grown-up) male relative. According to these three Madhhabs the walî is one's father. If you do not have a father, then the walî is your father's father, and after that the walî is your paternal great grandfather. If you do not have paternal fathers, then your walî is your brother. If you do not have a brother, either, then the walî is your brother's son, next to whom is his son. If you do not have any of these, then your walî is your uncle. If you do not have that one either then the walî is your uncle's son and after that your uncle's grandson. If you do not have any of these relatives then your walî will be the judge. [The judge has to be a person who obeys the Sharî'at and who leads a life agreeable with the laws of Allâhu ta'âlâ]. The order of being a walî in matters of marriage is the same as its order in matters of inheritance after death. However, according to the Sâfi'î Madhhab, the son and son's son cannot be a walî. According to Imâm al-Muhammad and Hanbalî Madhhab, after the paternal fathers the son and then the son's son will become a walî. According to the Shaikhayn (Imâm A'zam and Imâm Abû Yûsuf), the son and the son's son will become the walî before the paternal fathers. In Hanafî Madhhab the consent of a walî is not a must-condition for the marriage of a girl who has exceeded the age of puberty. It is mustahab before the nikâh to ask for the permission of a girl who has passed the age of puberty. The person to whom she gives her permission becomes her wakîl. If the nikâh is performed without her permission, she is free to accept or to reject it. If she rejects it, the nikâh becomes void. A woman can get married either by herself or by her wakil or by her walî. [In Hanafî Madhhab, orphans who do not have male walîs can get married through their mothers.]

The second condition of nikâh: It is necessary in Hanafî

Madhhab to have two Muslim witnesses [even if they are known to be sinners] while making an offer and acceptance. Two Muslim men or one Muslim man and two Muslim women who have already reached the age of puberty should be ready at that moment and they should hear the offer and the acceptance. In Shâfi'î and Hanbalî Madhhabs witnesses must be males and they should not have publicly known sins. In Hanafî Madhhab beside the wakîl or the walî one man and two women can also be witnesses. In Maliki Madhhab a witness is not necessary but the walî must be present at the nikâh and the nikâh must be announced, and acquaintances must be informed about the nikâh.

The third condition of nikâh: This condition covers the offer and its acceptance. In other words, a contract of marriage should be made. In Shâfi'î and Hanbalî Madhhabs the marriage contract is agreed upon between two men. One of the two men is the groom or his wakîl, and the other one is the bride's walî or wakîl. They make a marriage contract by saying such words as nikâh, husband, or wife, or by saying similar words that are used for this purpose. In these two Madhhabs if the bride is not a virgin, then her permission also is needed.

It is written in the book **Ni'mat-i islâm**: "In Hanafî Madhhab a woman and a man who are free and beyond the age of puberty can get married by themselves in the presence of two witnesses. Their nikâh can also be performed in the presence of one of them and by the wakîl of the other party, or by the wakîls of both parties. The wakîl has to be a wise Muslim with an ability to distinguish right from wrong but need not to be a male or be at the age of puberty. When one appoints someone as one's wakîl, one does not need any witnesses. For this, first the wife gives her proxy (wakâlat) for renewing the nikâh on her behalf to her husband by saying, "Whenever you divorce me, I have authorized you as my wakîl to marry me to yourself," and then if the husband accepts her proxy; when he divorces her with one bâin talâq^[1] he says "I have married so and so, (saying the name of his wife), to myself, whom I divorced earlier," in the presence of two witnesses, his nikâh becomes sahîh again. [The famous renewal of the imân and nikâh of the whole jamâ'at by the recitation of a duâ (prayer) by the individuals who make

^[1] Talâq (divorce) is explained in the Turkish original, **Se'âdet-i Ebediyye**.

up that jamâ'at is based on this fatwâ.] When both the person and his wakîl are present during the nikâh, the wakîl becomes a witness; likewise, when the bride and her walî are both present at the nikâh her walî becomes a witness. When a father marries his daughter to someone in her absence without informing her and without a mahr and tells her later on about it, if she stays silent, the nikâh becomes sahîh and it is necessary to give her a Mahr al-mithl. A person can be a walî or wakîl of both parties, or one can be a walî for one party and a wakîl for the other party, or one can take one's own place (as one of the parties) and also can be the walî or wakîl of the other party. If a person who has appointed someone as a wakîl says that his/her wakîl is free to do anything and everything on his/her behalf then the wakîl can appoint someone else as the wakîl. A child who has not reached the age of puberty can be married by his/her closest walî. The walî for the child is his/her asabas (relatives in accordance with the earlier-mentioned sequence). If there is no asaba then the mother will become the walî. If someone who is not a wakîl [for example, one of the walîs of a boy or a girl who is at the age of puberty, or a stranger] marries him/her to someone whom they do not know and tells him/her later on, if he/she does not refuse it when he/she hears it, then the nikâh becomes sahîh. When the child reaches the age of puberty, he/she can refuse the nikâh which was performed by his/her walî other than his/her father and father's father.

In Hanafî Madhhab it is not obligatory to say the words "tazwij or nikâh" as the nikâh is performed. A nikâh will also become sahîh by such expressions as: "I have given you as a present or gift," "I have given you," "I have given you as a charity," "I have sold," "I have bought." If both parties use these types of expressions, then they have to use the perfect tense of the verbs, (that is, the tense that shows that the action has been done). If one party says it in the imperative form and the other party uses the perfect tense, the nikâh will also be sahîh. A walî can marry a small girl who is under the age of puberty to her kufw (her equal in rank or social status). In the other three Madhhabs only the father can give in marriage his daughter who is a virgin and over the age of puberty. She does not have to be under the age of puberty for being given in marriage by her father.

It is written in the book **Mîzân al-kubrâ**: "In Shâfi'î and

Hanbalî Madhhabs the walî has to be present during the nikâh; otherwise, the nikâh will not be sahîh. A woman cannot be a walî. In Hanafî Madhhab, a woman can get married without a walî and can appoint someone her deputy, yet if a woman marries someone who is not her kufw, her walî can interfere and stop the marriage. In Mâlikî Madhhab, if a woman is one of the notables of the town and is rich, then her walî has to be present at the nikâh. If a woman is not one of the notables of the town and is not rich, then she can get married through her wakîl. In Shâfi'î and Hanbalî Madhhabs a fâsiq (sinner) cannot be a walî but in Hanafî and Mâlikî Madhhabs a fâsiq also can be a walî. In Shâfi'î Madhhab if a closer walî is a safarî distance away (around 108 km), then a farther walî can give her in marriage. [A farther walî is one who is later in the sequence of being a walî.] In the other three Madhhabs a farther walî cannot give her in marriage. In Hanafî and Mâlikî Madhhabs if nobody knows the whereabouts of the closer walî, then her brother can give her in marriage to someone, but in Shâfi'î Madhhab he cannot give her in marriage. In Shâfi'î Madhhab the father and the father's father can force her to marry a choice of theirs. In the Mâlikî and Hanbalî Madhhabs only her father can marry her to someone of his own choice, but not by force. In Hanafî Madhhab a girl who is above the age of puberty cannot be given in marriage by anyone without her consent. In the other three Madhhabs a girl who is under the age of puberty cannot be given in marriage by anyone except her father. In Hanafî all asabas (paternal relatives) can give her in marriage but she can refuse the marriage when she reaches the age of puberty. In Hanafî and Mâlikî Madhhabs her walî can marry her to himself. In the Hanbalî Madhhab a walî can marry her to himself through his wakîl. In Shâfi'î Madhhab he cannot even marry her through his wakîl. In the three Madhhabs, when a woman and her walîs permit, she can marry someone other than her kufw, but in Hanbalî Madhhab she cannot marry someone other than her kufw. In Shâfi'î and Mâlikî Madhhabs a walî cannot marry her to someone who is not her kufw with his own desire. In Hanafî Madhhab he can do that.

In Shâfi'î Madhhab kufw is obligatory in lineage, crafts, religion, flawlessness, and freedom. In Mâlikî Madhhab kufw is necessary only in religion. In Hanafî Madhhab, kufw applies to religion, lineage and property. In all the (four) Madhhabs, the

first condition is for the man to be a Muslim and the woman not to be a polytheist. In Hanafî Madhhab a woman who is married to someone who is not her kufw can be separated by her walîs. In the other three Madhhabs, if her walîs do not give her permission, the nikâh will not be sahîh anyway. In the Mâlikî Madhhab a woman who wants to get married to someone of her kufw with a mahr which is less than the mahr al-mithl can be stopped by her walîs. According to the other imâms her walîs cannot stop her from such a marriage. In the three Madhhabs, a nikâh which is performed by a farther walî in the presence of a closer walî will not be sahîh, but in Mâlikî Madhhab only the nikâh of a virgin girl which is performed by a farther walî in the presence of her father will not be sahîh.

If a man states that “So and so (name of the woman) is my wife” and she confirms him their marriage will be valid according to three Madh-habs. In the Mâlikî Madhhab, however, their nikâh will not be valid.

In three Madhhabs, a nikâh performed without witnesses will not be sahîh. If it is done in the presence of witnesses it is permissible to keep it a secret. In Mâlikî Madhhab, the nikâh will be sahîh, but it has to be announced among the acquaintances. In the Shâfi’î and Hanbalî Madhhabs, the two witnesses (who are necessary for the nikâh) have to be known by the community as men of integrity. In the Hanafî Madhhab, the nikâh will be sahîh also through the testimony of one man and two fâsiq (sinful) women. In (the other) three Madhhabs, when a Muslim man marries a zimmî woman, the two witnesses have to be Muslims. In the Hanafî Madhhab the two witnesses can be zimmîs. Conversation between the parties is a sunnat during the nikâh. In Shafi’î and Hanbalî Madhhabs it is a must-condition to say the word ‘Tazwij’ or ‘Nikâh.’ In Hanafî Madhhab a nikâh will be sahîh by saying any kinds of words expressing possession. This matter in Mâlikî Madhhab is similar to that in Hanafî, but the mahr has to be mentioned.

If one says, “I have married my daughter to so and so (name of the person)” and that person hears this statement and says that he has accepted the nikâh, according to all ’âlims (scholars), the nikâh will not be sahîh. According to Abû Yûsuf (rahmatullâhi ta’âlâ ’aleyh) it will be sahîh.

In Shâfi’î Madhhab if one says, “I have married my daughter to you,” and that man says, “I have accepted it,” the nikâh will

not be sahîh. He has to say, “I have accepted her nikâh,” or “her tazwîj,” but according to Hanafî, Hanbalî and other criteria in the Shafî’î (rahmatullâhi ‘aleyh), the nikâh will be sahîh.

Imâms (rahmatullâhi ta’âlâ ‘alaihim ajma’in) of three Madhhabs said that it would be jâiz (permissible) to marry a disbelieving woman with a holy book by accepting her from her walî, but in Hanbalî Madhhab it is not jâiz.

When a man marries a woman on condition that he will not marry another woman besides her, or that he will not take her somewhere else in the future, according to the three Madhhabs his nikâh will be sahîh and it is not necessary for him to keep his promise, yet in this case he will have to pay her the mahr al-mithl. Imâm-i Ahmad ibn-i-Hanbal ‘rahmatullâhi ta’âlâ aleyh’ said that “The man will have to keep his promise; if the man does not keep his promise, the woman can dissolve the marriage.”

When a father wants to get married, it is not obligatory for his son to marry him, (that is, to help him marry a woman), in Hanafî and Mâlikî Madhhabs. [It is advisable to help one’s father get married.] In Shâfi’î and Hanbalî Madhhabs, the son has to marry his father, (that is, to help him get married).

In the Hanafî Madhhab, a woman can dissolve the marriage if the man is incapable of the sexual act. In the other three Madhhabs, she can dissolve the marriage if the man has any kind of deficiency. If these deficiencies occur after the nikâh, she can still dissolve the marriage. If there is a deficiency in the woman, according to Hanbalî and one fatwâ in Shâfi’î, the man can dissolve the marriage; according to Mâlikî and another fatwâ in Shâfi’î, he cannot dissolve the marriage.” Translation from the book **Mîzân al-kubrâ** ends here. Khusûmat means to file a complaint against someone. A woman who does not have any defect can apply to the court to dissolve the marriage if she finds out that her husband is **innîn**, even if a long time passes after their marriage. If the man denies it, the judge sends the woman to an obstetrician’s to be examined. If the doctor says that the woman is virginal, one year later that examination is performed again. If she is found out to be virginal again the judge separates them. In this state of separation the exact mahr and iddat are obligatory. Though the woman will lose her right of khusûmat after one sexual intercourse, it is sinful not to have any more sexual intercourse. Innîn is a man who is incapable of

having sexual intercourse because of old age, or having trouble with his genital organ or magic. They cannot apply to the court to dissolve the marriage for any other reason. It is written in the book **Ibn al-Âbidîn** and in the fatwâs of **Hâniyya**, **Tatârghâniyya** and **Abullays** that a nikâh is not sahîh if it is made dependent on a condition to be fulfilled beforehand. A good example for this is to say, “I have married you provided that my father gives his consent.” It is written in the book **Ibni 'Âbidîn**, at the end of the chapter of ‘Muharramât’ that, if she says, “I have married you if my father consents to it,” and if her father is present there and says that he has consented to it, then that nikâh will become sahîh. Another example of a conditional case is explained in the books **Ibni Âbidîn**, **Kitâb-ul fiqh alal-Madhâhib-il arba'a** and **Nimat al Islam**. While explaining the performance of a nikâh, the authors of these books say that if a woman says to a man, “I am getting married to you on condition that I will be able to divorce you whenever I choose to,” and if the man states that he accepts her condition; then, the nikâh will be sahîh and she will also hold the right to divorce him.” If a woman who does not have a husband or a mahram wants to go on a long journey, such as on Hajj, or if Hulla has become necessary she can get married to someone by the above-explained conditional manner. It is seen from these examples that Islam’s criticizers who say that in Islam only men hold the right to divorce or who say that women are like playthings in the hands of men are quite wrong. They do not know anything about Islam. These liars and slanderers with their false criticisms and allegations are estranging youngsters from Islam. The quotation given above shows clearly that a man can transfer the right to divorce to his wife at the time of the marriage contract, and as a consequence of this, she can get a divorce whenever she desires. Look up the word “Tafwîd” at the end of the chapter about Talâq for further information^[1].

During the contract of marriage, if one offers a fâsid (unacceptable, wrong) condition to be satisfied, the nikâh will be sahîh, but the condition will not be carried out. For example, if one says, “I have married you on condition of not giving a mahr to you,” the nikâh will be sahîh, but the condition will be invalid and it will be necessary to give her mahr al-mithl.

^[1] The chapter about Talâq has not been translated into English yet.

MAHR - Kitâb-ul fiqh alal-madhâhib-il arba'a states, "The mahr comprises things like gold, silver, banknotes, or any kind of property or any kind of benefit that is given by a man who wants to get married to the prospective bride. There are two types of mahr. Paying the first type of mahr becomes wâjib immediately after the nikâh is performed and half or all of it is liable to lapse. This type of mahr is termed **mahr-i mu'ajjal**. The amount of the second type of mahr is determined while performing the nikâh, but it will be wâjib to pay after one of the three things happens, and it is not abatable. This type of mahr is called **mahr-i mu'ejjel**. If neither type of mahr is specified during the nikâh, the **mahr-i mithl** has to be given later on. If one's wife does something which causes a separation such as being a renegade, or causing **hurmat-i musâhara**, the man never pays any amount of the mahr-i mu'ajjal. But, if a man divorces his wife, or if he does something which causes a separation, the man has to pay half of the mahr-i mu'ajjal, and the other half lapses. Three things make giving the mahr-i mu'ejjel wâjib. These three things are having sexual intercourse, being alone together, and the death of one of the partners. When any one of these three things occurs, the husband has to pay also the mahr-i mu'ajjal which he hasn't paid yet, and its amount cannot be decreased. Once a sexual intercourse has taken place or the wife and husband have stayed alone, the mahr has to be paid completely when the time determined during the nikâh comes, or in case of separation. If the wife dies, the mahr is paid to her heirs. If the husband dies, the wife is paid from her husband's inheritance. Being alone with one's wife, which is legitimate, is different from being alone with a nâ-mahram woman. This latter case is harâm (forbidden). Being alone with one's wife is not deemed to have occurred if they are accompanied by anything that can prevent, either sentimentally, or canonically, or naturally, their having sexual intercourse. In cases such as when one of them becomes ill or wears ihrâm or is performing the namâz or fasting or if the woman is in a period of menstruation or lochia, or if the couple is accompanied by a discreet child, the couple are not deemed canonically to have stayed alone together. The wife is free to give her mahr to her husband, or if he is dead,, to her husband's heirs as a present. The wife's father does not have the right to give his daughter's mahr to his son-in-law as a

present.” It is written in the book **Ibn-i Âbidîn**, “The wife can transfer her creditor to her husband to be paid with the mahr which she has not been paid yet. She can donate her mahr to someone else as a present and assign him as her proxy to take her mahr from her husband. For, the money to be taken from the debtor can be presented only to the debtor. For presenting it to someone else, that person must be assigned as proxy to take the money.”

It is written in the book “**Fatâwâ-al-hindiyya**” that “If during the process of nikâh one only mentions the mahr but does not specify the amount of the mahr al-mu’ajjal, a portion of the amount determined will become the mahr al-mu’ajjal. This portion will be determined according to the customs and social status of the woman. The entire mahr will be mu’ajjal if it is determined to be so (in the contract for nikâh). If the entire mahr is said to be mahr-i mu’ejjel and a certain date for payment is appointed, when the date of payment comes the wife cannot refuse to have sexual intercourse for the purpose of getting her mahr. If the mahr will become a mahr-i mu’ejjel one year later, and if the husband sets the condition during the nikâh that he will have sex with her before the payment of the mahr it will be jaiz to have sex without paying. According to Imâm-i Muhammad (rahmatullâhi ta’âlâ ’aleyh), even if he does not set the condition the case will be the same. If he sets the condition that he will be allowed to have sex before paying the mahr-i mu’ajjal, it will be jaiz (permissible). If a portion of the mahr is mahr-i-mu’ajjal and the other portion is mahr-i-mu’ejjel, even if the sexual act has been performed with the consent of the wife, the wife can refuse to go on a journey with her husband, or she can refuse to have sex or halwat with him before the mahr al-mu’ajjal is fully paid.

During the process of nikâh, it is unanimously jâiz to set a condition for the mahr-i mu’ejjel to be paid on a certain date. The date of payment is awaited in case of (an earlier) divorce. If the date of payment is not appointed it is paid as soon as divorce takes place. In a rij’î divorce when the wife comes back the mahr does not become mu’ejjel again. Whether small or old enough, when the girl who gets married is virginal, her father or grandfather or the qâdî (judge) can take her mahr from the husband. No one else can take it. These people cannot take it, either, without the consent of the virgin who gets married.”

A hadîth-i sherif in the book **Riyâdunnâsihîn** states, “**One who performs a nikâh with the intention of not paying the mahr will be resurrected among thieves on the Day of Resurrection.**”

It is valid to perform a nikâh without mentioning the **mahr**, and even by setting the condition that no mahr will be paid, but in this (latter) case the condition is invalid. In this case, the husband will have to pay the **mahr-i mithl**. It is paid as much as the amount her paternal (female) relatives were paid. If some of the mahr is **mahr-i mu’ajjal**, this is paid before having sexual intercourse or staying alone with her. If the whole mahr is **mahr-i mu’ejjel**, or if the words mu’ajjal or mu’ejjel were not mentioned during the process of the nikâh, it will be wâjib to pay it after having sex or staying alone with her, whenever one’s wife asks for it, or, if she does not ask for it, when one of them dies. The heirs can take or give it, (depending on which one of the parties is dead). The value of the mahr should not be less than ten dirhams of silver. Today, silver money is not used. We use banknotes which are equivalent to gold. So, it should not be less than ten dirham, that is one mithqal of gold [one mithqal is five grams, that is, two-thirds of a gold coin] which is the equivalent of seven mithqal of silver. The Persian book **Jawâhir-ul-fiqh** states that the mahr should not be less than one gold coin. It is understood that, in those days, one gold coin weighed one mithqal. If the mahr is less than the abovementioned amount, it still must be paid as much as two-thirds of a gold coin, or some other property equal to this value. A wife can refuse the wedding party or halwat or a journey with the husband before she is paid her mahr-i-mu’ajjal. If she refuses these things, her husband cannot refuse to supply her her daily necessities of life. If the whole mahr is mu’ejjel [it can be delayed, will be paid later] the wife cannot refuse them, even if she has not yet been paid. She can also leave the house with one of her mahram relatives if she is not paid her mahr al-mu’ajjal. If a wife, after receiving ten gold coins as her mahr, gives them back as a gift to her husband [but does not say, “I have given them as a present to you,”] and later the husband divorces her before halwat, then it becomes necessary for her to pay him five other gold coins. Since the gold cannot be made ta’ayyun through ta’yîn, the woman will not have given her mahr back to her husband by handing those ten gold coins to him.

Because the divorce took place before the *halwat* and because half of the *mahr* belongs to the woman by rights, she has to give the other half of it back to the man. If she had not received her *mahr* from her husband and said that she had made it *halâl* for him, or if the *mahr* had been property other than gold, and if she had given the property back to her husband as a gift and then the divorce had happened, in these cases, it would not have been obligatory for her to give anything to the man. For, when she gives back the property which becomes *ta'ayyun* after *ta'yîn*, the woman will not have been supposed to have received the *mahr*.

Let us repeat once again that appointing the *mahr* during the process of a *nikâh* is not a must-condition for its being *sahîh*. If a man who is ignorant in religion alleges, "In Islam, man has to pay *mahr* to a girl so that he can marry her. Consequently, a woman is something for sale like merchandise," he will have slandered the Islamic religion. The *mahr* in Islam is not for getting married, but it is for facilitating a happy and harmonical life after marriage; it also protects the woman's rights and freedom; it prevents her from being a plaything in the hands of ignorant and bad-tempered men. With the fear of paying the *mahr* to his wife and the maintenance for the children every month, a man cannot divorce his wife. Courts in countries where this fear does not exist is filled up with files for divorce. For this reason, it is better for girls to demand very little *mahr* from a man who knows and respects Islam's beautiful moral system and the value it attaches to women; otherwise, it is advisable to demand a great amount.

WOMEN WITH WHOM NIKÂH IS NOT PERMISSIBLE It is *harâm* to marry twenty-five categories of women. They are called **mahram** persons. Eighteen out of the twenty-five types are eternally *mahram*. Seven women out of the eighteen are **zî rahm al-mahram**, which means one's close relatives by blood and lineage. It is eternally *harâm* to marry one's mother, one's mother's or father's mother, one's daughter, one's son's daughter, one's daughter's daughter, one's sister, one's sister's daughter, one's brother's daughter, one's paternal and maternal aunts. It is *harâm* to marry any one of them even unto death. This means to say that a woman can never marry her father, son, brother, maternal and paternal uncles, brother's or sister's son. It is also *harâm* to marry any one of these seven kinds of

relatives even if they are not relatives by blood but relatives by suckling or by adultery. Only, one can marry one's son's milk-sister and one's brother's milk-mother (wet nurse). In Hanbalî Madhhab anyone who sucks (from the same mother), regardless of age, becomes a milk relative, but according to the imâms 'rahmatullâhi ta'âlâ 'alaihim ajma'in' of the other three Madhhabs, if they suck milk after the age of two and a half, they will not become milk relatives.

It is also eternally harâm to marry four kinds of women who become relatives after marriage. If one has already performed the nikâh, or had adultery with a woman, then he can never marry her mother, her mother's mother, or her father's mother. When a man has sex with his wife, he can never marry the daughter which she had from another husband. A man can never marry a woman with whom his father or his own son made a nikâh, i.e. his step-mother or his daughter-in-law. A woman can never marry her step-father, stepson, father-in-law or son-in law. It is permissible to marry an "Âkhirat-sister" or "Âkhirat-brother", or brother-or-sister-in Tarîqat, or "Âkhirat-mother." The case with these people is unlike the case with one's own sister or mother. It is harâm for one to see their heads, hair, arms, legs, to chat with them, to stay alone with them in the same room, or to travel long distance with them. These things are not halâl in any Tarîqat. He who says that they are halâl becomes a disbeliever, a zindiq.

There are seven more women whom a man cannot marry due to temporary situations. When these temporary situations cease to exist he can marry them. Five of them are harâm due to a nikâh. After performing a nikâh, one cannot marry the girl's sister. If the woman whom one has already married dies, or if one divorces her, then one can marry her sister.

While a man is married to a woman, it will be harâm for him to marry her paternal and maternal aunts, or her sisters' or brothers' daughters. It is also harâm to marry these five women when they are the wife's milk-relatives.

In Hanafî, Mâlikî and Hanbalî Madhhabs the women who are harâm for one to marry because of the sex act one performs with one's wife, will also become harâm to marry in case of an illegal sex act (adultery) one performs with a nâ-mahram woman. But according to Shâfi'î Madhhab these women do not become prohibited for one to marry because of the illegal sex

act. One can marry a woman with whom one has had an illegal sex; as well, anyone else can marry her. Maternal and paternal uncles' or maternal and paternal aunts' daughters and one's brother's wife are not **zî rahm al-mahram**; in other words, these five women are nâ-mahram to one; hence, it is harâm for one to look at their uncovered parts which must be covered; it is harâm for one to have halwat with them or to talk to them when their heads and arms are uncovered. **Halwat** means for a man and a nâ-mahram woman to stay alone together in a private home. It is also harâm to make halwat with a kâfir woman (non-Muslim woman), and with somebody else's female slave (Jâriya). These five women are nâ-mahram to one; consequently, it is permissible for one to marry them. It is not harâm, yet it is tanzîhî makrûh to marry the first four women. It is written in **Kimyâ-i-sa'âdat** as follows: The eighth one of the eight qualities considered a sunnat to be possessed by a prospective wife is that she should not be one from among the close relatives. In a hadîth-i-sherîf Rasûlullah (sallallâhu alaihi wa sallam) said, "**Their children will be weak and unhealthy.**" The same information is also written in the book **Murshîd al-mutaahhelîn**, which is written in Turkish. It is not makrûh to marry the daughters of these four women. Hadrat Alî (radiallâhu anh) did not marry his uncle's daughter, but he married his uncle's son's daughter; therefore, it was not makrûh.

The sixth one of the seven women who are harâm to marry due to a temporary situation is a mushrik woman. Mushrik means someone who is a disbeliever without a Holy Book. Communists and masons (freemasons), murtads (renegades), Buddhists, Brahmins and atheists are mushriks. If a mushrik becomes a Muslim, it will be permissible to marry her. When a man or a woman wants to marry a woman or a man, he or she should investigate thoroughly to know if the woman or the man is a Muslim or not. Although it is jaiz for a Muslim man to marry a woman who is a disbeliever with a Holy Book, that is, a Christian or Jewish woman or a heretical woman, or a lâ-madhhabî woman, if they have not become mushriks, it is tahrîmî makrûh to marry the ones who live in countries termed dâr-ul-harb, and it is tanzîhî makrûh to marry the ones who live in countries termed dâr-ul-islâm. It is also jâiz for a man who is married to a Muslim woman to marry these women. It is not permissible for a Muslim woman to marry a man who is not a

Muslim. She becomes a renegade at the moment she makes up her mind to marry a non-Muslim man.

The seventh woman who is harâm to marry due to a temporary situation is a slave woman while a man is married to a free woman; yet it is jaiz to marry a free woman while one is married to a slave woman.

It is not permissible for a man to greet these seven women or to acknowledge their greetings. To marry someone else's wife is not permissible, but if she is divorced, and if she has waited through the period of iddat, it is permissible to marry her. It is written at the end of the chapter about iddat, "If a woman hears from a true Muslim that her missing husband [who has been, let us say, put into jail, or taken prisoner in a country far away from his hometown,] is dead, or that he divorced her with three talâqs (triple divorce), she will be free to marry any other man. It is written in the explanation of the tenth article of the book **Majalla** that a missing man who is (at least) ninety years old is judged to be dead by the judge. If her first husband comes back the second nikâh (marriage) will be invalid, even if she had heard that the man had died, or she had received a letter from him informing her that he had divorced her with triple divorce. [Ni'mat-i Islâm]

It is harâm for a free man to be married to more than four women at the same time. It is also harâm for a slave to be married to more than two women at the same time. It is not necessary to take permission from the first wife in order to marry a second woman. If the first wife does not consent to her husband's second marriage, even if she says that she will kill herself, the husband can still marry the second woman. But it will be better if the husband gets the consent of the first wife. It will be even better if he gives up the second marriage in order to please the first wife. He will earn a lot of thawâbs (rewards) for his forbearance. It will be harâm for a man to marry even the first one if he cannot maintain justice or if he is cruel to her, or if he cannot earn enough money to support her. Please see the thirty-ninth chapter of the second part in the Turkish original version. Shiites say that it is jâiz to marry up to nine women. Hamidullah (an Indian with a doctorate degree in Islamic Studies from Sorbon university in France) in his book translated into Turkish under the title **İslâma Giriş** (Introduction to Islam) has misleading comments on this subject.

It is sahîh for a man to marry a woman who is pregnant through adultery before the child is delivered. But it is not permissible for him to have sex with her until she delivers, and in this period it is not wâjib for the man to support her. It is not valid to marry a woman who is pregnant through nikâh until she delivers. It is permissible for the adulterer to marry, and also to have sex with, a woman with whom he has already had adultery. The child which is delivered in after the sixth month after the nikâh will be his own child. If the child is delivered before the sixth month and if he claims that it is his child then it will be his child. It is jâiz to marry and have sex before having istibrâ a woman who has already committed adultery with somebody else. The âyat, **“The adulteress cannot be married by other men”** was cancelled with the third âyat of Nisâ Surâ and with a hadîth-i-sherîf. A person can have sex with his wife who has committed adultery, without waiting until the end of iddat period.

Performance of the nikâh agreeably with the sunna: Two or more sâlih Muslim men gather together. There should be no women among the men. As well, the men and women should gather at separate houses for the wedding feast. It is harâm to show the bride to a nâ-mahram man. A person who does not attach due importance to a harâm will become a disbeliever and the nikâh will be dissolved. At first, one man from each side should deliver a speech. Then the man who represents the woman (her wakîl) states the number of gold coins they demand for her mahr. If the man does not accept this amount, the parties negotiate and come to an agreement. Then the walî of the woman or her Muslim wakîl says the following:

“Bismillah walhamdu lillah, was-salâtu alâ Rasûlillah” and then says to the groom “I have given... (name of the girl) who is the daughter of.... (name of her father) to you for your wife. As her walî [or her wakîl], I have given... who is the daughter of....., for.... [for example ten Reshad gold coins] of **mu’ajjal** [that is, to be paid in advance] and for.... [for example twenty Reshad gold coins] of **mu’ejjel** [that is, to be paid later on] mahr to you for your wife.” If the groom is not present, he says these words to his wakîl, but in this case he does not say, “to you”; instead, he says, “to ... (name of the groom) who is the son of... (name of his father)”. These statements are named **îjâb**, which means offer. After this, if the groom is present, he answers as follows:

“I have accepted this nikâh with this specified mahr for me.” If the groom is not present, his wakîl answers by saying, “I, as a wakîl of so and so, have accepted this nikâh for.... (name of the groom) who is the son of (name of his father) with this specified mahr.” It will be better to say the amount of the mahr when they answer. This answer is called **Qabûl**. The Islamic nikâh is performed with this procedure of îjâb and qabûl. [It is mustahab to deliver a paper to the wife after writing the amount of mahr on it and putting down the signatures of the groom and the two witnesses. The mahr is a human right. In case one divorces one’s wife, one has to pay the mahr to the wife, otherwise one will be put into jail in this world, and into Hell in the Hereafter, in the second world. It must not be so easy for many people to pay, let’s say twenty gold coins, or if one Reshad gold coin is ten million liras, to pay about two hundred million liras in cash, and to pay money to the mother for the children’s maintenance every month, that is, to undertake the responsibility of maintaining a second family. As seen, while giving the right to divorce to a man, Allâhu ta’âlâ has made it impossible for a Muslim to do it by stipulating heavy conditions. Man’s having the right to divorce is not something more than a means to threaten women; it helps and supports man in his duty of conducting the family. The right to divorce seems to be in the hands of man, but in fact, it is always in the hands of the wife. When a Muslim man thinks of divorcing his wife, the fear of paying money which can be afforded by very few people, the maintenance which will have to continue for years, or being put into jail in this world and into Hell in the second world will loom in front of him like a mountain. When a woman wants to be divorced, she says she has given her mahr to her husband as a gift, or says that she has made it halâl for him; then she embarks on an unpleasant behaviour in order to provoke him to divorce her. Though it is so easy for a woman to be divorced, a Muslim woman who is aware of the sacredness of family life and also the husband’s rights on his wife does not want to commit the sin of extinguishing her holy nest and thus suffer misery and ignominy in this world and torment in the Hereafter and to be wretched and wicked in this world. A divorcee does not have to give anything to anybody. Her rich relatives have to care for her. She is cared for by the Bayt-ul-mâl in case she has no relatives. After divorcing his wife, a true Muslim has to work

very hard in order to maintain his children and also to maintain his new family. The wrong, depraved and uncanonical actions of irreligious, lâ-madhhabî and ignorant people should not be exploited as grounds for censuring Islam].

For an Islamic marriage to be sahîh (valid), both the groom and the bride have to be Muslims. That is, they have to know and believe the tenets of belief (îmân) and Islam. If there is doubt concerning their îmân, the person who will perform the nîkâh, after saying the Basmala, the (prayers of) hamd and salawât, mentions the six tenets of îmân and the five principles of Islam one by one and has the groom and the bride say them, too. Then he states the Sifât-i-dhâtiyya and the Sifât-i-thubûtiyya of Allâhu ta'âlâ, the important attributes of Prophets and angels, the teachings pertaining to grave and the Hereafter, respectively, and has them repeat. He has them say, "We believe, we have îmân," "I am a Believer, I am a Muslim." Then he must perform the nikâh, beginning with the groom or his wakîl. It is stated as follows in **Radd-ul-mukhtâr**: "When both the woman and the man are present, it is not permissible for them to perform the nikâh by writing. When they are not together, it is permissible for one of them to send a letter and the other read the letter in the presence of two witnesses and accept it orally. It is not permissible if both parties state their parts in written form. The woman reads or explains the letter she has received from the man to two witnesses and says, 'Be my witnesses! I have accepted to be his wife.' The woman's reading the letter to the witnesses is equivalent to the man's proposing orally in the presence of the witnesses."

Ibni Âbidîn 'rahmatullâhi ta'âlâ aleyh' makes the following explanation in his depiction of the witnesses for a nikâh: "Like in all sorts of contracts, presence of two witnesses is not necessary as you appoint someone your wakîl (proxy) for a nikâh. However, it is mustahab there to be two witnesses during any kind of contract. And their presence during the performance of a nikâh is a condition, a must. It has been stated (by some scholars) that it is wâjib to have two witnesses during a lending contract. Although it is not a condition to prepare a written document in commercial proceedings, in proxy authorizations or in any other contracts, it is necessary during a lending contract and mustahab during the nikâh. In proxy authorization and in nikâh, it is necessary for the witnesses [or for the person to be

authorized as the proxy] to know the woman. If they are present, it will be good if they see her face. If they hear her voice from another room, it will be permissible if the woman is alone in the room. As the nikâh is being performed, the walî or the wakîl says only the name of the woman whom the witnesses know. If the witnesses do not know the woman, he (the walî or the wakîl) will have to say her father's and grandfather's names, too. To know the woman means to know whose daughter she is and which daughter she is (if she has sisters). It does not mean to know her person or outward appearance. A small girl's father orders someone to perform his daughter's nikâh. When this person, who is the wakîl now, performs the nikâh in the presence of someone else, it will be permissible if the father, too, is present. For the wakîl's performing the nikâh has been in the name of the father, and he himself has acted as a witness. It is not permissible if the father is not present. When the father, or another wakîl, of a grown-up girl [who has reached puberty] performs the girl's nikâh in the presence of a man, it will be permissible if the girl, too, is present. For the statements made by the walî (the father) or the wakîl will have been made by the girl. The walî or the wakîl will have acted as a witness. If a man says to someone, 'Have you given your daughter as a wife to me?' and if the latter says, 'Yes, I have,' or, 'I have given her as a wife to you,' the nikâh will not have been effected. The former will have to say again, 'I have accepted.' For his first expression is in question form. A wakîl cannot be authorized in question form. However, if his first statement is, 'Give your daughter as a wife to me!' the nikâh will have been effected. For he will have authorized the latter as his wakîl through imperative form. This wakîl's answer will have been made in the name of both parties and therefore the nikâh will have been accomplished if two witnesses are present, too. If the wakîl says the name of the girl's father wrong, the nikâh will not be sahîh. If a man sends various people (to act as his deputies) to marry him to a girl, if one of them makes the proposal to the girl's father and the girl's father, or her walî, accepts, it will be sahîh. For the person who has made the proposal has been the wakîl and the others have been witnesses.

If a man makes someone his wakîl by saying to him, 'Go as my representative and ask so and so's daughter so and so to

marry me for so much mahr (saying the amount of mahr),’ and if the wakîl makes the proposal by offering an amount of money more than the mahr (advised by the former), it will not be necessary to give the excess, too. The former may consent to give the extra amount if he likes. Or he may cancel the nikâh if he likes. If he is informed after the marriage ceremony and then cancels the nikâh, he will have to give ‘Mahr-i-mithl.’ A nikâh that is performed by saying that “Allâhu ta’âlâ and His Messenger ‘sall-Allâhu alaihi wa sallâm’ are witnesses” will not be sahîh. There are even scholars who say that it is disbelief.”

It is stated as follows in **Majmû’a-i-zuhdiyya**: If a man, in the presence of two male witnesses, writes on a piece of paper, “I have taken you as my wife,” and if the girl writes, “I have accepted,” the nikâh will not have been effected. They have to say it. If a girl reads to the witnesses a letter that says, “I have taken you as my wife,” and which has been written by a man who is absent, and then says, “I have accepted,” the nikâh will have been effected. If a man sends someone to a girl and asks her through him to be his wife and if the girl, in the presence of two witnesses who have heard the proposal, answers, “I have accepted,” the nikâh will have been accomplished. If, instead of reading the letter, she says that the letter says so, again, the nikâh will have been effected. In a nikâh, it is a condition that the îjâb [offer, proposal] and the qabûl [acceptance] be made during the same meeting, yet it is permissible to tell the witnesses about a letter of îjâb coming from someone being at some other place in one meeting and to say that one accepts it in another meeting. If a woman authorizes someone as her wakîl to marry her to a man and if this wakîl performs the nikâh in the presence of this woman and two female witnesses, the nikâh will be sahîh. If a person marries a woman by saying that he does not have another wife, this marriage (nikâh) will not be annulled if it is found out later that he has had another wife. So is the case with any other sort of false condition. If a woman makes someone her wakîl to marry her to a man on condition that he (the man she is to marry) will not have a jâriya during his marriage with her and if the wakîl performs the nikâh without stating the condition and with someone other than the man named by the woman, the woman can refuse the nikâh. A small girl can be married to a man by her father in his death-bed in the presence of witnesses. If a person has a female paternal

cousin who does not have a walî closer than he, he can marry her to himself without the girl's permission if she is small, and with her permission if she is old enough. A small girl's nikâh can be performed by her father and the wakîl of the prospective husband in the presence of two witnesses.

A girl cannot be forced to marry her fiancé.

For performing the nikâh of a girl who has reached the age of discretion and puberty, it is not a condition that her walî be her wakîl at the same time, yet it is mustahab. For the nikâh of a boy or girl who is not pubescent, it is necessary for his or her walî to act as his or her wakîl or to give permission. The walî is the (relative called) Asaba who has the authority to take the property inherited by a child (on its behalf). According to the Shaikhayn^[1] 'rahmatullâhi ta'âlâ alaihimâ', the order of closeness [precedence] in being the walî (for a person who is insane or below the age of discretion and puberty) is as follows: the son, the son's son, the father, the grandfather, the brother, the paternal uncle, the paternal uncle's son. If an adult girl's walî performs nikâh for her without her permission, her silence or weeping upon hearing about it is an indication of consent. So is the case with asking for (her) permission before the nikâh. It is sunnat to ask for the permission before the nikâh. A father or grandfather who is a sâlih Muslim can force a small child to (give consent to) the nikâh, and a nikâh performed in this manner is sahîh. A nikâh performed by male walîs except these two will be sahîh only with the mahr-i-mithl and if they marry the girl to her kufw, and then the girl can have the judge annul the nikâh when she becomes pubescent. In case there is no male walî, first the mother, then the father's mother, then the daughter, and then the son's daughter have precedence to act as the walî. As long as a closer walî is alive, a walî who is next in order of precedence cannot be a (small child's) walî in nikâh. If the closest walî does not perform a nikâh with mahr-i-mithl and by marrying the girl to her kufw, then the Hâkim-i shar' performs the nikâh. If a woman marries someone who is not her kufw, her male walî can have the judge annul the nikâh. That this nikâh is not sahîh anyway is written in **Fatâwâ-i-khayriyya**. Being **kufw** means the man's being suitable for the woman in ancestral lineage, in wealth, in piety and in honour.

^[1] Imâm-i-a'zam Abû Hanîfa and Imâm-i-Abû Yûsuf.

It is stated as follows in **Ni'mat-i-islâm**: "Kafâat (being kufw) means the standards which a woman should expect the man (she is to marry) to have. The man has to be either superior or equal to the woman in six respects. A man with a lower professional status cannot be kufw to a woman holding a higher profession. This includes a comparison of their salaries or wages, too. A sinful man, even if his wrongdoings are not widely known, cannot be kufw to a girl who is sâliha (pious) or even to a sâlih Muslim's daughter. The husband ought to have the financial capacity to pay the mahr-i-mu'ajjal plus the money enough to support his wife for a month. A man who fulfils this condition can be kufw to a wealthier woman. These conditions are to be demanded during the performance of the nikâh. The nikâh will not be impaired if they cease to exist after the nikâh. A peasant can be kufw to an urban girl. If a girl's nikâh is performed for an amount of mahr less than the amount of mahr-i-mithl, her walî can have the mahr complemented or have the judge cancel the nikâh."

If a person performs a man's nikâh or divorces his wife (on his behalf) though he is not his wakîl, validity of his performance depends on the man's accepting or refusing it upon hearing about it. A slave's master cannot divorce him from his wife. A man can make someone else, as well as the wife herself, his wakîl to divorce his wife (on his behalf). There are three ways of doing this: The first way, termed **Temlik**, is for the man to say to his wife with the intention of divorce, "Exercise an option concerning your nafs," or "You have the choice," or to say, even without intention, "Divorce yourself." In this case, the woman can divorce herself before any of them leaves the place if he has not mentioned a certain time, or within the period of time given if he has appointed a certain time. Please see the thirty-sixth chapter in the second part of the Turkish version.

It is sunnat to serve sweets, fruits or sherbets to those who are present during the performance of the nikâh and to serve food rich in meat and desserts for the wedding party, to attend a wedding feast when you are invited, and to announce a wedding to acquaintances by beating drums and playing tambourines.

It is not a condition there to be an imâm or to recite certain prayers during a performance of nikâh. This is not a nikâh of imâm (as some ignorant people in Turkey call it). It is an Islamic

nikâh. A Muslim who is to get married should first apply to marriage registration office and have the necessary legal proceedings completed, having it registered in his identity certificate that he is married. After the legal procedures are completed, the Islamic nikâh is performed before the wedding party. Thus the commandment of Allâhu ta'âlâ is carried out. He who does not perform a marriage agreeably with laws will have committed an offence. And he who does not perform an Islamic nikâh will become sinful. A person who ignores these facts will deserve the severest punishments. A Muslim should not violate laws or commit sins. To incur punishment by violating laws is a sin in itself.

Following is a procedure of nikâh which the Ottomans in Istanbul used to follow:

The person to perform the nikâh would first write the name of the wife, e.g. Fâtima bint-i-Ahmad. Then he would write the name of the wife's wakîl, let us say, Alî bin Zayd. Then he would write the names of the two male witnesses. Next he would write the name of the husband, for instance, 'Umar bin Huseyn. The next stage would be to write the name of the husband's wakîl if the husband was absent. Then, asking both parties, he would write the amount of the mahr they had agreed on in the name of mahr-i-mu'ejjel. Then he would say the (prayer called) istighfâr and say the A'udhu and the Basmala, which would be followed by the following prayer: "Al-hamdu li'llâh-illezî zawwaj-al arwâha bi'l eshbâh wa ahal-an-nikâha wa harram-as-si-fâh. Wa-s-salâtu wa-s-selâmu 'alâ rasûlinâ Muhammadin-illezî bayyana-l-harâma wa-l-mubâh wa 'alâ Âlihi wa Ashâbih-illezîne hum ahl-us-salâhi wa-l-felâh." Then, saying the A'udhu and the Basmala, he would recite the thirty-second âyat of Nûr sûra. Saying, "Sadaqallâhul 'azîm," he would go on, "Qâla Rasûlullah 'sall-Allâhu alaihi wa-sallam," **'An-nikâhu sunnati faman raghiba an sunnatî fa-laysa minnî'**, sadaqa Rasûlullah. Bismillâhi wa alâ sunnati Rasûlillah." Then he would say, "With the blessed commandment of Allâhu ta'âlâ and upon the sunnat-i-seniyya of our Prophet and master hadrat Muhammadan-il-Mustafâ and following the ijtihâd of hadrat Imâm a'zam Abû Hanîfa, who is the imâm of our Madh-hab in a'mâl (deeds, worships), and with the testimony of the Muslims present here, have you given Fâtima bint-i-Ahmad, whom you deputize, as a wife to 'Umar bin Huseyn, her suitor, in return for the mahr-i-mu'ejjel of gold

coins and the amount of which they have decided, in the name of mahr-i-mu'ajjal, in your capacity as proxy?" Then, turning to the husband's wakîl, he would recite the same prayer, beginning with, "Bismillâhi wa alâ." Then he would say, "And you; have you taken Fâtima bint-i-Ahmad (as a wife) for 'Umar bin Huseyn, whom you deputize, in return for gold coins in the name of mahr-i-mu'ejjel and the amount upon which they have agreed in the name of mahr-i-mu'ajjal, in your capacity as proxy?" He would ask each party three times, each time receiving the same answer. He would say, "So I have performed the 'aqd-i-nikâh," and recite the following prayer:

"Allâhummaj'al hâzal aqda maymûnan mubârankan waj'al bayna-humâ ulfatan wa mahabbatan wa qarâra wa lâ tej'al bayna-humâ nafratan wa fitnatan wa firârâ. Allâhumma allif baynahumâ kemâ allafta bayna Âdama wa Hawwâ. Wa kemâ allafta bayna Muhammadin 'sall-Allâhu alaihi wa sallam' wa Hadîja-t-al-kubrâ wa Âisha-ta-umm-il mu'minîna 'radiy-Allâhu anhumâ.' Wa bayna Alîyyin 'radiy-Allâhu anh' wa Fâtima-t-az-zahrâ 'radiy-Allâhu anhâ.' Allâhumma a'ti la-humâ awlâdan sâlihan wa omran tawîlan wa rizqan wâsi'an. Rabbanâ heblenâ min ezwâjinâ wa zurriyyâtinâ qurrata a'yunin waj'alnâ li-l-muttakîna imâma. Rabbanâ âtinâ fi-d-dunyâ hasanatan wa fi-l-âkhirati hasanatan wa qinâ 'adhâban-nâr. Subnâna rabbika...." Finally he would say, "Fâtiha." This prayer was recited by our master the Prophet, by all 'Ulamâ and Awliyâ. Saying this prayer would generate a lifelong affection between husband and wife. They would lead a life of comfort and peace. A life of abundance would continuously prevail in their home. The person who performed the nikâh would take the husband's and wife's identification certificates and go to the imâm's office, taking along the two witnesses. Filling in the **marriage card**, he and the two witnesses would sign it. The imâm, in his turn, would ratify the card and send it and the identity certificates to the Registry of Births concerned. The official at the Registry of Births would register the marriage in his book as well as on the identity cards, and then send the identity cards back to the imâm, who in his turn would give the identity cards to their owners, i.e. (the) one (belonging to the husband) to the husband himself and the other, (which belonged to the wife), to the wife's wakîl. Every marriage was thus registered in the time of the Ottomans.

A person who gets married should do so with the intention of protecting himself from fornication, from looking at harâms. He should make his niyyat (intention) to raise sâlih children, to contribute to the multiplication Muhammad's 'alaihi-salâm' Ummat, and to adapt himself to his Sunnat in nikâh. To attempt to hoard property through harâm, and to adduce one's household as an excuse for this illegitimate way of earning, betrays the fact that one has not made one's nikâh compatibly with the Sunnat.

The nikâh called **Mut'a** or **Muwaqqat** (temporary) is harâm in all the four Madh-habs. The nikâh of Mut'a means to enter into a temporary cohabitation agreement with a woman by paying her a certain amount of money without any witnesses. It is written in the books **Mizân-ul-kubrâ** and **Ibni Âbidîn** that the nikâh of Mut'a is harâm and that the report stating that "Imâm-i-Mâlik said that it was permissible" should be wrong. As for the nikâh that is called Muwaqqat (temporary); it is a kind of nikâh performed in compliance with all its conditions except that divorce after a certain period of time, (be it a hundred years later), has been stipulated as a condition, (which makes the nikâh null and void). If a person only passes through his heart (the thought that he is going to divorce his wife later) without transferring his thought into words, his nikâh will be sahîh.

If a woman who has no male relatives to accompany her in her travel for hajj marries a man going on hajj so that she can go on hajj with him and then gets divorced from him, their marriage is harâm because it is temporary. On the other hand, it is harâm for women to go on hajj alone. It is not permissible for a woman to go on a three days' travel without one of her eternally mahram relatives or her husband to accompany her. According to a report coming from Imâm-i-a'zam Abû Hanîfa and Imâm-i-Abû Yûsuf 'rahmatullâhi ta'âlâ alaihimâ', it is makrûh for a free woman (a woman who is not a slave) to go on a day's travel without her mahram relative. It is written in the fifth volume of **Fatâwâ-yi-Hindiyya** that when the distance is shorter than a day's walk she can go without any of her mahram relatives provided she will be among sâlih men.

It is stated in **Uqûd-ud-durriyya**, "It is sahîh to demand to be taught (how to read) Qur'ân al-kerîm as the mahr. For it is permissible to make mahr from something for which payment is permissible. When a person sends his wife something in

addition to her subsistence and says that it is the mahr, his statement will be accepted if he swears (that he is telling the truth). If a woman whose nikâh is performed without any mention of the mahr is divorced before halwat (staying alone together) or waty (sexual intercourse), it becomes wâjib for the husband to give her mut'a. Mut'a means a dress, a coat or a headgear and its value should not be more than half the value of the mahr-i-mithl. If a woman whose husband is dead claims not to have been paid a part of the mahr-i-mu'ajjal, she will be given it out of the inheritance (left by her husband). If she claims that she was not given the mahr-i-mu'ajjal at all, she will not be given anything. If a girl's father prepares her dowry, gives it to her while he is in good health and then dies, the (other) inheritors cannot demand any rights (from the dowry). Money called 'Başlık'^[1], which is taken by a bride's relatives from the groom in return for delivering the bride to him, is a bribe. They have to return it to the groom. If a discreet and pubescent girl is married to (someone who is) her kufw in return for mahr-i-mithl, her parents cannot raise any objections, nor can anyone else. If a person who marries a virgin says that he has found out that she was a widow, he is not to be believed or given back the mahr (that he has paid). It is permissible to perform a nikâh or wedding during the time between the two 'lyds. It is written in **Hamza Efendi Risâlesi** and in **Fatâwâ-i-khayriyya**, "It is bribery for a girl's relatives to charge the prospective groom anything in the name of 'Başlık' for performing the nikâh. It is harâm to take it. Nor does the groom have to pay it if he has promised (to give) it. He can take it back if he has paid it." It is stated in **Bahr-ul-fatâwâ**, "If a woman finds out after the nikâh that her husband is leprous, she can have the judge annul her nikâh, according to Imâm-i-Muhammad. If a person who has given some dowry to his daughter claims that he gave it as âriyat (for temporary use), his claim is not to be accepted unless he produces two witnesses. In case his daughter is dead, his claim will be accepted if he swears an oath; in this case he can take the dowry back from the groom." It is stated in the fatwâ of **Fayziyya**, "The mahr-i-mu'ajjal is paid as the dowry expense before the wedding. If the nikâh is performed by an agreement of mahr on a certain number of coins that are current in the

^[1] A bad custom practised by very few people in some rural areas.

country and if, later, the coins lose their validity and the wife dies, gold or silver equivalent to the value of coins on the day when they lost their validity is to be given to her inheritors. It is not necessary to give the same number of silver coins. [Paper bills are the same as metal coins in this respect]. If the husband claims that the things he sent after the nikâh were the mahr and the wife says that they were presents, the husband's claim will be preferred if they have no witnesses."

THE DISBELIEVER'S MARRIAGE

The following information is the translation of a chapter captioned 'The nikâh of a Kâfir' from Durr-ul-mukhtâr, and from Ibni Âbidîn, which is an explanation of the former:

Three facts will be explained here.

1 - Every nikâh that is sahîh between (two) Muslims is sahîh between (two) disbelievers, too.

2 - Muslims' nikâh will be harâm in the absence of any of the conditions, e.g. if there are no witnesses or if the woman's period of iddat is not over yet. On the other hand, a nikâh performed by disbelievers in these cases will be permissible if it is compatible with the canonical laws in their religion.

3 - It is permissible for a disbeliever to marry a woman disbeliever who would be forbidden for a Muslim to marry. And when he marries one such woman he has to support her and, when they become Muslims, people who accuse them of incontinence, which is an act called Qazf, will have to be chastised with (the punishment called) Hadd. On the other hand, a couple whose nikâh would become null and void if they became Muslims cannot inherit property from each other.

When a couple of disbelievers who have married through a nikâh of the second or third type become Muslims, the judge separates them. If any one party of a married couple of magians, or the female party of a married couple of disbelievers with a Heavenly Book becomes a Muslim, the other party will be offered to become a Muslim, too. If he or she becomes a Muslim, too, their nikâh will not become void. Otherwise, the judge separates them. If the male party of a couple of magians becomes a Muslim and the female party (the wife) becomes a Jew or a Christian, their nikâh will not become void. If either party (the woman or the man) of a couple of disbelievers with a Holy Book becomes a Muslim and moves to the Dâr-ul-islâm,

their nikâh becomes void. For disbelievers in the Dâr-ul-harb are theoretically dead people. There cannot be a nikâh between a person who is dead and one who is alive. If both of them move to the Dâr-ul-islâm as Muslims or zimmîs, or if they are captivated, their nikâh will not become void.

If one of a married couple of Muslims becomes a renegade, that is, if he or she abandons Islam, their nikâh becomes void. If the husband becomes a renegade and then renews his îman and nikâh, it will be jâ'iz (permissible). Since divorce has not taken place, it will be jâ'iz even if takes place more than three times and without waiting till the end of the period of iddat, and it will be unnecessary to go to the court of justice. If the husband becomes a renegade, he will have to provide the woman's sustenance as long as the period of iddat. If the wife becomes a renegade, the husband will not have to support her as long as the iddat. If the wife becomes a renegade, she will be imprisoned until she becomes a Muslim or has her nikâh renewed by the judge. A woman imprisoned (for this reason) is like a woman who leaves home without (her husband's) permission; her husband does not (have to) meet her expenses such as sustenance and rentals. If a husband who has turned a renegade dies within the period of iddat, his wife becomes his inheritor. The scholars of (the city of) Belh, when they observed an increase in the number of women who became renegades in order to get divorced from their husbands, said that the wife's turning a renegade would not annul the nikâh. [Please see the fifteenth chapter in the second part of the Turkish original!]

According to those kinds of reports called Zâhir, a woman who becomes a renegade cannot be used as a jâriya as long as she stays in the Dâr-ul-islâm. If she flees to the Dâr-ul-harb, [i.e. to a country of disbelievers such as France and Britain], and then is caught and brought back to the Dâr-ul-islâm, she becomes a jâriya if she becomes a Believer again. On the other hand, according to some reports called Nawâdir, she can be made a jâriya (even if she stays) in the Dâr-ul-islâm. According to a report called Nawâdir, a woman who becomes a renegade becomes a fey for Muslims. Property captured from disbelievers in a war is called **Ghânîmat**. One-fifth of the ghanîmat is to be given to the Bayt-ul-mâl. The remainder is divided and meted out to the soldiers. Property seized by force from disbelievers after the war is over is called **Fey**. All of the fey is dealt out to all

Muslims. For this purpose it is put into the Bayt-ul-mâl. Kharâj and jizya are fey. Since a woman who turns a renegade becomes a fey, her husband finds her and, if he has the right, asks the Khalîfa to give her to him or, if he does not have the right, buys her from the Khalîfa. Her becoming a Muslim again later will not save her from the state of being a jârîya. Dzengiz Khân captured the Muslim cities in Asia and martyred Muslims. He prohibited Islamic practices. The cities he captured became Dâr-ul-harb. If a woman who turns a renegade is caught by her husband in the Dâr-ul-harb, she does not become fey. She becomes his own jârîya. He does not have to buy her from the Khalîfa. If she does not have a child, he can sell this jârîya to others. These heavy punishments prevent women from turning renegades.

[A jârîya, even if she is an umm-i-walad^[1], and a slave can marry with the permission of their masters. During their married life they go on serving their owners. An umm-i-walad cannot be sold. When a jârîya's or slave's owner dies, she or he is inherited by the owner's heirs. An umm-i-walad becomes free (upon her owner's death). A jârîya's child by her owner becomes free. Her child by her husband is not free].

Khalîfa 'Umar 'radiy-Allâhu anh' saw a songstress playing an instrument and singing. He hit her on the head with his whip, tearing her headgear open. When they said, "O Emîr-al-mu'minîn! The woman's head is left bare," he answered, "A person who slights something forbidden by Allâhu ta'âlâ has lost his Islamic honour. Islam makes honourable women valuable by covering them." It is for this reason that when the great scholar Qâdî Abû Bekr-i-Belhî 'rahmatullâhi 'aleyh' was asked why he had walked by "uncovered women" because he had passed by some place occupied by women with bare heads and arms, he said, "They are worthless, inferior women. It is doubtful whether they have îmân. They are like female disbelievers in the Dâr-ul-harb." This statement of his means that those women are like jârîyas who have become fey. A jârîya's heads and arms are not her awrat parts. Hadrat 'Umar 'radiy-Allâhu anh' not only said that female singers had lost their Islamic honour, but also stated that those women who did not cover their heads and arms at places open to nâ-mahram men

^[1] A slave mother to her owner's child.

were deprived of the honour endowed by Islam. For their behaviour shows that they despise and disignore the commandments and prohibitions of Allâhu ta'âlâ. And this, in its turn, causes one to lose one's value and respectability.

As we have stated earlier, women who have become disbelievers, renegades, cannot be used as jâriyas in the Dâr-ul-harb, according to reports termed Zâhir. According to reports called Nawâdir, on the other hand, they can be used as jâriyas, which fact, too, we have already stated; and we have explained also that this permissibility can be exploited for the purpose of giving a renegade woman back to her husband. For reports termed Nawâdir are weak, untenable. They can be acted upon only in a useful way (in cases when no one will suffer harm). Exploitability of Nawâdir reports is only to the extent that they indicate that women who do not attach importance to the Sharî'at will lose their honour as a Muslim and will be lowered to the level of jâriya in the Dâr-ul-islâm and therefore it will be permissible to look at their head and arms. This license should not be extended to the assumption that it might be permissible in the Dâr-ul-harb to seize them and use them like a jâriya or to have sexual intercourse with them. It is permissible to look at someone else's jâriya, yet it is not permissible to have sex with her without a nikâh. By the same token, it would be an extremely repulsive mistake to infer that one can have sex with a prostitute since she has lost her honour as a Muslim by committing adultery and become like a jâriya. It would be fornication, and it is disbelief to say that fornication is permissible.

If one of the husband and wife disappears, the other party can enter into another marriage as soon he or she is informed that his or her spouse has become a renegade.

If both the husband and the wife turn renegades in the Dâr-ul-islâm, the nikâh will not become void. If both of them become Believers again, the nikâh still will not become void. When both of them become renegades, the nikâh will become void if one of them goes to the Dâr-ul-harb. It will become void when the dârs (countries in which they live) become different. Also, it would become void if one of them became a Muslim again before the other one did. (In case a child's parents are of different religions), the child's religion is the same as the better one of the religions held by the parents living with the child. So is the

case with an illegitimate child. Only, the father does not (have to) support the illegitimate child, nor does this child inherit (property) from the father. A child's religion will not be (determined) after its grandfather's religion. If a Muslim's pubescent child does not have îman, he becomes a renegade. If this renegade's grown-up child does not have îman, either, he becomes a disbeliever, not a renegade. If he has become a disbeliever with a Heavenly Book, an (edible) animal he has killed (in a manner prescribed by the Sharî'at) can be eaten. Magians, that is, fireworshippers, and idolators, i.e. idol-worshippers, and all other polytheists are worse than disbelievers with a Holy Book. Of disbelievers with a Holy Book, Christians are closer to Muslims than Jews are. Yet Christians do not kill the (edible) animals by jugulation. They kill them by strangulation like magians, thus making them carrions. They will suffer more vehement torment in the Hereafter. Jews do not eat animals that are not killed by jugulation (cutting the throat). The disbelief held by Christians is worse. On the other hand, Jews' enmity to Islam is more bitter. It is disbelief to say that a certain disbeliever is better than another disbeliever. One should rather say that the latter is worse than the former. If parents of a small Christian girl whom a Muslim has married (with a nikâh) turn renegades later, the girl's nikâh becomes void even if they do not go to the Dâr-ul-harb. If one of the parents dies as a Christian, the girl's nikâh will not become void. For, if one of the parents dies as a zimmî or a Muslim or a renegade, and if the one who is alive is/becomes a magian, the child's religion will be the same as the dead parent's; (that is), the child will not be a magian. If one of the Muslim parents becomes a renegade and then dies and the parent who is alive becomes a renegade and goes to the Dâr-ul-harb, the child's religion will be determined in accordance with the dead one's; it will be considered a Muslim and its nikâh will not become void. If the child dies, the namâz of janâza will be performed after it. For a renegade in the Dâr-ul-islâm is theoretically a Muslim, since he or she must be forced to become a Muslim again. If one of the parents who are disbelievers with a Heavenly Book dies and the parent left alive becomes a Muslim, the child is a Muslim. Its religion, (in this case), will not take after the dead parent; it will take after the better one. If both Muslim parents become renegades together and yet do not take the child to the Dâr-ul-

harb, the child remains a Muslim. If all three of them go (to the Dâr-ul-harb), the child will become a renegade like them. If the child becomes insane after reaching the age of puberty and if its parents become renegades and then all three of them go to the Dâr-ul-harb, the child will not be a renegade. **Dâr-ul-harb** is a place where it is forbidden to read about, teach or practice the commandments of Allâhu ta'âlâ.

Whether male or female, a renegade is never proper for anyone to chose as a marriage partner. That it is not sahîh to marry a Râfizî is written in the fatwâs called **Bahja** and **Fayziyya** as well as in the book entitled **Ar-rawd-ur-râid fî adam-i-sihhat-i-nikâh-i-ahl-is-sunnat-i-li-r-rawâfid**.

If a disbeliever with more than four wives or who is married to two wives who are sisters or mother-and-daughter to each other becomes a Believer, his latest nikâh becomes null and void.

If a married girl who is accepted as a Muslim because her parents are Muslims does not know Islam and cannot state the principles of Islam when she becomes pubescent, she becomes a renegade and becomes divorced automatically. Because she does not have a certain religion, she becomes a disbeliever without a certain Heavenly Book. If a Christian girl married to a Muslim becomes pubescent as she is still married and does not know Islam, she becomes a disbeliever without any Heavenly Book and her nikâh becomes void. If a girl said to be a Muslim does not know Islam when she reaches the age of puberty, she becomes a disbeliever without a Holy Book. When such girls reach the age of puberty they must be taught î mân and Islam and made to repeat what they learn. In other words, someone must tell her the attributes of Allâhu ta'âlâ and the six tenets of î mân [called **Âmantu**], and then ask her if she believes them. If her answer is affirmative she is a Muslim. If she says, "I will find out and tell you. I can't tell you now," then she is a disbeliever. If she says, "I understand. But I won't say," then, again, she is a Muslim.

When a child with Muslim parents reaches the age of discretion and puberty, he or she will not become a Muslim only by saying, "**Lâ ilâha il-I-Allah Muhammadun Rasûlullah.**" He or she will also have to know and state î mân and Islam. To know î mân means to know the six tenets of belief and to say them when one is asked. To know Islam means to accept all the

commandments and prohibitions of Allâhu ta'âlâ. Here we end our translation from Ibni Âbidîn. [Chapter about the Murtad (renegade) in **Majma'ul anhur**].

Every Muslim has to have his children memorize the Âmantu and teach them its meaning. A person will not be a Muslim if he does not know îmân and Islam when he reaches the age of discretion and puberty. He will not be a Muslim by only saying, "I am a Muslim." When a man or a woman decides to get married, he or she should ask the person he or she is to marry to say îmân and Islam and have him or her say them, or the person who is to perform the nikâh should have the prospective wife and husband say the Âmantu and its meaning and Islam. Then should he perform their nikâh. A person who does not know îmân and Islam cannot be married through an Islamic nikâh; that is, the nikâh performed will not be sahîh. Parents who do not teach îmân and Islam to their children will have deprived their children of the fortune of being Muslims and caused them to become disbelievers. They will share the deserts with their children, suffering torment in Hell. The prayers of namâz, fast or hajj which they have performed will not save them from this torment. For a person who causes others to become disbelievers will become a disbeliever himself, especially if they are his own children. Please see the final part of the fifteenth chapter in the second part (of the Turkish original)! Every Muslim ought to read the (Turkish) book **Herkese Lâzım Olan Îmân** (Belief that is Necessary For Everyone), a Turkish translation of Mawlânâ Khâlid-i Baghdâdî's book **I'tiqadnâma** made by Hâcî Feyzullah Efendi, one of the professors of Söke Medrese. The book gives a concise and clear explanation of a hadîth-i-sherîf teaching îmân and Islam. (Please see the English book **Belief and Islam**).

13 – DEATH—PREPARATION FOR DEATH

The following information has been derived from the booklet, *Safar-i-âkhirat*, by Sayyid Abdulhakîm bin Mustafa Arwâsî 'rahmatullâhi aleyh.' The booklet has not been printed.

Discreet men and women who have îmân and who have reached the age of puberty are termed **mukallaf**. It is sunna for those who are mukallaf to remember death very often. For,

remembering death urges to hold fast to the commands and to avoid the prohibitions. It reduces the temptation to commit harâm. Our Prophet (sallallâhu 'alaihi wasallam) declared: **“Remember death very often; it ruins tastes and terminates amusements!”** Some men of tasawwuf made it a habit to remember death once every day. Muhammad Bahâuddîn-i Bukhârî (quddisa sirruh) would imagine himself dead and interred twenty times every day.

To die does not mean to cease to exist. It is an event that does not annihilate existence. Death is the termination of the soul's attachment to the body. It is an act of the soul leaving the body. Death is a matter of man's changing from one state into another. It is to migrate from one home to another. 'Umar bin Abdul'azîz (rahmatullâhi 'aleyh) said, **“You have been created only for eternity, for endlessness. Only, you will migrate from one home to another!”** Death is a blessing, a gift for the Believer. It is a disaster for the sinful. It is relief for the poor, and torment for the rich. Wisdom is a gift endowed by Allâhu ta'âlâ. Ignorance is the cause of straying from the right way. Cruelty is man's ugly aspect. Worship brings good humour, joy, and a sacred light to the eyes. Weeping with fear of Allah polishes the heart. Laughter dopes the heart with venom. Man does not wish death. Yet, in fact, death is more useful than mischief. Man likes to live. Yet, in fact, death is better for him. With death the true Believer gets disentangled from the torment and exertion of this world. With the death of the cruel, countries and peoples attain relief. It will be pertinent to quote an old couplet of poetry, which was inspired by the death of a cruel enemy of the religion:

***Neither he had comfort, nor did people see peace with him.
He's at last tumbled down; patience, o thou, who'll be with him!***

A Believer's soul leaving his body is like the emancipation of a slave from prison. Once dead, a Believer does not want to return to this world. Only martyrs want to come back to the world so that they may be martyred once more. The world's goodness is all gone. What is left behind is only its cares. Death, therefore, is now a gift for every Muslim. A person's faith can be protected only by his grave. The first of the gifts that will be presented to Believers is the relief in death. What will relieve a Believer is only attaining to Allâhu ta'âlâ. For every Believer death is better than life. Death is useful even to disbelievers.

You have been chasing something quite volatile. You do not

even turn to look at what will remain eternally. Indeed, you have been running away from it! If a person's death has no value, his life has no value, either. Death is loved because it takes one to Allâhu ta'âlâ. If I love a person, I love his staying here as well as his death. Will a lover not want to meet his beloved? When Hadrat Azrâîl 'alaihis-salâm' (Angel of Death) asked the Prophet Ibrâhîm 'alaihis-salâm' for permission to take away his soul, Hadrat Ibrâhîm said, "Will a lover take away his beloved one's soul?" But when Allahu ta'âlâ sent a message through Hadrat Azrâîl 'alaihis-salâm,' saying, "Will a lover shirk from meeting his beloved one?", Hadrat Ibrâhîm invoked, "O my Allah! Take away my soul at once!"

For a Believer who obeys Allah's commandments, nothing is more pleasing than death. A Believer who loves attaining to Allâhu ta'âlâ will wish for death. Death is a bridge that leads a lover to his beloved. The desire to meet the beloved is a great and high grade. A Believer who has attained this grade will not wish for death to be delayed. Longing for Allâhu ta'âlâ, he will wish to attain to Him, to see Him. A person who loves Paradise and prepares himself for Paradise will love death. For, without death Paradise is inaccessible.

A person's îmân is determined at his last breath. Once a person has attained this greatest of fortunes, Allâhu ta'âlâ's blessings begin to come upon him. At that moment he certainly becomes happy. The fortunate person is such that Hadrat Azrâîl 'alaihis-salâm' comes to him and says, **"Don't be afraid. You are going to the Erhamurrâhimîn (the most compassionate of the compassionate). You are arriving in your own home. You are attaining to a great fortune!"** For such a person there is no other day more honoured than this. This world is a stopover. Compared with the other world, it is a dungeon. This transient being is only a vision. Like a shadow, it gradually recedes, and goes away. A hadîth-i-sherîf declares, **"Men are asleep. They will wake up when they are dead."** Life in this world is like a dream. With the awakening of death the dream will be over, and the real life will commence. A Muslim's death is life, eternal life!

A villager was told that he was going to die. He asked where he would go after he was dead. When they told him that he would go to Allâhu ta'âlâ, he said, "I am no more afraid of death, which will take me to my Allah, who is the only source of benevolence."

When Mevlânâ Celâleddîn-i-Rûmî (quddisa sirruh) saw Hadrat Azrâîl, he said, "Come quickly, o my dear, come quickly. Take me to my Allah, quickly!"

The throes of death are more violent than all worldly pangs. But they are milder than all the torments in the next world. At the time of death, a Believer sees the angels of mercy and the houris of Paradise, which gives him so much pleasure that he does not even feel the pangs of death. His soul leaves him with utter ease, and he attains blessings.

Every Muslim has to prepare himself for death. For doing this he must do tawba (penance). He must be extra careful not to remain under the obligation of human rights. That is, he must pay the rights and dues to their owners and please their hearts. It is necessary also to pay Allah's rights. The most important of these rights is to carry out Islam's five commandments. A person who does not perform the salât has not paid Muslims' rights. For, during the sitting postures of each salât it is our duty to pray for Believers by saying, "Wa 'alâ 'ibâdillahissâlihîn." Those who do not perform the salât deprive Believers of this prayer by not saying this prayer, which is Believers' right.

It is wâjib to prepare for death by paying debts and returning the things borrowed to their owners, and to write your will. Please see pages 799 and 1007 in the Turkish original version.

Because death may come all at once, it is wâjib to provide for the execution of those punishments of **Hadd** and **Ta'dhîr** for which there is no forgiveness or which have not been forgiven yet though their forgiveness is possible. That is, it is necessary to ensure the worldly punishments for those sins that have been known. An unpardonable sin is to swear at Server-i-âlam (sallallâhu alaihi wasallam). The pardonable hadds, that is, punishments, are the punishments of such sins as fornication, theft, slander, and taking alcoholic drinks in the world.

Those who are ill must especially hurry to carry out these acts that are wâjib.

An ill person's bed, sheets, underwears must be clean. They must be changed often. For, cleanliness affects the heart and soul greatly. And cleanliness of the heart and soul at the time of death is more important than at other times. Treatment of an ill person is permissible. But Allâhu ta'âlâ, alone, creates healing and effectiveness in medicine. If Allâhu ta'âlâ wills, He does not

create any effectiveness in medicine. If this were not the fact, every ill person would be cured by treatment.

Severely ill people must not be injected with consolatory medicine. It would be an act of torture for the ill, which is not permissible. Seriously ill people must not be taken to a hospital. Great effort must be made so that the ill person will die in his home, in the presence of his household and pious people; Qur'ân-al-kerîm must be read near him, and he must be inculcated with the Kalimat-i-shahâda.

During an illness knowledge of î mân and faith must be the major topics of all conversations. Visitors must talk on this subject and, if no one comes, the ill person must read information about the Hereafter. If he cannot read books, he must think about the Hereafter. He must be told stories indicating the fact that Allâhu ta'âlâ is very compassionate. He must be reminded that sins are nothing compared to Allah's compassion. His hope of pardon and forgiveness must be very strong.

An ill person must take more care than at any other time not to omit his daily prayers. He must fill his heart with love of Allâhu ta'âlâ and say the Kalima-i-tawhîd very often. He must give great care to do the commandments of the Sharî'a. He must make an oral or written will.

An ill person must have great love for Imâm Ali (radiyallâhu 'anh) and his offspring. For, it has been unanimously stated by the savants of Ahl-as-sunna that love for the Ahl-i-bayt produces î mân at the last breath.

A person on his deathbed must say the Sûra Ikhâlâs [Qulhuwallâhu ahad] very frequently. Next to his deathbed must be a framed inscription of the **Kalima-i-tawhîd**.

Changing the place of an ill person's bed or his room gives relief to him. If possible, he must have an ablution. Because such women as servants, cooks and nurses are not his mahram, they are a great religious hindrance to him. An ill or old person's daughter cannot take the place of his wife. She cannot do his mahram services. To be free from danger, an ill or old person must marry the woman who is serving him. Without taking any heed of gossip, he must have a wife with

nikâh^[1] -young as she may be- who will serve him.

Visitors to an ill person must not stay very long. Even if they are people loved by the ill person, they must leave early. If an ill person asks, they must stay a little longer and, asking for permission after a while, they must leave if he does not ask them to stay. It is not right not to let anyone enter a seriously ill person's room. Pious people must enter the room and stay there long enough to say the Sûra Iklâs once, even if the ill person does not want them to. You should not deprive the ill person with the excuse that the doctor said that no one must see him or talk to him. Pious people must enter his room and recite the Sûra Yâsîn-i-sherîf. It would be useful even to say it secretly.

People with an ill person must not say exciting things that may worsen his illness; they must not tell stories or start conversations on such topics as newspapers, property, trade, politics and governments.

The person on his deathbed must eat what is halâl. As far as possible, he must eat things prepared after saying the Basmala and other prayers by vigilant-hearted people who have ablution.

People with an ill person must tell religious tales and quote the words of the Awliyâ, of savants, and of pious sages. They must elevate his love for these people. Talking about the Awliyâ-i-kirâm 'rahmatullâhi ta'âlâ 'alaihim ajma'in' causes Allah's compassion.

When the symptoms of death are seen, children, people who are junub, and menstruating women must not be allowed into his room. Great care must be taken not to leave any pictures in the room, nor even in the house. Some savants or pious sages must be with him and try to get him to say the Kalima-i-tawhîd without forcing him. He must not be oppressed to say it; those who are with him must say it loud enough to let him hear, but he must not be annoyed. If he says it once he need not be coached to say it again. If he says other things, he must be reminded to say the Kalima-i-tawhîd once more. That is, his last word must be the Kalima-i-tawhîd. It is sunna for those who are with him to say, "lâ ilâha illallah," once without forcing him. It is preferable for those who will remind him to say the Kalima-i-tawhîd not to be his adversaries or inheritors. If no others are available his inheritors can do it.

^[1] Contract of marriage as prescribed by Islam, as explained in the previous chapter.

It is an important sunna to recite (or read) the Sûra **Yâsîn** in the presence of the ill person. A hadîth-i-sherîf declares, **“If you say the Sûra Yâsîn-i-sherîf in the presence of an ill person, he will die satiated with water and enter his grave satiated with water.”** That is, he will not feel the thirst caused by the throes of death. Since the Sûra Yâsîn-i-sherîf tells about the things that will happen after the Resurrection, explains that this world is transitory and foretells the blessings in Paradise and the torment in Hell, when it is said in the presence of an ill person he will have heard the things that will cause him to die with îmân. Reciting (or reading) the Sûra **Ra’d** facilitates the soul’s leaving the body. According to Hanafî Madhhab, when a person dies he becomes najs. The Qur’ân can be read at some distance and silently, but not near him. However, he does not become najs according to the other three Madhhâhib.

Even the dead will hear and get benefits from the Qur’ân read. It is a sunna for those who carry a janâza (dead person’s body) to the grave or who visit a grave to say some part of the Qur’ân and present the thawâb to the dead person’s soul without thinking of any worldly recompense.

It is a sunna to make the dying person drink some water. This becomes wâjib (a religious command) if it is seen that he needs water. And this necessity becomes even stronger if it is seen that he feels relieved upon drinking the water. It is declared in a hadîth that at that moment of death Satan shows (the dying person) some pure water and says, “I shall let you drink this if you say that you worship none but me.” There are ten benefits in reciting (or reading) the Sûra Yâsîn-i-sherîf:

1 - The hungry person will become satiated. That is, his food will come to him unexpectedly.

2 - The thirsty person will find water enough to satisfy him fully.

3 - The person without clothes will find clothes.

4 - The ill person whose time of death has not come will recover.

5 - The ill person whose hour of death has come will not feel the throes of death.

6 - As he dies, the angels of Paradise will come to him and show themselves to him.

7 - The fearful person will become secure against what he

fears.

8 - A stranger lonely in a place will find someone to help him.

9 - It will become easy for a bachelor to get married.

10 - Lost or missing property will be found.

However, it must be read with belief and one must intend for these things.

Our Prophet (sallallâhu 'alaihi wasallam) declares, **“When a sûra is recited (or read) in the presence of a dying person, an angel for each letter (of the sûra) will come and pray so that his soul will leave him with ease. As he is washed, they will keep him company. As his janâza is carried, they will go with him. They will attend at his janâza namâz. They will be with him during his interment. They will pray for him all the time.”** Another hadîth-i-sherîf declares, **“If the Yâsîn-i-sherîf is read (or recited) in the presence of a Muslim who is ill, the angel named Ridwân will bring him sherbet from Paradise. He will give away his soul sated with water. He will go to his grave sated. He will not need water.”**

An ill person must rely upon Allah's pardon and forgiveness. He must say, “My Allah will forgive me.” Allâhu ta'âlâ says in a hadîth-i-qudsî, **“I shall meet My slave as he expects Me to (meet him). Then, always expect goodness from Me!”** The Sarwar-i-âlam 'sallallâhu alaihi wasallam' said three days before his death, **“Die expecting goodness from Allâhu ta'âlâ!”** It is a sunna for those who are with an ill person to say things that will elevate his hope for goodness and to remind him that we expect our Allah's forgiveness. When it is seen that he is in the state of death, it becomes wâjib to say things that will increase his hope for Allah's compassion. If he has some omitted prayers of namâz, it is sunna to encourage him to make tawba for them.

His debts must be paid as soon as he dies. Unless his debts are paid his soul will not attain to the grade of the good. Also, the **Mahr**, the money paid for a nikâh by the husband to the wife, which he did not pay to his wife at the time of marriage, is his debt. His other debts would be zakât and fitra that he did not give, if there are any, and things obtained by theft and usurpation, if there are any. If it is impossible to pay his debts before he is interred, one of the walîs [close relatives] of the dead person undertakes his debts by method of **Hawâla**. The debts belong to him now. Thus, by the consent of the owners of

the rights, the dead person has been freed from his debts. From now on the debts will be the walî's obligation. Though this way does not completely suit the method of hawâla, it has been permitted by the Sharî'a on account of the needy state the dead person is in. Sarwar-i-âlam (sallallâhu 'alaihi wasallam) did not want to perform the janâza prayer for a person who had died indebted. One of the Sahâba, who was named Abû Qatâda-i-Ansârî (radiyallâhu 'anh), accepted to undertake the dead person's debt by this method. Upon this, he (the Prophet) (sallallâhu 'alaihi wasallam) accepted to perform the janâza prayer. The dead person's debt was two dinârs, that is, two mithqals [two 4.8 gram coins of gold]. Rasûlullah (sallallâhu 'alaihi wasallam) said to Abû Qatâda, **"Has this debt of two gold coins been transferred unto you, and has the dead person been freed from the debt?"** When Abû Qatâda said, "Yes." Rasûlullah (sallallâhu 'alaihi wasallam) performed the janâza prayer. As it is seen, the dead person will be freed from his debt even when a non-relative undertakes the debt. The person who undertakes the debt should say to the creditor, "Make the dead person halâl (forgive him)!" By such act of mutual forgiveness the dead person will be completely free from his debt.

After the dead person is freed from others' rights either by this way or by other ways prescribed by the Sharî'a, it is necessary to fulfil his last will. The will that requests the doing of something sinful is invalid. Such wills will not be fulfilled. Thus, the dead person will not be deprived of the thawâb and the prayers caused by his will.

It is not permissible to wish for death in order to get rid of an illness or worldly trouble. It is sunna to entreat Allâhu ta'âlâ for death for fear of religious trouble and mischief. So is the case with wishing to be martyred in the way of Allah. Also, it is permissible to wish for death when you are in Mekka-i Mukarrama or Medina-i-munawwara or near the grave of a Walî 'qaddas-Allâhu ta'âlâ asrârahum ul-'azîz.'

It is mustahab to wish for death in order to attain to Allâhu ta'âlâ. A hadîth declares, **"If a person loves to see Allâhu ta'âlâ, Allâhu ta'âlâ loves to see him, too."**

Medical treatment, that is, to go to a doctor and to use medicine, is sunna. A hadîth-i-sherîf declares, **"Cure your illness! For, Allâhu ta'âlâ has created remedies and**

medicine for every illness except that of death.”

It is written in the second volume of **Mawâhib-i-ladunniyya** that our Prophet ‘sallallâhu ‘alaihi wasallam’ would use three kinds of medicine. He would say âyats from the Qur’ân or other prayers. He would use medicines discovered by scientific research. He would apply a mixture of these two. He would say, **“A person who does not expect shifâ from the Qur’ân cannot get shifâ.”** The hadîths stating that reciting the sûra of **Fâtiha** is a shifâ (healer) of illnesses are written in the tafsîrs of **Beydâwî** and **Cherhî** and in **Tafsîr-i-mazharî**, which is written by Hadrat Sanâullah-i Dahlawî. Imâm Qushayrî says that if the six âyats of shifâ^[1] in the Qur’ân are written on a dish and then melted by means of some water put in the dish, an ill person who drinks the water will be healed by Allâhu ta’âlâ. Âyats and prayers are absolute healers. But there are conditions to be observed. It is essential that the person who says or writes the âyat or the prayer and the ill person must believe in its effectiveness. An ill person must observe a diet against harmful foods and doubtful medicines, abstain from extreme cold or heat, do what is prescribed to be necessary, and avoid harâm and cruel acts. A hadîth-i-sherîf declares, **“Prayers made in a state of oblivion and unawareness of Allâhu ta’âlâ are not acceptable.”** Whenever ill, our master Rasûlullah (sall-Allâhu ‘alaihi wasallam) would say the (two) sûras of (**Qul a’ûdhu**) and breathe them on himself.

The **âyats for shifâ** (healing) are the following: The last part of the fourteenth âyat of Sûra-i-Tawba, the middle part of the fiftieth âyat of Sûra-i-Yûnus, the middle part of the sixty-ninth âyat of Sûra-i-Nahl, the first part of the eighty-second âyat of Sûra-i-Isrâ, the eightieth âyat of Sûra-i-Shu’arâ, the middle part of the forty-fourth âyat of Sûra-i-Fussilat. By means of some coloured liquid, e.g. saffrony water, these are written in a bowl, and the writing is melted with rain water. The wife is asked to present some of the money which she was given as mahr, and some honey is bought with the money. Then the honey is mixed with the water and the mixture is drunk. As well, the âyats for shifâ can be written on a piece of paper by a person with an ablution and the piece of paper can be put in some water in a container.

^[1] Good health; recovering from illness; restoration of good health.

While explaining the thirteenth bigoted creed held by the Shiites, the book **Tuhfa** states in its final pages: When Hadrat Imâm Ali Ridhâ arrived in Nishâpûr, more than twenty thousand savants and disciples of the Ahl-as-sunna met him. They begged him to quote a hadîth-i-sherîf communicated by his ancestry. Mentioning the names of all his ancestry, Hadrat Imâm recited the following hadîth-i-qudsî: **“Lâ ilaha illallah is My fortress. The person who has said this has entered My fortress. And he who has entered my fortress has escaped My torment.”** Hadrat Imâm Ahmad ibn Hanbal said that if this hadîth-i-qudsî is said together with the names of its conveyors and breathed on an insane person he will regain his mental health. If it is said and breathed upon an ill person he recovers. This fact is also stated by Ibni Esir ‘rahmat-ullâhi ta’âlâ ‘alaihim’ in his book **Kâmil**. I have explained how to say this hadith-i-qudsî to an ill person in the part entitled **“Birleşelim-Sevişelim** (Let Us Unite and Love One Another) in my Turkish book **Hak Sözü’nün Vesikaları** (Documents of the Right Word)^[1]

First you say **“Estaghfirullah”** twenty-five times, saying the last one up to **“...wa atûbu ilayh.”** Then you say the **Sûra-i-Ikhlâs** eleven times, the **Sûra-i-Fâtiha** seven times and the following prayer thirty-three times: **“Allahumma salli wa sallim ‘alâ sayyidinâ Muhammadin wa ‘alâ âli sayyidinâ Muhammad.”** Then you send the thawâb for these prayers to the souls of our Prophet (sallallâhu ‘alaihi wasallam), of the Ashâb-i-kirâm (ridwânullâhi ‘alaihim ajma’în), and of the Awliyâ (rahmatullâhi ‘alaihim ajma’în), and also to the souls of the Silsila-i-aliyya-i-Nakshibandiyya by mentioning their names. Then you invoke Allâhu ta’âlâ and beg Him to heal you for the sake of these great people. You repeat these prayers every morning and every evening, take the necessary medicines, and observe the diet prescribed for your illness. The great savant Hadrat Abdullah Dahlawî says in the twenty-eighth letter of his book **Maktûbât**, “You ask for prayers. So I send you both of the Shajaras [Silsila]. Reciting the Fâtiha once for the souls of the first list and once for the souls of the second list, you invoke Allâhu ta’âlâ through them!” He says in his hundred and seventeenth letter, “Whenever you have a problem invoke

^[1] English version of the book is available from Hakikat Kitâbevi, Fâtih, Istanbul, Turkey.

Allâhu ta'âlâ through these great people! Trust yourself to Him! Allâhu ta'âlâ will accept the prayers sent through these great people and give you your religious and worldly needs.” He either blesses you with healing directly or sends you the doctor or the medicine that He has made a means for your healing and then cures you through means. For, it is His divine way to create through means. For this reason, it is sunna to hold fast to means. Names of the great savants are written in the Turkish original version of **Endless Bliss**, in the fifty-second chapter of the third part.

The author of the book **Tafsîr-i-'Azîzî** (rahmatullâhi ta'âlâ 'aleyh) says: For forty days you say Sûra-i-Fâtiha forty-one times between the sunna and the fard of morning prayer. You pronounce the last letter (Mim) of the Basmala together with the second letter (Lam) of Sûra-i-Fâtiha. [That is, you say, “...Rahîm-ilhamdu...”] Any prayer you will send after this will be accepted. If you breathe it on some water and have a bewitched person drink the water the person [if it is not his predestinated time of death] will recover and the spell will be broken.

It is written in the interpretation of the third âyat of **Sûra-i-Talâq** in the book **Tafsîr-i-Mazharî**, “In order to be safe against religious and worldly harm and to attain to goodneses, Hadrat Imâm Rabbânî Mujaddid-i-alf-i-thânî (rahmatullâhi ta'âlâ 'aleyh) would say, “**Lâ hawla walâ quwwata illâ billah,**” five hundred times every day. This is called **kalima-i tamjîd**. [Please see the eleventh chapter in the second part of the Turkish original version]. And he would also say the **salawât** a hundred times both before beginning and after finishing the Lâ hawla. A hadîth-i-sherîf: “**A person who wants Allâhu ta'âlâ to give him a blessing which is permanent must say, ‘Lâ hawla walâ quwwata illâ billah,’ very much!**” A hadîth-i-sherîf, which exists in the **Sahîhayn**, declares, “**This is a treasure of the treasures of Paradise.**” Another hadîth-i-sherîf declares, “**Saying the Lâ hawla walâ quwwata is medicine for ninety-nine illnesses, the lightest of which is hemm.**” Hemm means sorrow, melancholy, boredom.

The author of **Fawâid-i-Uthmâniyya** (rahmatullâhi ta'âlâ 'aleyh) says, “If the **Fâtiha**, the Âyat-al-kursî and the four sûras beginning with “Qul...” are said seven times each and then breathed on an ill person, it will be effective against a spell, the

evil eye, and biting or stinging of (poisonous) animals. Also, saying and breathing them on some salt and melting it in water and then drinking the water or pouring it on a wound has been tried.” The four sûras beginning with “Qul...” are the sûras of Kâfirûn, Ikhlâs, and Mu’awwizateyn.

It is said at the end of the book **Bostan-ul-Ârifin** that Rasûlullah ‘sallallâhu ‘alaihi wa sallam’ visited ‘Uthmân bin Abil’as ‘radiallâhu anh.’ He was very ill and was in great pain. Rasûlullah said to him, **“Rub the painful area with your right hand seven times, and every time you do so, say this: ‘A’ûzu bi’izzetillâhi ve qudretihi min sharri mâejidu wa uhâziru.”** Uthmân reported that he did as he was told, and soon thereafter experienced a full recovery. Abdullah ibni Mas’ûd said that if someone reads every morning and evening the first four âyats of Sûra Baqara, the Âyat-al Kursî, and then the following two âyats, and the last three âyats of Sûra Baqara, Satan will not enter his house. If you read this to an insane person he will recover. Anyone who is in trouble should read “estaghfirullah” (which means repentance) very often.

The book **Hazînat-ul-asrâr** says: ‘Umar-ul-Fârûq (radiy Allâhu ‘anh) said that Rasûlullah (sall Allâhu ‘alaihi wa sallam) declared: **“Fâtiha-i sherîfa, Âyatalkursî, Ikhlâs-i sherîf and those sûras titled Qul a’ûdhu are read on rain-water seventy times each. Those who drink this water successively seven mornings will have a full recovery from illness and pain.”** [For making ready that water, some pious Muslims must meet somewhere and read the above-mentioned surâs by breathing them on the water.] Imâm-i Ahmad, and Tirmuzî, and Nesâî, and Hâkim, and Bayhakî report that Sa’d Ibni Mâlik (radiy-Allâhu ta’âlâ ‘anh) said that Rasûlullah (sall Allâhu ‘alaihi wa sallam) declared. **“Yûnus (Jonah) ‘alaihi’s-salâm prayed in the dolphin reciting the 87th ayât of Sûra Anbiyâ** [His prayer was accepted and it was revealed that all the wishes of Muslims who will pray reading it will be granted up until Doomsday.] **It is certain that when a Muslim prays by reading that âyat-i-kerîma his wishes will be accepted by Allâhu ta’âlâ.”** It is said in a report that this ayât should be recited forty times.

14 – THE RELIGIOUS SERVICE TO BE DONE TO THE DECEASED—THE SHROUD

The following information has been translated from **Durr-ul-mukhtâr**, and from its explanation entitled **Ibni Âbidîn**.

Janâza means a dead person, or mayyit. Today, we call a coffin containing the corpse of a dead person 'janâza'. Jinâza means the bench for washing corpses. Mawt means death.

The symptoms of death approaching are the feet slackening and lengthening, the nose becoming twisted, and the temples becoming concave. An ill person in this state is made to lie on his right side, and his face is turned toward the qibla. It is sunna to make him lie in this manner. It is also permissible to make him lie on his back with his feet toward the qibla. This has become common recently. But something must be put under his head. Thus his face will be toward the qibla. If it is difficult to do so, it is permissible also to make him lie in any manner that comes easy.

When coaching the Kalima-i-tawhîd, it would be good to add: **“Muhammadun Rasûlullah.”** In fact, to be converted to îmân, a disbeliever has to begin with **“Esh hadu”** and also has to say, **“Muhammadan 'abduhu wa Rasûluh.”**

Once death has begun, all hopes of life having been given up, a disbeliever's conversion to Islam is not acceptable, though tawba (penance) is still acceptable.

A person who utters something that will cause disbelief while being in the state of death is to be taken as a Believer. For, he is not conscious at that moment.

Signs of death are stiffening (rigor mortis), becoming cold, and putrefaction. When death is diagnosed, which is possible before these signs as well, [such as by the breath stopping, which can be determined by using a mirror, which should not be misted over when held in front of the dead person's mouth, by the stopping of the heart or the pulse], it is sunna to close his eyes and to tie up his chin. His chin must be tied up by means of a wide piece of cloth fastened on top of his head. When closing his eyes it is sunna to say, **“Bismillah wa 'alâ Millati Rasûlillah,”** and to say another certain prayer. Before the corpse becomes cold it is sunna to open and close his fingers, elbows and knees, and to leave his arms and legs straight.

Thus washing and shrouding will be easy.

Before he becomes cold, his clothes are taken off and he is covered with a wide, light bed sheet. One end of the sheet will be put under his head and the other end under his feet. Something [a knife or anything made of iron] is placed on top of his stomach, on or under the sheet, thus to prevent the corpse from swelling. It should be over a hundred grams. Books containing sacrosanct knowledge must not be used for this purpose. Greatest care must be taken to protect the corpse from things that would accelerate putrefaction and rotting. As the soul leaves the body, incense (**bahûr**) must be burned near the dying person. His neighbors, relatives and friends must immediately be informed of his death.

Though there are (some savants) who say that it is makrûh to read Qur'ân-al-kerîm near a dead person before he is washed, it is permissible to read it silently, without touching his bed, and while he is covered.

Once death has been diagnosed, it is sunna to hurry, which becomes even wâjib in any likelihood of putrefaction. If there is some doubt in the diagnosis of death, you wait till it becomes certain. Rasûlullah 'sallallâhu 'alaihi wa sallam' would not approve of a corpse being left with his household. It is wâjib to detain those who die of a heart attack until their death becomes certain when the corpse becomes cold and putrefaction begins.

First incense is burned and carried around the washing bench three times. It may be carried five times as well. Incense is a plant. It is mixed with the filings of aloa wood and the resin of storax and the mixture is burned in a container while the washing bench is suffused with the smokes.

The corpse, being covered, is laid on its back or in any easy manner on the incensed washing bench. It is washed, between the navel and the knees being covered. For, a woman's awrat part that must be covered from other women is like a man's awrat part that must be covered from other men. It is sunna to lay it toward the qibla on the washing bench. If its shirt is long enough, it is washed in its shirt.

It is fard-i-kifâya to wash it, to shroud it, to perform the janâza prayer, and to inter it. That is, after these are done by a sufficient number of people, it will no longer be fard for other people to do them. [It is necessary to do these fards for the

sake of Allah and free of charge. The thawâb which is to be given for doing something fard is given to people who do these services, and it is far greater than the thawâb for any other good or philanthropic activity. If no one performs this service, all people who have heard about it but have not come to serve will be sinners. Anyone who doesn't accept these services as a duty and underestimates their value, loses his belief and becomes a **murtad**.] It is permissible for a child also to wash a corpse. A disbeliever's corpse is not washed. It is wrapped in a piece of cloth and buried.

When there are no women, a man cannot wash the corpse of a woman. But, after the corpse is covered from head to foot, a relative of hers or, if she has no relatives, someone else wraps a piece of cloth around his hand, puts his hand under the cover, and makes tayammum on the corpse. For, a dead person's awrat part is the same as a living person's. Those parts of the body that are forbidden for others to look at are also forbidden for them to touch. A better way would be to teach a child and have it wash the corpse.

The bench for washing the corpse must be as high as (an average person's) navel and must be sloping a little. The water must not be very hot and must be salty. Cool and salty water retards rotting. Even if the corpse is a child's, it is first given an ablution. But, instead of putting water into its mouth and nose, they are cleaned with a piece of cloth. If water escapes into its mouth it will expedite the rotting process. First its face is washed. Then its arms are washed, its ears and the back of its neck are given masah, and its feet are washed. Its head and beard are washed with marsh-mallow or soap and with water which is boiled with cedar leaves or soapwort and then cooled or mixed with a whitish, aromatic substance called **camphor** or, if these are unavailable, only with pure water. Then it is turned and made to lie on its left and water is poured on its right hand side. The water must be made to reach even those parts touching the washing bench. Then it is made to lie on its right and water is poured on its left from head to foot. Then it is made to sit up and the abdomen is slightly pressed down. Anything coming out is washed away. [That is, it is removed by pouring water.] Then it is made to lie on its left and its right hand side is washed again, [that is, water is poured from head to foot]. Thus, as prescribed by the sunna, it will have been washed three

times. As each side is washed, water is poured three times.

If an ill person dies in a state of junub, he is still washed once. If anything breaking ablution comes out after the washing he is not washed or given an ablution again. But the things coming out are washed away by pouring water. It is sunna to make niyya (intention) when washing the corpse. Without a niyya the dead person still becomes clean, but the fard does not cease to be an obligation.

If it is understood that the corpse has been washed by angels and genies, it is washed again. No one except the washer and his helper is allowed into the washing area. Those who wash the dead person must be trustworthy. They must convey the symptoms of blessedness and conceal the symptoms of wickedness seen on the corpse. They must not divulge the shame of the dead person. The dead person's guardian can enter the area.

Our master Rasûlullah (sallallâhu 'alaihi wa sallam) was washed by Fadl the son of Abbâs, and Hadrat Alî (radiyallâhu 'anhum). Meanwhile Usâma (radiyallâhu 'anh) was pouring water on him, and Abbâs (radiyallâhu 'anh) was going in and out of the room.

Anything that would give pain to a living person gives pain to a dead person, too. For this reason, the corpse is not washed with very cold or very hot water. [Nor is it kept in an ice-house lest it will putrefy. Putrefaction must be prevented by immediate interment, and the corpse must not be kept waiting for the arrival of relatives living far away]. It is not permissible to wash the corpse with Zemzem water. Any hair falling out is placed in the shroud. For, every part of the human body is sacrosanct and is buried. Also, it is sunna to bury the nails, the hairs and the teeth that have fallen out or have been cut out or extracted from a living person.

After being washed, the corpse is wiped dry with a piece of cloth on the washing bench. An aromatic mixture of things called hanût or camphor is sprinkled over its hair and beard. It is makrûh to apply saffron. Cotton sprinkled with camphor is put on its organs of sajda (prostration), [such as forehead, nose, knees, fingers and toes].

In Hanafî Madhhab it is not permissible to comb the corpse's hair or to trim its hair, beard, moustache, or nails. It is

permissible to put cotton in its mouth, nostrils, ear-holes or on its eyes.

In Hanafî Madhhab a woman cannot be washed or touched by her husband. For the nikâh becomes void as soon as the wife dies. It is permissible for him to look at her. In the other three Madhhabs it is permissible for the husband to wash the wife. It is permissible in Hanafî Madhhab also for the wife to wash her husband. For, after the death (of the husband) the nikâh (marriage) goes on until the period of 'iddat [four months] is over. Men cannot wash women, and women cannot wash men. They must make a **tayammum** by wrapping a cloth around their hands. A man who makes a tayammum cannot look at the bare arms of a nâmahram woman. If she is a mahram relative of his, there is no need to wrap a cloth. For it is permissible to look at and touch the arms and the face of mahram relatives.

If only a person's head or half of its body (without the head) is found, it is not washed and the salât of janâza is not performed. It is only buried. If more than half of the body without the head or if half of the body with the head is found, it is washed and the janâza salât is performed.

It brings much thawâb to wash the corpse free of charge. It is permissible to demand payment, but it is not permissible if there is no one else to wash it free of charge. So is the case with the payments for transporting corpses and digging graves. A person drowned is washed three times, or moved three times in the water with the intention to wash. A person soaked by rain is washed, too.

Washing corpses existed in all the (past) Sharî'ats. Angels washed Adam ('alaihissalâm), and they said, "Wash your dead like this."

When an ownerless corpse is found which is not known to belong to a Muslim or a disbeliever, it is washed and the salât of janâza is performed if it has the signs of Islam. Signs of Islam are circumcision, dying the beard, and shaving the pubes. Today all three of these are no longer signs of Islam. If it does not have any sign of Islam, it is to be considered to belong to a Muslim if it is found in a Muslim country.

If corpses of Muslims are mixed with those of disbelievers and if they do not have signs of Islam, the salât of janâza is

performed for all of them if most of them are known to be Muslims. And all of them are buried in a cemetery for Muslims. If the numbers (of the Muslims and disbelievers) are equal or if the Muslims are in a minority, all of them are washed and shrouded, the salât of janâza is performed by making the niyya (intention) for the Muslim ones only, and they are all buried in a cemetery for disbelievers.

When there is no water the tayammum is made on the corpse and then the janâza salât is performed. If water is found afterwards, it must be washed, but the salât is not performed again. Likewise, when a living person finds water he does not repeat the salât (which he performed with a tayammum because he did not find any water). It is mustahab for a person who will wash a corpse to make a ghusl himself first. It is makrûh for a junub person or a menstruating woman to wash a corpse. Water with which a corpse is washed becomes mâ-i musta'mel. It becomes najs, foul. Therefore those who wash it must not let water splash on them or must wrap themselves in large bath towels. When washed, the corpse becomes clean.

It is said in **Bahr-ur-râiq** that a deceased person's shroud is prepared like the clothes which he used to wear when he was alive. Therefore, poor women are wrapped in izâr, lifâfa, and khimar, **kafan-i kifâya** (shroud of minimum cost). It is written in the book **Tabyin-ul hakâik**, "A woman's shroud of minimum cost is izâr, lifâfa, and khimar, since she would have to wear at least these pieces of clothing when she was alive. It would be perfectly permissible to perform salât with these clothings." It is said in the book **Halabî-i-kebîr**, "Women used to cover themselves with a (kind of dress called) **dar'**. The front part of this dress was open up to the breast, and long enough to cover the legs down to the feet." [As described, during the period of the Salaf-i-sâlihîn Muslim women used to wear a loose robe, a wide and long coat, and a head-cover. They did not wear two pieces of cloth which we call the charshaf.]

It is sunna for a man's shroud to consist of three parts:

1 - **Izâr**: It extends from the head to the feet and is more than a metre wide.

2- **Qamîs** [a shirt, long like a chemise]: It is twice the length of the shoulders to feet. It is folded together once in the middle and the place of the fold is cut long enough to let the head through. The arm holes and the skirt are not cut.

3 - **Lifâfa**: It extends beyond the head and the feet and is wider. Its ends over the head and below the feet are puckered up and fastened with a piece of cloth.

It is stated in (the book) Berekât that it is makrûh to wrap an imâma (a turban) round the corpse's head. It is added (in the same book) that this fact is written also in the book **Sherh-i-Sirâji**, by Sayyid Sherîf Jurjânî. Also, it is makrûh to put a turban or other ornaments on the coffin. Some (savants) said it is permissible, while others said otherwise, to use a shroud consisting of more than three parts; Imâm-i Rabbânî says that it is bid'at. It is sunna for the shroud to be new, clean, and of a valuable material. A shroud compatible with the dead person's financial status must be made. It is sunna for it to be made of white linen [cambric]. It is harâm to shroud a man in silk. Also, it is harâm to cover his coffin with silk. Silk is permissible for women. It is better to make the shroud from the dead person's own halâl property than for someone else to give it. It is good to prepare a halâl shroud when you are alive. A shroud washed with zemzem is permissible in Hanafî, but harâm in Shafi'î Madhhab. According to Hanafî Madhhab, all the zemzem disappears when the shroud becomes dry. But according to Shâfi'î, its traces still remain on the shroud, and this causes the zemzem to be dirtied by the corpse's blood and pus. It is not permissible to write the Basmala, âyats or sacrosanct names on the shroud or to put such writings in the grave. It is useful to make shrouds from the underwears or clothes of pious Muslims or Walîs or to put them in shrouds or on a corpse's face or chest. This fact is written in the third letter of the fourth volume of **Ma'thûmiyya**.

It is sunna for a woman's shroud to consist of five parts: Qamîs, Izâr, Lifâfa, Khimâr, and Breast Cloth.

Khimâr: It is a head-wrap, which is about seventy-five centimetres long. Its ends are left hanging over the face instead of being wrapped around the face.

Breast cloth: It extends from the shoulders to the knees.

It is permissible to wrap men who are poor or who have many debts in izâr and lifâfa and such women in qamîs, lifâfa and khimâr only, but it is makrûh to go below this limit. In case of great difficulty, only lifâfa is necessary both for a man and for a woman. If the dead person has no property, it is fard for others, e.g. for the Bayt-ul-mâl [the State] to give the shroud. It

is not sufficient to cover the awrat parts only. If the cloth (used as the shroud) is too small, the parts left open are covered with leaves or oats.

First, the lifâfa is laid in the coffin. Then, izâr is laid on it. The qamîs is put in the coffin, too. With women, a breast cloth is laid before or after the izâr. Then the bakhûr is turned three or five times round the coffin. The bakhûr is a fumigatory substance. [For example, such odoriferous substances as aloewood, incense, musk, sandalwood, benzoin are put in a fire in a shovel and fumigated]. It is better to fumigate each piece of the shroud separately before putting them in the coffin. Such fumigation is done also while the soul (of the dying person) is going out and before the washing of the corpse is started. It is not done while carrying the corpse or during the interment.

A hadîth-i-sherîf written in **Fatâwâ-i fiqhiyya** states, **“When Adam ‘alaihissalâm’ died, angels brought hanût (a mixture of camphor, sandalwood, etc.) and shrouds from Paradise. They washed him with water and cedar leaves. During the third (washing) they added camphor. They wrapped him in three shrouds. They performed the salât (of janâza) for him. They made a tomb and interred him. Then, turning to his children, they said: O sons of Adam. Treat your dead like this.”**

Even if the shrouds are new they must be washed and prepared beforehand. It is necessary to prepare the shrouds beforehand. Hanût is sprinkled on all the three shrouds.

After the corpse is dried, the qamîs is taken out of the coffin, passed over the corpse’s head, and stretched down to the feet, one half along the front and the other half along the back of the corpse. While saying the Basmala, the corpse is made to lie on the izâr in the coffin. First the left hand side and then the right side of the izâr are spread over the corpse. The lifâfa is spread likewise on the corpse. That is, its right side is put on its left side. As a matter of fact, a person alive puts on his coat, shirt, etc. likewise.

When a woman’s qamîs is closed, her hair is parted down the middle and both halves are passed over the sides and put on the qamîs over the breast. The khimâr is put over her hair and then it is covered with the izâr. The breast cloth is wrapped round the corpse before or after the izâr. Then it is covered with the lifâfa. The head and foot ends and the middle [around the

belly] of the lifâfa are tied with a piece of cloth. A big boy is shrouded like a man, and a big girl is shrouded like a woman. A small boy is shrouded in one item, and a small girl is shrouded in two items. A child born dead or aborted or a human limb, [e.g. an arm], is not shrouded; they are wrapped in some cloth and buried.

When an exhumed naked corpse is found, it is shrouded and buried as prescribed by the sunna if it has not yet putrefied. If it has putrefied it is only wrapped in some cloth and buried.

The amount of the shroud prescribed by the sunna is bought with the dead person's (left) property (or money). Before his debts, will and inheritance, the money for his shroud is set apart. If the dead person has no property, his relatives for whom it is wâjib to subsist him buy his shroud together, each contributing as much as the rate of the inheritance he would receive. As a matter of fact, they would share the expenses for his subsistence when he was alive. However, if he has two children each of them foots half the expense. For, the subsistence to be given by the children is not in proportion to the inheritance they would receive; they share the expense equally.

If a dead person has his father and a son left alive, his son alone provides the shroud. Even if a woman is rich, her husband provides her shroud. If a dead person has had no one to support him, his shroud is provided by the Beyt-ul-mâl. If the Beyt-ul-mâl does not function properly, it becomes fard-i kifâya for any Muslim who hears of his death to provide a shroud for him. If the person who hears of his death is poor, he asks for a shroud of necessity, that is, a cloth large enough to make a shroud, from others. In Istanbul it is customary to buy seven metres of cambric for a man's shroud and eight metres of it for a woman's. It is usually 130 to 140 centimetres wide. The coffin is closed, covered with a new bedsheet, and bound up with ordinary cord, which is also used in lowering the coffin into the grave. The top of the coffin is covered with a green blanket with (Islamic) inscriptions on it; its sides are pinned to the bed-sheet. With women, a triangular head-wrap is also spread on the head side of the blanket. The coffin must be made from dovetailed wood without using any nails. After a short prayer and a general forgiveness of any past unjust actions, the corpse (in the coffin) is taken to the musallâ (the stone bench on which the coffin is

put) and the salât (of janâza) is performed.

There are three kinds of **martyrs**. 1- If a Muslim who is not junub, who is not in her monthly period, who is discreet and has reached the age of puberty is killed unjustly by torture or by being hit with a sharp weapon, or if he is killed with any weapon by the enemy while making jihâd against the enemies of religion in a war for Allah's sake or by rebels, highwaymen, anarchists or (at night) by a thief during the time of peace –if he dies immediately–, or if he is found dead with such signs of murder as a wound or blood on him at a place where there has been a conflict against the abovesaid (outlaws), where he must have been in order to defend the lives and property of Muslims and zimmîs, or if he is found dead in town and his murderer is known and qisâs (taliation) becomes necessary, he is called a martyr of the world and the Hereafter or a **perfect martyr**. The perfect martyr is not washed in the world. Nor is he shrouded. His clothes exceeding the amount of material used for a shroud are taken off, and he is buried with his underwear. The salât of janâza for him is performed in Hanafî Madhhab. But it is not performed in Shâfi'î Madhhab. He attains the thawâb for matrydom in the Hereafter. 2- A person who does not intend to make jihâd for Allah's sake and who fights for wordly advantages becomes only a **martyr of the world**. Martyrs of this sort are not washed or shrouded. Yet they cannot attain the thawâb of martyrdom in the Hereafter. 3- If he dies during the preparatory drills for jihâd, or if a person killed with oppression or wounded in jihâd or while fighting against anarchists, rebels, highwaymen or (at night) thieves does not die immediately but stays alive and conscious until the duration of one salât time is over or is taken to somewhere else and dies there, or if he is junub or (she is) in her monthly regulation, he (or she) becomes only a **martyr of the Hereafter**. He (or she) is washed and shrouded in the world. Those who are killed by such chastisements as Hadd, Ta'zîr, qisâs [or who are executed by being shot or hanged], and those who are killed by a beast are washed.

Those who die as a result of drowning, burning, of destitution, or from being crushed under a collapsing wall or other building, those who die of diarrhoea, of plague [or another hectic disease], during lochia, of an epileptic fit, on a Friday night, [which is the night between Thursday and Friday], or on a

Friday, or while learning, teaching or propagating religious knowledge, those who fall in love and die in their efforts to suppress their love and protect their chastity, those who die during unjust imprisonment, those who die while serving as a muadhdhin for Allah's sake, while trading as commanded by the Sharī'a or while working and earning halāl so that their household will learn religious knowledge and worship, those who say the prayer, "**Allâhumma bârik lî fi-l-mawt wa fî-mâ ba'd al-mawt,**" twenty-five times every day, those who perform the salât of Duhâ, those who fast three days each month, those who do not neglect their salât of witr while travelling, those who say the prayer, "**Lâ ilâha illâ anta subhânaka innî kuntu min-az-zâlîmîn,**" forty times on their deathbed, those who read the Sûrat-al Yasîn every night, those who go to bed with ablution and then die, those who always make mudârâ, [which means to dissimulate, to give away what is worldly in order to protect one's faith], those who bring groceries and sell them cheaply, those who make ghusl in cold weather and become ill and die, those who say the prayer "**A'ûdhu billâh-is-samî'il'alîmi min-ash-shaytân-ir-rajîm,**" three times and the last part of the sûrat-al **Hashr** every morning and every evening; all these people become **martyrs of the Hereafter**. [(Bodies of) people called **Ahl-i-taqwâ**, who have never eaten anything earned through harâm never rot. Rotting (of a person's body after death) has nothing to do with martyrdom].

Those who die as a result of sinning do not become martyr. If they die for some of the reasons causing martyrdom while they are sinning, they become martyrs of the Hereafter, but this does not give them impunity from the punishment for their sin. For example, those who die in a house which collapses while they are sinning in it become martyrs. Likewise, a person who drinks too much wine and bursts does not become a martyr. But a person who gets drunk with wine and then gets killed unjustly (by others) becomes a martyr. For, he has died not because of wine, but for some other reason. But he is liable to punishment for his sin. It is written in the Fatâwâ of Ibn Nujaym, "If a person who has drunk wine gets murdered while he is drunk, he becomes a martyr. For, gravely sinful as it is to drink wine, it does not prevent martyrdom."

15 – THE SALÂT of JANÂZA

The salât of janâza is fard-i kifâya for men who hear (of the death), and, if there are no men, for women. It is not makrûh for one woman to perform it alone or for more than one women to form a jamâ'at (and perform it in jamâ'at). A person who slights (the janâza salât) becomes a kâfir (unbeliever). There are six conditions to be fulfilled for the salât (of janâza) to be acceptable:

1 - The dead person must be a Muslim.

2 - The corpse must have been washed. If it has been interred before having been washed but has not been covered up with earth yet, it is taken out and washed and then the salât is performed. The place where the corpse and the imâm are must be clean. It is not a condition for the jamâ'at's place to be clean. For, the fard will have been carried out by only the imâm's performing the salât. If the clothes, the shoes and the place stood on are najs (foul) the salât will not be sahîh. **Tahtâwî** 'rahmatullâhi ta'âlâ 'aleyh' states in his explanation entitled **Imdâd**: "If the corpse is in a clean coffin and if you take off your shoes the upper parts of which are clean and stand on them, the ground's being najs does not give any harm." If a woman or jâriya conducts the salât as the imâm the fard will have been carried out. For, though the salât of the men who follow the woman will not be accepted, the woman's salât of janâza will be accepted and the fard will have been carried out by one person having performed the salât. It is permissible for a child to wash the corpse, but it is not permissible for it to conduct the salât of janâza.

3 - The corpse or half of the corpse and its head or more than half of it without its head must be ahead of the imâm.

4 - The corpse must be on the ground or close to the ground, held with hands or placed on a stone (bench). If the corpse is at some other place or on a beast or raised on hands, the salât of janâza will not be accepted. The corpse's head must be to the imâm's right and its feet must be to his left. It is sinful to place it the other way round.

5 - The corpse must be ready and in front of the imâm.

6 - The awrat parts of the corpse and of the imâm must be covered.

The salât of janâza has two farâid (fards):

- 1 - To make the tekbîr (to say Allahuakber) four times.
- 2 - To perform it standing. It is not permissible to perform it sitting or on a beast without any 'udhr (excuse, imperfection, inability to perform an act in the prescribed manner). It is permissible if you cannot get down from your beast because of rain or mud.

The salât of janâza has three sunnats:

- 1 - To say the Subhânaka.
- 2 - To say the Salawât. For, it is the sunna of prayers to say the Salawât before prayers.
- 3 - To say the ones you know of the prayers that have been prescribed for (entreating Allah for) mercy and forgiveness for yourself, for the dead person, and for all Muslims.

The salât of janâza is not performed for four kinds of Muslims:

- 1 - For bâghîs, that is, for rebels; that is, if those who revolt unjustly against the Khalîfa are killed while fighting, their salât is not performed. Nor is it necessary to wash them.

2- When bandits who waylay Muslims are killed in a fight, they are not washed and their salât is not performed.

If the bâghîs and the bandits escape and then are killed during such chastisements as **hadd** and **qisâs**, they are washed and their salât is performed.

- 3 - If clans notorious for their cruelty are killed in a fight their salât is not performed.

- 4 - If an armed person raiding a house is killed in the act, his salât is not performed.

A suicide, that is, a person who has killed himself, is washed and his salât is performed even if he died immediately. It is written in Hindiyya that suicide is more sinful than killing someone else.

When a person who has killed his mother or father is killed by qisâs (taliation) his salât is not performed.

Each of the four tekbîrs of the salât of janâza is like a rak'at. The hands are lifted up to the ears only with the first tekbîr. They are not lifted with the next three tekbîrs. After both hands are fastened, the **Subhânaka** is recited, and the words, "**Wa**

jalla thenâuka” are added in the recitation. The Sûrat-al Fâtiha is not recited. After the second tekbîr the Salawât is recited exactly as it is recited during the tashahhud (sitting posture in the daily prayers of salât). After the third tekbîr the du’â of janâza is recited. Presently after the fourth tekbîr the salâm is performed (by turning the head) first to the right and then to the left. [So far we have not been able to find any information in books concerning when the hands should be let to hang down. It is written in the marginal notes of the books **Durer** and **Halabî-i-saghîr**: “Hands are tied while doing the (prescribed) recitals during the standing posture. If there is no recital the hands are let to hang down. First the hands are let to hang down, and then the salâm is made to both sides.” We saw our superiors hang down their right hands as they made the salâm to the right and their left hands while making the salâm to the left. (According to the quotation borrowed from the abovenamed books), it is equally inferrable that both hands are let down before the salâm is made.] While performing the salâm, an intention for the dead person and the jamâ’at must be made. The imâm says only the four tekbîrs and the salâm to both shoulders aloud; he does the other recitations silently. [The du’â of janâza is a certain prayer, instead of which “Rabbanâ âtina fî-d-dunyâ...” is recited or one may only say, “Allâhummaghfir leh,” or the Sûrat-al Fâtiha without the Basmala may be recited with the intention of saying a prayer. Saying prayers brings forgiveness to the dead person. And it brings promotion to Prophets (’alaihimussalâm) and children. If forty or a hundred people make a jamâ’at in three lines, this brings forgiveness to the dead person. The salât is performed before interment]. With the salât of janâza, there is more thawâb in (standing in) the hindmost line.

If the imâm says a fifth tekbîr instead of performing the salâm with the fourth tekbîr, the jamâ’at must not say it too. Waiting silently, they must perform the salâm together with the imâm.

The imâm stands exactly opposite the corpse’s chest. A person who is late for the beginning of the salât does not begin as soon as he comes. He waits and then begins by saying the tekbîr as the imâm says one of the tekbîrs; he intends this tekbîr to be his **Tekbîr iftitâh** (beginning); and after the imâm recites the salâm, he says the tekbîrs he has missed one right after the

other, and then makes the salâm without reciting anything. He who misses the fourth tekbîr has missed the salât.

If there are several corpses at the same time, it is very good to perform salât for each of them separately. It is permissible as well to perform one salât for all of them. For doing this, the corpses must be arranged in such an order that each corpse will be put on the left hand side and its head will be in line with the feet of the other. The imâm performs the salât standing opposite the one with the highest rank. Thus some of the corpses are to the right of the imâm and others are to his left. Or, all the corpses being arranged side by side in front of the imâm, the imâm stands opposite the chests of all of them. Men's corpses have precedence and are placed first, then come boys', women's, girls' corpses, respectively. [While making the niyya (intention) for them, it is not necessary to say that they are men or women].

The salât of janâza is conducted by the head of the State. In his absence it is conducted by the head of the government; next comes the governor, and then come, respectively, the judge, the governor of the town, the vice-governor of the town, the assistant judge, and the imâm of the quarter. If the walî (guardian) of the dead person is sâlih (pious, devoted Muslim), the walî conducts the salât in the absence of the imâm. Only a man can be a walî; a woman cannot be the walî, nor can a child. A walî is one of one's close relatives of consanguinity. The husband cannot be (the wife's) walî. But if there is no walî present, the husband can conduct the salât of janâza (for his wife). Those who have the right to give the young child in marriage are his (or her) walî. The father takes precedence over the son in being a person's walî, that is, owner, guardian. If a dead person has no sons, brothers, paternal or maternal uncles, or a husband, one of the neighbors conducts the salât. The walîs can appoint any non-relative their deputy (to conduct the salât). Someone else, even if he is the person willed by the dead person, can conduct the salât with the walî's permission. If such a person conducts it without permission, the walî may repeat the salât.

If the corpse has been interred and covered with earth without the salât having been performed or after the salât has been performed without the corpse having been washed, the salât must be performed on the grave unless it is strongly

believed that the corpse has putrefied. The beginning of putrefaction depends on the kind of earth, the season, the weather, and on whether the corpse is fat or thin. It varies between three days to one month (after burial).

[Such words as “The nose falls on the fortieth day,” “The corpse begins to rot on the fifty-third night” are not true, and it is wrong to have (the celebrated eulogy called) Mawlid performed (only) on these nights. They are the words of a tomb-keeper named Ahmad, who claimed to have seen them in his dream. Every service done for the dead is an act of worship. Worships are learnt only from âyats, hadîths, and the words of mujtahids. Worships cannot be changed haphazardly with the words of this person or that or with dreams. Those who want to change or defile worships become a kâfir (unbeliever). Such services as reading the Qur’ân, giving alms, saying prayers that are to be done for the dead must not be done on the fifty-third night (fifty-three days after death); we must try to rescue them by doing these services on the first day. Postponing these services till the seventh, the fortieth or the fifty-third night is like saying, “Wait for a while. I’ll come to your rescue a few days later,” to a person who is about to drown. Hadrat Muhammad Ma’t’hûm says in the eleventh letter of the first volume of his **Maktûbât**, “It will be a very good and great worship to give food and alms to the poor not customarily or for ostentation but for Allah’s sake and to gift the thawâb to the dead person’s soul. But there is no dependable report saying that this must be done on a certain day or night. That is, there is no such principle.” Many a time I have seen ads in Istanbul newspapers announcing that there will be religious rites at a Christian cemetery for some dead Christians on the fortieth day (of their death) and that their acquaintances are invited. When I asked them they said that it was their custom to help a dead person on the fortieth day of his or her death. This shows that performing such services as alms and mawlid for the dead on certain days is a Christian disease which has spread among Muslims, too].

It is harâm in the Madhhabs of Hanafî and Mâlikî to place the corpse inside the mosque and perform the salât of janâza there. There are some savants who say that it is not makrûh if the corpse is outside the mosque and some of the jamâ’at are inside it, but it is harâm to perform the salât in that manner, too. All the jamâ’at must perform the salât outside. For, mosques

are built for performing the five daily prayers of salât and their subsidiaries, such as the salât which is supererogatory, sunna, [or qadâ], for reading (the Qur'ân or other religious books), for preaching and teaching the religion. In case of such 'udhrs as rain, a storm, or illness, the salât of janâza can be performed inside the mosque. But the corpse cannot be taken inside.

A child that dies right after birth is washed, its salât is performed, it is entitled to be a heir and to leave inheritance, and it is named. A child that is born dead is not washed and its salât is not performed if it is not four months old. If it is four months old it is washed, shrouded in one piece and buried; but its salât is not performed. The same is done when a child taken captive together with its parents dies and when an insane adult person taken captive dies. Such people will not go to Hell, but in the world they are treated like disbelievers. When a child taken captive without its parents or a child taken captive with its parents one of whom has been converted to Islam later or a discreet (seven-year-old) child that has been converted to Islam dies, its salât is performed. For being converted to Islam, a disbeliever has to say the Kalimat-i sahaâdat completely and believe the six principles of î mân, [that is, Âmentu], when he hears them.

You should not ask an unlearned person the principles of î mân and Islam; you should recount them to him and then ask him if he believes them. If his answer is affirmative, he is a Muslim. If an unlearned person asked about î mân and Islam does not answer, it is all right. For, he says he does not know (or he does not answer at all) because he thinks the answer is to say certain words in a certain order. In other words, what he says he does not know is not î mân itself but how to express î mân. It is not wâjib for a Muslim to wash, to shroud or to bury a disbeliever. A disbeliever is delivered to other disbelievers. If there are no other disbelievers, it is permissible to wash him as you would wash dirty clothes, to wrap him in a piece of cloth and bury him in a Christian cemetery. A dead renegade is not washed or shrouded; nor is he delivered to the people of the religion he has converted to; like a dog's carcass he is left in a ditch. Whether a Muslim or an unbeliever, a corpse is never burned. Nor are its ashes kept. It is not permissible to break or cut the bones of a corpse even if it is an unbeliever's.

It is not permissible for an unbeliever to wash a Muslim's

corpse, be it his relative.

We have stated that there are three times when it is not permissible to perform the salât in the chapter dealing with **Prayer Times** of the fourth fascicle of Endless Bliss. If a corpse has been prepared before one of these three times it is not permissible to postpone the salât of janâza till that time begins. It is written in **Marâqil-falâh**, "It is not makrûh but it is permissible to bury a corpse at (one of) these (three) times." It is permissible to perform the salât of janâza at any time of the day. It is not necessary to postpone it till after one of the five daily prayers of salât.

The salât of janâza is performed once. It becomes supererogatory if it is performed again even after one woman has performed it. It is makrûh to perform the salât of janâza as a supererogatory salât.

It is fard-i kifâya to perform the salât of janâza, to wash, shroud, arrange and bury the corpse, and it is wâjib to perform the salât of 'lyd; yet (in cases when the salât of janâza concurs with the salât of 'lyd) the salât of 'lyd is performed first lest those who are late for the jamâ'at confuse the salât of janâza with the salât of 'lyd. It is explained in the chapter dealing with the salât of 'lyd (in the fourth fascicle) that the salât of janâza for a corpse that is ready takes precedence over the Khutba of 'lyd and over the final sunnats of Friday, evening, night and noon prayers. However, the books **Hilya** and **Bahr** state that the final sunnats must be performed first, right after the fard. It is mandûb (not obligatory but very good) to make haste for the washing, shrouding and burying of the corpse and for the salât.

[As it is seen, it has been said by savants that the salât of janâza is performed before or after the sunnats. But no savant has said that the sunnats are omitted to perform the salât of janâza. Therefore, at times when the salât of janâza will be performed the tasbîhs (that are said after each of the five daily prayers of salât) in mosques must not be omitted. Those who say that they have been omitting the tasbîhs because it is wâjib to perform the salât of janâza as soon as possible are wrong. It is not wâjib but it is mustahab to make haste for the salât of janâza. It is a grave mistake to keep the corpse waiting for hours so that the jamâ'at will be large. In fact, it is makrûh to delay the salât of janâza in order to get a large jamâ'at; and the mistake becomes even graver when you omit the Âyat al kursî

and the tasbîhs of the salât this time for the sake of performing the salât of janâza as soon as possible. There shall be glad tidings for those muadhdhins who will eradicate this wrong practice by saying the Âyat-al kursî and the tasbîhs when there is a janâza (corpse), too. Please see the final part of the fourteenth chapter (**How Do We Perform The Salât**) of the fourth fascicle].

It is not permissible to pray beside the coffin after the salât of janâza is performed. It is written in **Zubdat-ul-maqâmât** “After the salât of janâza for Hadrat Imâm Rabbânî ‘qaddas-Allâhu ta’âlâ sirrah-ul-’azîz’ was performed, they did not stay there to pray; he was taken directly to the cemetery. It is written in books of fiqh that it is makrûh to pray standing after the salât of janâza. Some imâms do so, but it is against the sunna.” [It is written in the fatwâ of **Bezâziyya** also that it is not permissible].

16 – CARRYING THE CORPSE and the BURIAL

To carry the corpse, you first take the front, right hand side of the corpse on your right shoulder and walk ten steps. Then, taking the hind part of the coffin where the (corpse’s) right leg is, you carry it for ten more steps. Then, changing to the left hand side of the corpse, which is the right hand side of the coffin when looked from the rear, you carry it on your left shoulder, ten steps by the front and ten steps by the back of the coffin. All these add up to forty steps. A hadîth-i sherîf declares, **“If a person carries the janâza (corpse) for forty steps, forty of his grave sins shall be forgiven.”**

When seeing a janâza, Muslims who happen to be in a store, in a cafe, etc. should at least carry it forty steps, walk behind it for a while, and say the Fâtiha and other prayers for his soul. It is written in **Marâqil-falâh** and **Halabî-i kabîr** that when seeing the janâza it is tahrîmî makrûh to stand up and wait with your face towards it. After carrying the janâza you should walk behind it.

Rasûlullah (sallallâhu ‘alaihi wasallam) carried the janâza of Sa’d bin Mu’âz (radiyallâhu ‘anh). What a great fortune!

It is makrûh to carry the janâza in a manner called **baynal ‘amûdein**, which means two people carrying it, one person in front and the other in back, similar to carrying a stretcher. It is sunna to carry it in a manner called **terbî’** (four-sided) as is being done today, that is, on the shoulders and by holding on to

the wooden shafts. You do not pass the shaft between your arm and your shoulder; you hold it by the shaft with your hand and take it on your shoulder. It is not permissible to carry the janâza on your back or on a beast's back.

[Unless there is a strong necessity, it is kerîh (repugnant, unbecoming) to carry the janâza on a carriage or in a car, which is a disbelievers' custom; it tortures and harms the dead person; those who carry it in this manner become sinful. It is a grave sin to abandon Islamic customs and adopt disbelievers' customs. During the times of our Prophet (sallallâhu 'alaihi wasallam) and the Sahâba ('alaihimurridwân) corpses were carried only in a manner called terbî'. If government regulations order the coffin to be carried on a hearse, obedience is necessary.]

A suckling, or a child slightly bigger, can be carried by one person, on both hands. This person (carrying the child's corpse) may as well be on an animal. Big children are carried in coffins.

The janâza must be carried with such speed as not to joggle the corpse.

It is makrûh to delay the janâza till after Friday prayer so that the jamâ'at will be large. If it is feared that Friday prayer may be missed because of the time spent for the burial, then the salât of janâza can be delayed till after Friday prayer. [It is not permissible to delay the janâza till the following day so that his relatives living in distant places will be present too].

The salât of 'lyd is performed before the salât of janâza, and the salât of janâza is performed before the khutba of 'lyd. People waiting for the salât of janâza in the musallâ do not stand up before the janâza is put on the ground. It is written in **Surrat-ul-fatâwâ**, "Those who sit in the musallâ should not stand up when the janâza is brought there."

Those who attend a funeral should walk close behind the janâza. It is sunnat-i muakkada to attend a funeral. According to Shâfi'î Madhhab you walk ahead of the janâza. Women do not attend funerals. The janâza is carried silently. It is bid'at, sinful to say tekbîrs, tehlîls, ilâhîs loudly. You should not forsake a funeral that has such bid'ats, but you should prevent them if possible. However, it is necessary to give up a feast that has such bid'ats. Though it is permissible to walk in front of the janâza or beside it, it is better to walk behind it.

It is permissible to have one's grave dug while one is alive. If

the grave is on your property (land), it will belong to you. If it is not in your property or if you have not bought your grave in the cemetery, someone else may be buried there as well.

It is necessary and sunna and very useful to bury the corpse in a large cemetery. It must be buried near (the graves of) sâlihs (pious Muslims) and Awliyâ 'rahmatullâhi ta'âlâ 'alaihim ajma'in.' The grave must be far away from the graves of sinners and fâjirs and, especially, from the graves of disbelievers and renegades. It is not good to bury the corpse at a dank place. It must be buried at a dry place if possible. Burying it at a dank place causes it to rot fast. In Islam the corpse should rot late. If the earth is dank or loose it is good to bury the corpse in a coffin.

To carry flowers and garlands with the janâza, to put them on the grave, to wear badges, signs and pictures of mourning are disbelievers' customs. It is harâm for Muslims to do such things, and they are harmful to the dead person, too. It is declared in a hadîth-i sherîf, which is transmitted by Ibn Mâja and written in **Kunûz-ud deqâiq**: **"Do not take the janâza (to the cemetery) with noise, fire, lights or other things."** It is good to lay a piece of silk or other kind of cloth on a grave that is in a room-like tomb, or to sprinkle rose leaves on the cloth, and thus to give it an odorous scent. That this is permissible is written in the Persian book **Tahqîq-ul haqq-il mubîn**, by Ahmad Sâ'id-i Serhendî 'rahmatullâhi ta'âlâ 'aleyh.'

It is fard-i kifâya to dig a grave and to bury the corpse in the grave. [If the number of Muslims required to bury the corpse is not sufficient, it will then become fard for anyone who has been informed of the death to be present at the burial ceremony. If nobody can be found to do the service free and paid grave-diggers are hired, then every Muslim who didn't serve despite having information will be sinful. They will become fâsiqs. To bury the corpse, like performing the salât of janâza, is an 'ibâdat. It is fard to do such an 'ibâdat free of charge. Any payment received will become harâm. It is permissible for poor people to do such a fard in return for money if nobody can be found to do such a service free and in order to avoid the risk of not providing the service to Muslim corpses. Payment received by these people will become halâl, but those who shun from the service will not escape the fisq; they will become sinful. Since burying the deceased person's body into soil is fard, anyone

who shuns this responsibility by underestimating the fard and argues that it would be fundamentalism to bury a corpse or that it would be better to cremate it like the disbelievers called Buddhists, Hindus and Communists, or by scientific reasoning, will lose his î mân (belief) and become a murtad.]

It is not permissible to put it on the ground, in a building, or in marble without digging the earth. If it is not possible to take a person to land who has died on a ship, it is not fard to bury him. Two people cannot be buried in one grave unless it is inevitable. Before a corpse has rotted and its bones have become earth, someone else's corpse cannot be buried in its grave. If it is impossible to dig another grave, the bones (of the former) are put together (on one side of the grave) and earthed up; then the latter can be buried in the other side of the grave. When the corpse rots and changes into earth, another corpse can be buried in the grave. If the plot of land does not belong to Waqf and if it is someone's property, the owner can use this land as a field or build a house on it. The fatwâ states so, too. It is written in the section about manual afflictions in **Hadîqa**, "After the corpse has rotted and become earth, it is permissible to bury someone else in its grave or to cultivate the place of the grave or to build a house on it." If graves remain under the waters of a flood or river, it is not permissible to unearth the corpses (or bones) to bury them somewhere else." If an abandoned cemetery of disbelievers no longer bears any sign of disbelievers, Believers may be buried or a mosque may be built there. As a matter of fact, the building plot of Masjîd-i Nabî in Medina used to be the disbelievers' cemetery. The graves were dug, the bones were taken out and buried somewhere else.

It is written in **Jâmi'ul-fatâwâ**, "The depth of the grave must be equal to the length between a man's chest and feet. It is better if it is as deep as a man's height." The grave must be deep so that water will not leak into it, scent will not ooze out of it, and beasts will not be able to dig it up. It must be equal to the corpse's stature in length, and its width must be half its length. The grave's length must be perpendicular to the direction of qibla. It is sunna to make a lahd. A lahd is a niche dug on the qibla side of the grave and all along the grave. It must be large enough to receive the corpse in width and depth, after the grave has been dug. The corpse is put on its right side in the lahd.

You do not make a shaq (furrow), that is, you do not dig a trench along the middle of the grave already dug and put the corpse in it. If the earth is weak and damp, you put the corpse with the coffin in the niche or directly in the grave. If the soil is dry and strong, it is makrûh to bury a man together with the coffin. It is makrûh to spread such things as felts or mats under the corpse. If you bury it with its coffin, you must put some soil in the coffin. It is always very good to bury women's corpses in their coffins.

If a person dies on a ship and if his corpse may putrefy before the ship reaches land, he is washed and shrouded and his salât is performed; then, if disbelievers' land is close by, the corpse is put into the sea with some heavy object tied to the shroud. If you are closer to the Muslims' coast, you do not tie a heavy object to the shroud.

It is not permissible to bury the corpse of a person in the room where he died. It must not be buried near a school or tekke, either; it must be taken to a Muslim cemetery.

It is written in **Shir'at-ul Islâm**: "When the janâza is put on the ground near the grave, those who do not help with the work should sit or squat down. They should not stand like Jews and Christians. It is mustahab to recite seven sûras as the corpse is buried. These seven sûras are Innâ andhalnâ, Kâfirûn, Idhâ jâeh, Ikhlâs, the two sûras beginning with Qul a'ûdhu, and Fâtiha. Also, it is mustahab to give alms and present the thawâb to the dead person's soul every day for one week after the burial."

An odd or even number of people approach the grave, turn towards the qibla, take the corpse, which has been placed on the qibla side of the grave and lengthwise parallel to the grave, and put it in the grave or in the lahd with its face towards the qibla. When doing this they say the prayer, "Bismillah wa billah wa 'alâ millat-i Rasûlillah, sallallâhu 'alaihi wasallam." They do not say the adhân. The corpse's face is turned towards the inside of the lahd, and earth and sun-dried bricks are put behind it. Then the grave is filled with earth. It is not permissible to reopen the grave to turn the corpse towards the qibla if it has been placed the other way round. For, it is harâm to reopen a grave. It can be reopened to take something left in the grave. The ends of the shroud are undone in the grave.

It is written in **Mîzân-ul kubrâ**, "It is unanimously stated by

the four Madhhabs that the grave side of the lahd is covered with sun-dried bricks or a mat. It is makrûh to cover it with baked bricks or with wood. [Nails, baked things such as bricks are ornamental items. It is makrûh to use them for a corpse]. It is permissible to cover the outer part of the grave with bricks, wood, or marble stones. The blessed lahd of Rasûlullah (sallallâhu 'alaihi wasallam) was covered with nine sundried bricks. If a woman's corpse is interred without a coffin, a large piece of cloth must be used as a curtain."

The grave is covered with earth. The top of the grave must not be more than a span above ground level. It is mustahab to cast three handfuls of earth on top of the grave from the head side.

After the burial, it is mustahab to sit around the grave for a few minutes, or to read (or recite) the beginning and final parts of the Sûrat-al Baqara, and to pray and do istighfâr for the dead person. [Christians stand by the grave and pronounce benedictions. Muslims should not say their prayers standing like priests. They should squat and then say their prayers. It will be of great use if some pious Muslims perform khatm and khatm-i tehlîl gratis by dividing the business among themselves and send the thawâb to the dead person's soul; they may do this by coming together in the home of one of them as well as by every one doing it in his own home. [It is disbelievers' custom to make speeches by the grave. It is not permissible to make speeches like disbelievers or to praise the dead person with such attributes as he did not actually possess. And it is useless and unnecessary to praise him (or her) with attributes that he (or she) had. It is permissible to weep for the dying person. It is written in **Sharh-us-sudûr** and **Berekât** that "Heavens weep for the death of a Believer." It is not permissible to cry loudly for a dead person, to mourn, to wear black clothes, to hang black curtains, rosettes, ornaments, to bear mourning badges or the dead person's photographs. It is written in **Khazânat-ur riwâyât**, "It is not permissible to cover the janâza or the place of the janâza with black clothes or to wear black clothes."]

It is sunna to pour water on the grave. It is not sunna in Hanafî Madhhab to make the top of the grave straight. It is sunna to make it protuberant and round like the ridge of a fish. It is not permissible to whitewash the inside of the grave with lime or to paint it. It is written towards the end of **Halabî-i kebîr**

that it is permissible in Hanafî Madhhab to make mausoleums or buildings over the graves of savants and great men of the religion in order to protect them. This is written also in **Mîzân** and at the end of **Uqûd-ud-durriyya**. But it is harâm to make them for adornment. It is permissible to protect the grave by making a stone and cement wall or iron railing around it.

It is permissible to place tombstones over graves. It is not permissible to inscribe âyats, blessed names, poems, eulogies, the word Fâtiha or to put the dead person's picture on the stone. Such things are bad bid'ats, though they have been done for years. Bad customs are not necessarily permissible. They (savants) said that it is permissible to write the person's name and the hijri date of his death on the tombstone.

When an expectant mother dies, if the child is alive, her womb is cleaved on the left side and the child is taken out. If an expectant mother's child dies inside the womb and if it will cause the mother's death, an obstetrician inserts her hand through the vagina, cuts the child to pieces with her implements, and takes it out. If (it is feared that) the child will cause the mother's death though it is alive, it is not permissible to cut [kill] the child. For, it is not known for certain that it will cause the mother's death; it is an anticipated probability. It is not permissible to kill a human being to prevent an anticipated danger. If a person swallows someone else's property and then dies, and if he has no other property to pay for it, his abdomen is cleft and the property is taken out.

There is more thawâb for men in attending their neighbor's, relative's or friend's funeral than in performing supererogatory worship.

It is mustahab to bury the janâza in the city where he or she died. It is permissible to take the corpse to a two or four kilometre distance. The janâzas of Ya'qûb and Yûsuf 'alaihim as-salâm' (the Prophets Jacob and Joseph) were transported from Egypt to Damascus, but transportation (of corpses) was permissible in their Sharî'as (canon laws). It is written in the fifth volume of **Radd-ul muhtâr** that transportation is not permissible after the burial. It is bâtil (invalid) to will (in your last request) to be transported to somewhere else.

When you meet a young or old male member or an old female member of a bereaved family it is sunna to afford consolation to him. The condolatory statement is a certain

Arabic expression: **“A’zamallâhu ajrak wa ahsana azâ-ak wa ghafara li-mayyitik,”** which means, “May Allâhu ta’âlâ add to your thawâbs, promote your grade, and give you beautiful patience, and may He forgive the sins of the mayyit (dead person).” There is no thawâb for disasters and grievances; there is thawâb for being patient about them. But they will cause the forgiveness of your sins even if you are not patient about your grievances. Illness is a grievance, too. It is permissible for the bereaved person to stay at some place for less than three days for consolation; but it is not permissible to stay in a mosque, and women are not permitted to stay anywhere (for consolation). Prayers are said after the burial, and (sections from) the Qur’ân al-kerîm are read or recited silently. It is makrûh to read them loudly. Then the jamâ’at and the bereaved must leave for their work. It is makrûh to offer consolation after the third day (of the death). However, it is not makrûh for those who are far away and those who have heard of the death later. Also, it is makrûh to offer consolation twice, to do it by the grave, in the dead person’s home or at his door. Consolation can be done by letter as well.

It is mustahab for the neighbors and the nearby relatives to send a day - and - night’s food to the bereaved family. When Ja’fer-i Tayyâr (radiyallâhu ’anh) was martyred with more than seventy wounds with swords and arrows, Rasûlullah (sallallâhu ’alaihi wasallam) commanded food to be sent to his home. It is makrûh and an ugly bid’a to dole out food, such as sweetmeat, from the bereaved home. It is makrûh to make such things as sweetmeat and shortbread on the first, third, seventh, [fortieth or fifty-third] day, to mete out food by the grave, or to invite hâfizes, khodjas, reciters of mawlid and have them read (or recite) (religious poems, etc.), and give feasts. Such things are being done mostly for ostentation and fame. Whilst these bid’ats are being done many harâms are being committed as well. Also, it is bâtil (invalid) to will (in your last request) that these things be done. (Such wills) are not to be obeyed, for it is sinful. You must not wait until the fortieth day; you must make such presents as prayers, khatms and alms and have the congregational prayers such as the mawlîd performed, provided men and women will not gather together at the same place, on the very first day of the death. The thawâb (for pious acts) must be sent as presents to the dead person’s soul.

It is sinful to hold meetings incompatible with the Sharī'a for the dead in mosques and to have a mawlid recited in those meetings. As it is sinful for women and men to sit together for other occasions, it is worse for them to come together for a mawlid. To commit sins in acts of worships is worse than committing them otherwise. It is for these reasons that it is forbidden to perform salât at three harâm times. There is no thawâb for the salât performed at a forbidden time or place, and it is sinful. For, it has been performed despite the prohibition. It has been forbidden for women and men to sit together. This prohibition will be more sinful if it is committed in an act of worship in mosques.

It is sunna to do telqîn^[1] [standing against the qibla and the grave] after the burial. It has been said (by savants) that it might as well not be done. It is said in the book **Majmâ-ul anhur**, "It was said that it would be possible to do telqîn even after death. For the soul and wisdom are given back, and the deceased one understands the telqîn. The same applies in the Madhhab of Shafi'î. Although some savants argued that telqîn has neither been commanded nor forbidden, (therefore it is not permissible), it would be better to do it." It is written in the book **Jawhara** that it would be permissible to do telqîn to the deceased in the grave. In the book **Nûr-ul yaqîn fî mabhas-it telqîn**, it is proved with various evidence that it is sunna to do the telqîn. It is written in **Jilâ-ul qulûb** and **Ghâliyya** that: "Rasûlullah ('alaihissalâtu wassalâm) commanded telqîn to be done after the burial. And he himself performed the telqîn." It is written in detail in the explanation of the book **Birgivi Vasiyetnamesi** by Kadizâde how the telqîn is to be done. There is no need to do telqîn to people who will not be interrogated in the grave. It is written in **Sirâj**, "The savants of Ahl-as sunna unanimously declare that all people will be questioned in the grave. A dead child will be inspired by Allâhu ta'âlâ how to answer." Ibn Abdul Berr and Imâm-i Suyûtî say that, "Only the Ahl-i qibla will be questioned, whether they be true Believers or hypocrites." Accordingly, the report stating that Hadrat 'Umar was questioned and giving a quotation of his answers is correct. Muhammad bin Alqamî, a disciple of Suyûtî,

^[1] Prompting the articles of îmân to the deceased person, so that he may answer the interrogating angels.

passed away in 929 hijri. He says in his explanation of his master's book of ahâdîth, **Jâmi'us saghîr**: "Disbelievers are not questioned in the grave. Of Believers, nine kinds of people are not questioned in their grave: a martyr, a person who dies while keeping guard against the enemy, a person who dies of an epidemic disease such as plague or cholera, a person who does not flee when such a disease spreads, who waits patiently and then dies for some other reason, siddîqs, children who have not reached the age of puberty, those who die on Friday or on Friday night (the night between Thursday and Friday), those who read the Sûrat-at **Tebârika** [and the Sûrat-as Sajda] every night, those who read the Sûrat-al **Ikhâlâs** on their deathbed are not questioned in their grave. Prophets ('alaihimussalâm) are included among the siddîqs." A deceased person who has remained in his coffin for a few days is not questioned. The questioning is done in the grave. Kâdî-zâde Ahmed Efendi says in the book **Âmantu sharhi**, which is named **Farâid-ul-fawâid**, "The questions are on some of the articles of îmân or on various articles of îmân and deeds; or different people are asked different questions." The book **Îmân ve Ibâdet**, by Muderris Muhammed Demir Hâfiz, was published in 1344 [1926], and was authorized by the committee of scrutiny of the Ministry of Religious Affairs. It is written in that book, "The following must be memorized for answering the angels of Munker and Nakîr in the grave: My Rab (Creator, Owner) is Allâhu ta'âlâ, my Prophet is Muhammad 'alaihissalâm', my Dîn (religion) is Islâm, my (holy) Book is the Qur'ân-i 'aziymushshân, my Qibla is the Ka'ba-i sherîf, my Madhhab in belief is Ahl-i sunna wal jamâ'a, my Madhhab in deeds is Imâm-i a'zam Abû Hanîfa." Ahmed Asım Efendi says in the explanation of **Amâlî**, "Even if a corpse was broken into pieces and then eaten by wolves, or burned in a fire, or decayed in the sea, he will certainly be questioned and will suffer the torment or enjoy the blessings of the grave. Disbelievers and sinners who die without repentance will suffer torment in the grave. It is said in hadîth-i sherifs that, "**The grave will be either a garden out of heaven's gardens or a pit out of hell's pits.**" and "**We trust ourselves to Allah from suffering torment in the grave.**" and "**Don't splash urine on yourself. Most people will suffer torment in the grave because of this.**" and "**The deceased person feels annoyance with the wailings of his**

spouse and children.” Rasûlullah (sallallâhu 'alaihi wasallam) was standing beside two graves, when he said, **“These two people are suffering torment in their graves, one of them because of not being careful about splashing urine, and the other one due to the gossip he spread among Muslims.”** No matter at what age they die, both the men and the women in Paradise will be thirty-three years old.

17 – VISITING GRAVES and READING QUR'ÂN AL-KERÎM

Imâm-i Birgivî (rahmatullâhi 'aleyh) says in his book **Atfâl-ul muslimîn** that it is sunna to visit Muslims' graves. It is written in **Ihyâ-ul 'ulûm**, “It is mustahab to visit graves for remembering death and for taking warning from the dead and getting baraka from the graves of pious Muslims and Walîs.” To take a warning you imagine how the corpse rots, how its cheeks and lips fall down, how filthy water flows from its mouth, how its abdomen swells and bursts, how worms and insects swarm into it. Hâtim-i Esâm says, “If a person going by a cemetery does not think of them (the deceased) and pray for them, he has been treacherous to himself and to them.” Men have been commanded to visit graves. Rasûlullah (sallallâhu 'alaihi wasallam) accursed women who visited graves. Some (savants) say that he gave them permission later. And some (savants) say that it is makrûh. It has been unanimously declared (by savants) that it is not permissible for women to carry the janâza. Fâtima (radiyallâhu 'anhâ) visited Hadrat Hamza's grave, and trimmed and mended it every year. A hadîth-i sherîf declares, **“If a person visits the graves of his parents or the grave of one of his parents every Friday, his sins will be pardoned, and he will have paid their rights.”** Muhammad bin Wâsi' visited graves every Friday. When it was suggested to him to visit them on Mondays, he said, “The deceased recognize those who visit them on Fridays, Thursdays and Saturdays.” Dahhâk says, “The deceased recognizes the person who visits his grave before sunrise on Saturday. This shows the virtue of Friday.” Rasûlullah (sallallâhu 'alaihi wasallam) visited the graves of his Muslim relatives and of his Sahâba. A hadîth-i sherîf declares, **“If a person says the following prayer as he visits the grave of a Believer, that**

deceased person will be relieved from torment till the Rising Day: Allâhumma innî es'aluka bi-hurmati Muhammad 'alaihis-salâm' an lâ-tu'azziba hâzal-mayyit." It is written in **Shir'a**, "For visiting a grave as prescribed by the sunna, you make an ablution, perform two rak'ats of namâz and send its thawâb to the soul of the deceased person. When you arrive at the cemetery you say, 'Wa 'alaikum salâm.' While saying the prayer transliterated above you sit against the deceased person's face. You recite the Sûrat-al Yasîn-i sherîf or other sûras that you know. You say tasbîhs and pray for the deceased person." Abul Qasim says, "When you read (or recite) sûras from the Qur'ân near the grave, the deceased person hears your voice and relaxes." A hadîth-i sherîf declares, **"If a person makes salâm as he goes by the grave of someone he knows, the mayyit (deceased person) recognizes him and acknowledges his salâm."** For this reason, when going by a grave, Abdullah ibn 'Umar (radiyallâhu 'anh) would stop and give salâm. Nâfi' says, "Abdullah ibn 'Umar used to come to the grave of Rasûlullah (sallallâhu 'alaihi wasallam) and say: Assalâmu alannabiyy, assalâmu Abî Bakr, assalâmu alâ Abî. I saw him say so more than a hundred times." Al imâm-al-Ghazâlî (rahmatullâhi 'aleyh) says in his book **Ihyâ**, "When visiting a grave, it is mustahâb to make salâm, to leave the qibla behind you and sit against the mayyit's face. You do not touch the grave with your hands or face or kiss the grave." The best way is to stand by his feet with your back towards the qibla (**Ibni Âbidîn**). A hadîth-i sherîf declares, **"If a person going by a cemetery says the sûrat-al Ikhlâs eleven times and presents the thawâb to the deceased, he will be given as many thawâbs as the number of the deceased."** Ahmad bin Hanbal 'rahmatullâhi ta'âlâ 'aleyh' says, "When you go to a cemetery say the sûra of Fâtihâ, the two sûras beginning with Qul'a'ûdhu, and the sûra of ikhlâs! Send the thawâb to the deceased. The thawâb will reach all of them."

There are three groups of worships. Worships in the first group of worships involve property only. Such are zakât and alms. The second of worships group involve both property and body. Such are hajj and jihâd. Worships in the third group involve body alone. In this group are reading Qur'ân al-kerîm, performing namâz, saying tesbîh, tehlîl and tahmîd, and saying prayers. It has been declared unanimously by the savants of

Ahl-as sunna that it is permissible to present the thawâb for the first group to the deceased and that the thawâb will reach them and will be useful for them. So is the case with praying, which is in the third group. That the case is so with the second group has been argued by most savants. There has been disagreement among the four Madhhab about those of the third group with the exception of saying prayers. In the Madhhab of Hanafî and Hanbalî the third group are like the first group. Hasan (radiyallâhu 'anh) says, "If you say the prayer, **'Allâhumma Rabb-al-ajsâd-ilbâ liyeh wel'izâmin-nahirat-illatî harajat min-ad-dunyâ wa hiya bika mu'minatun. Ad-hil-aleyhâ rawhan min 'indika wa salâman minnî,**' when you enter a cemetery, you will be given as many thawâbs as the number of the deceased there." Here we end our translation from the booklet **Atfâl-ul muslimîn**. Imâm-i Shâfi'î and Malikî (rahmatullâhi ta'âlâ 'alaihima) said that the thawâb for the worships done with the body is not given to the deceased ones. But later Shafi'î savants said that if it is made by the deceased person's grave and gifted, or if you make it (read Qur'ân al-kerîm, say a prayer, etc.) at a distance and then "O my Rab, please make equal amount of thawâb reach (the deceased)," it will reach the deceased.

A hadîth-i sherîf, which is written in the explanation of **Shir'at-ul islâm**, states, **"The most valuable worship to be done by my Umma is to read Qur'ân al-kerîm by looking at the Book."** And it is written in **Kitâb-ut tibyân**, "The best recitation of the Qur'ân al-kerîm is the one done in salât." [A hadîth, which exists in the ninety-third letter of the third volume of **Maktûbât** by Hadrat Muhammad Ma'thûm (rahmatullâhi 'aleyh), declares, **"Recitation of the Qur'ân done in salât is more useful than that which is done outside of salât."** This hadîth-i sherîf is written in **Hazînat-ul esrâr** together with its documentaries]. Hadrat Alî (radiyallâhu 'anh) stated, "A hundred thawâbs are given for each letter of the recitation of the Qur'ân done when standing in the salât. When it is recited (or read) with an ablution outside the salât twenty-five thawâbs are given for each letter. When it is recited without an ablution ten thawâbs are given. And fewer thawâbs are given if it is recited when walking or doing some work." Reading one âyat and thinking of its meaning produces much more thawâb than reading the whole Qur'ân and thinking about something else. It

is a very ugly bid'at to read the Qur'ân melodiously, which has become customary among the hâfizes recently; it is very sinful. You must read the Qur'ân with a mellifluous and sorrowful voice and with fear of Allah. It is written in the **Fatwâ of Bezzâziyya**, "A person who reads the Qur'ân al-kerîm melodiously like singing will not be given any thawâb." It is wâjib to say the A'ûdhu when beginning to read (or recite) a sûra or an âyat. And when beginning to read the Fâtiha it is wâjib also to say the Basmala. It is sunna to say the Basmala when beginning other âyats. A hadîth-i sherîf declares, **"When you read the Qur'ân al-kerîm observing the rules of tajwîd, you will be given twenty thawâbs for each letter. You will be given ten thâwabs if you do not follow the rules of tajwîd."** It is one of the gravest sins to forget an âyat after having memorized it. A hadîth declares, **"Nûrs (haloes) rise up to the Arsh from a house where Qur'ân al-kerîm is read."** Abû Hureyra (radiyallâhu 'anh) said, "Baraka and goodness come to a house where Qur'ân al-kerîm is read; angels come together there; devils flee from there." It produces plenty of thawâb to listen to Qur'ân al-kerîm read. A hadîth-i sherîf declares, **"An âyat one listens to will be a nûr (light) for one on the Day of Rising."** Reading the Qur'ân must not be made a means of living. A hadîth-i sherîf declares, **"When reading the Qur'ân, wish for Allah's love and for Paradise! Do not wish for what is worldly! Such a time will come when hâfizes will make the Qur'ân a means for approaching people."**

It is written in the book **Shir'a**, "It is mustahab to do a khatm of the Qur'ân al-kerîm, that is, to read the whole of it, in forty days. It is not permissible to do a khatm in less than three days. The prayer done at the end of a khatm is acceptable. You must try to attend (places where) prayers of khatm are done. When the khatm is over, you must read the Fâtiha with the intention to begin a khatm again. A hadîth-i sherîf declares, **"The best of mankind is one who begins a new khatm when one khatm is over."** The book **Kadîhan**, in its chapter dealing with qirâ'at while performing salât, says that there are some savants who said that it would be makrûh to do the prayers of khatm in jamâ'at. But the later scholars said that it would be better. They should not be prevented."

A hadîth-i sherîf, which exists in the book **Tenbîh-ul ghâfilîn**, declares, **"Even if the (dead) parents of the person**

reading Qur'ân al-kerîm are disbelievers, their torment is lessened." A tradition (conveyed by savants) declares, "The number of the grades in Paradise is the same as the number of the âyats (verses) in Qur'ân al-kerîm. A person who does a khatm of Qur'ân al-kerîm will attain to all those grades." A hadîth-i sherîf, which exists in **Kunûz-ud deqâiq** and which is transmitted by Tabarânî and Ibn Hibbân, declares, **"The prayer of a person who does a khatm of Qur'ân al-kerîm is acceptable."** It is written in **Kitâb-ut tibyân**, "Rahma (Allah's mercy and compassion) rains on a place where the khatm of Qur'ân al-kerîm is performed. It is mustahab to say prayers after a khatm. It is mustahab to assemble when doing khatm of Qur'ân al-kerîm. Hadrat Abdullah ibn Abbâs would have one of his men keep company with the person doing a khatm. And he himself would join them when the khatm was finished. Hadrat Enes bin Mâlik would gather his household together and pray whenever he did a khatm. It is mustahab to begin another khatm when one khatm is over. A hadîth-i sherîf declares, **"The best of worships is to begin a new khatm when one khatm is over."** Hadîths, which exist in **Hazînat-ul esrâr**, declare, **"Sixty thousand angels pray for a person who does a khatm of Qur'ân al-kerîm,"** and, **"A person who attends a place where they are doing the prayer of khatm is like a person who is present while the ghanîma is being divided and distributed. A person who is present at the place where they begin a khatm is like one who makes jihâd. A person who attends both attains the thawâbs for both and thus thwarts the Shaytân."** Sa'd ibn Ebî Waqqâs said, "If a person reads (a passage from Qur'ân al-kerîm) for a khatm during the day, angels pray for him till evening. If he does so at night, they pray for him till morning."

A hadîth-i sherîf, which exists in **Kunûz-ud deqâiq** and which is transmitted by Daylamî, declares, **"A person who reads Qur'ân al-kerîm following the rules of tajwîd is given the thawâb of a martyr."**

As it is seen, there is an additional thawâb for reading each of its âyats. The thawâb given to a person who does a khatm of the entire Qur'ân is much greater. Since such worships as performing namâz, fasting, reading Qur'ân al-kerîm and doing dhikr are done only with the body, everyone has to do them himself. It is not permissible to appoint a deputy and have him

do them (on your behalf). For this reason, it is written in **Behjet-ul fatâwâ**, “If a person begins with the Fâtiha and reads Qur’ân al-kerîm up to the Sûrat-al Fil or the Sûrat-al Ikhlâs and then advises someone to read the remaining few sûras on his behalf, and if the latter reads them, the former person, who has read Qur’ân al-kerîm from the beginning, has not done a **Khatm**. People who have listened to either one of them have not listened to a khatm. And none of them attains the thawâb of a khatm.” If those who have read (the parts allotted to them) present the thawâb separately to the souls of the deceased, or if one of them presents the thawâbs for all of them, that is, if he does the prayer of khatm and if those who have read say **Âmîn**, the thawâbs of all the âyats read will be given to the deceased, too. But they will not attain the thawâb promised for a khatm. One khatm must be read by one person only, and the thawâb must be presented by him. It will be permissible and very useful if various people do a khatm of Qur’ân al-kerîm for a deceased person each of them reading one section (juz) silently and sending the thawâb for the section he has read to the deceased person’s soul or one of them presenting the thawâb for all of them to the deceased person, that is, (one of them) doing the prayer of khatm and the others who have read their sections saying, “**Âmîn**.” But this will not produce the thawâb for khatm. One person must read the khatm or one person must send the thawâb for the khatm he has done before. So is the case with reading an âyat of sajda. It is written in **Durr-ul muhktâr**, “If each of several people reads one word of an âyat of sajda, it will not be necessary for those who hear them to perform the sajda of tilâwat. For, when one person reads an âyat of sajda it becomes wâjib for those who hear him to perform the sajda of tilâwat.” Words read by various people cannot be brought together as if one person had read the whole âyat. For, no one can deputize someone else to read Qur’ân al-kerîm.

It is written in **Khulâsat-ul fatâwâ**, “The Iraqi savants found it unsuitable to read the sûrat-ul Ikhlâs thrice at the end of the khatm of Qur’ân al-kerîm.”

Ibn Âbidîn says, “The deceased recognize those who visit their graves on Fridays. Rasûlullah (sallallâhu ’alaihi wasallam) used to visit the martyrs on the mount of Uhud and say the prayer, ‘**Es-salâmu ’alaikum bi-mâ sabartum fa-ni’ma ’uqba-d-dâr.**’ The hadjis (Muslim pilgrims) should visit that place early

Thursday morning and then perform the early afternoon prayer in **Masjîd-i Nabî**. Hence, it is inferred that it is mandûb to visit graves in far-away places. It is for this reason that the Awliyâ, such as Khalîl-ur rahmân, Sayyid Ahmad Badawî, are being visited. Imâm-i Ghâzâlî quotes a hadîth-i-sherîf that states, **‘Except for three masjids, you do not go to masjids to visit them.’** For, in virtue other masjids are similar to one another. But in closeness to Allâhu ta’âlâ the Awliyâ are unlike one another. Those who visit them get different benefits from each of them. It is written in the fatwâs of Ibn Hajer that you should not cease from doing the **qurbats** even if there are sinners (at such meetings) and that if you see people committing bid’a you should stop them. So is the case with attending funerals.” Hâfiz Ahmad ibn Teymiyya says that only things permitted by the Sharî’a, such as salawât and the prayer of adhân, can be said for the soul of our Prophet (sallallâhu ’alaihi wasallam), and that Qur’ân al-kerîm cannot be read; but it is written in the book **Fatâwâ-i fiqhiyya** that permission is not necessary for presenting thawâb. In fact, after the death of our Prophet (sallallâhu ’alaihi wasallam) Abdullah ibn ’Umar ’radîy-Allâhu anhumâ’ performed ’umra for him, though he had not requested it in his last will. Likewise, Ibnul-Muwaffiq performed hajj seventy times for Junayd-i Baghdâdî. Ibni Serrâj performed a khatm more than ten thousand times and performed Qurbân for our Prophet (sallallâhu ’alaihi wasallam). It is written in **Fatâwâ-i hadîsiyya** that presents sent by his Umma (Muslims) will cause Rasûlullah (sallallâhu ’alaihi wasallam) to become upgraded. In fact, he (the Prophet) used to pray, “O my Allah, increase my knowledge!”

When visiting a grave, it is makrûh to sit or sleep on graves. If you guess that the path going through a cemetery has been made on graves afterwards, you do not walk on that path. When you are going to read the Qur’ân to a grave, it is not makrûh to tread or sit on the old graves around it. But you should still not sit on new graves.

Also, it is makrûh to pluck the green weeds or to break the green twigs in a cemetery. It is permissible to pluck the dry grass. It is useful to the deceased and very good to plant flowers and trees on graves. But a better deed to be performed with this money is to give it as alms to a poor person who performs namâz.

It is stated in the book **Fatâwâ-i Hindiyya**, in the eleventh chapter of the part explaining Kerâhiyyat that “if the tree in a cemetery had been grown before the cemetery was built, it will remain the landowner’s property, and he can give the tree and its fruit to anyone he chooses. If a previous private landowner doesn’t exist, and this land was allocated as a public cemetery, the trees, fruits, and land are used according to the established customs. If the trees grew up after the cemetery was built, they become the property of the one who sowed them, and he gives the tree and the fruits to the poor as alms. If the trees grew up by themselves (i.e. the one who sowed them is not known) they are distributed by a judge’s decision. The judge can order them to be sold and the money received can be spent for the needs of the cemetery, if he decides so. Be it in a city or in a village, it is permissible to pick up and eat fruits that are unlikely to spoil (such as walnuts) and which have dropped from the trees onto the street only if it is known that the owner has given (a general) permission. If the fruits are likely to spoil, and if the owner’s prohibition is not known, it is permissible to pick them up and eat them. However, it is not permissible to pick them up and take them home. It is permissible to pick up the fruits or pieces of wood that have been carried by the river. Walnuts picked up from various parts of the street will be halâl even if they reach a marketable amount. If one finds all the walnuts at a certain place, they are considered **luqâta** (unowned property). Trees and fruits on the grounds of a pious foundation’s cemetery should be used in accordance with the provisions prescribed by the foundation’s deed. If the provisions are not known, the distribution is made according to a judge’s decision. There is more information in the books **Hindiyya** and **Qadîhân**, at the final parts of the chapters dealing with **luqâta** and **wakf**.

It is mustahab to bury the deceased person during the day, and it is permissible as well to bury him at night.

It is harâm to break his bones, to leave them in the open or to burn them. It hurts a dead as it would hurt him if he were alive. It is not permissible to break or burn the bones of zimmîs, of non Muslim countrymen. Since it is harâm to hurt them when they are alive, it is not permissible to hurt them when they are dead. It is permissible to open the graves of the ahl-i harb. Yet it is still not permissible to burn their corpses. Disbelievers called Hindus in India hurl the corpses of their dead into the river

named Ganges. The corpses are broken into pieces and eaten by crocodiles. Since this practice causes noxious scents, which in turn spread pestilences such as cholera, (they have developed a new method:) they are cremating the corpses in their temples^[1] and throwing the ashes into the river. Abdul Aziz Dehlewî (rahmatullâhi ta'âlâ 'aleyh) says in the interpretation of the Sûra Abasa that Allâhu ta'âlâ commanded us to bury corpses in soil. Indian disbelievers burn their dead. If the corpse is burned, the body disappears. The link between the body and the soul ceases to exist. If the corpse is buried, the soul remains connected with the body and the grave into which the body is put. The souls of the people who visit a grave get acquainted with the soul of the deceased person, and they benefit from each other. The thawâbs for the âyats and prayers that are recited and the alms that are given reach the soul easily. In this way it will be easy for the people who are alive to benefit from the souls of Awliyâ and sâlih (pious) Muslims." This topic is expatiated on in the next chapter.

It is permissible to weep for the deceased person. However, crying loudly will torment the deceased person.

There are savants who say that it is permissible to inscribe religious statements, principles of îmân, prayers, sûras or to put a piece of paper or something else with such inscriptions on it on the deceased person's head or shroud; but it is not permissible on account of the possibility that they may be smeared with the deceased person's blood or pus. There is no report stating that such inscriptions were written during the time of our Prophet (sallallâhu 'alaihi wasallam). As it is not permissible to inscribe the Qur'ân or the names of Allâhu ta'âlâ on bills or coins, on the mihrâb or walls of a mosque, or on carpets on the floor, so it is certainly not permissible to put them in a grave. For, it would be worse sacrilege to put them there. Instead of writing with a pen, it is permissible to imitate the act of writing the Kalima-i tawhîd and the Basmala with your finger on the deceased person's forehead and chest after the washing.

^[1] In special buildings called crematoriums, or crematories.

18 – BENEFITS of VISITING GRAVES

Lâ-madhabî people^[1] say that the deceased can give neither benefit nor harm. It is written on the two hundred and ninety-ninth page of their book **Fath-ul-majîd**, “Allah creates karâmat in the hands of His believing slaves who have taqwâ. Karâmat happens because of their prayers and pious acts.” It is written on its five hundred and third page, “Prayers can be asked for from the Prophet or from any pious Believer when he is alive. But prayers cannot be asked for from the dead. The dead are to be prayed for.” It is written on its two hundred and eighth page, “It is shirk (polytheism) to ask for something, e.g. help, from a dead person. A dead person does not give benefits or harm. Nor can he ask for intercession from Allah. He who asks for a dead person’s intercession becomes a polytheist.” It is written on its four hundred and eighty-fifth page, “You visit graves, and pray for the dead. Today polytheists have garbled this; they are worshipping graves, asking and expecting help from them. When the Messenger of Allah visited the cemetery of Medina he stood against the graves and said, ‘**Assalâmu alaikum yâ ahlal-qubûr! May Allah forgive us and you! You have gone before us. We have been left here to wait for our turn.**’ And he commanded his Umma to make their visits likewise.” The book goes on as follows: “The Salaf-i sâlih (early savants) would visit the Messenger of Allah. After making their salâm, they would turn their back to the grave, and pray toward the qibla. The same method is taught by the imâms of the four Madhhabs.” It is written on its two hundred and seventy-second page, “They ask for help from the dead Awliyâ as well as from the living ones. They believe that they (the Awliyâ) can do good or harm in the name of karâmat. Eccentricities like these mean to worship beings other than Allah.” It is written on its two hundred and fifty-eighth page, “Wheresoever you say salawât for me, I shall be informed of it. A person who enters the masjid in order to perform the salât is forbidden to approach the Prophet’s grave to offer his salâm. None of the Sahâba stood in front of the Prophet’s grave to offer his salâm.” As it is seen, the statements in this book contradict one another and slander the imâms of the four Madhhabs.

^[1] People who do not belong to any of the (only) four rightful Madhhabs, i.e. the Madhhabs named Hanafî, Mâlikî, Shâfi’î, and Hanbalî.

These lies of lâ-madhabî people have been rejoined with documentaries and examples by the savants of Ahl-as sunna (rahmatullâhi ta'âlâ 'alaihim ajam'in). Even Âlûsî quotes the hadîth, **“Whoever says salawât by my grave, I shall hear him. And an angel shall inform me of those who say it in far-away places,”** in his book **Ghâliyya**. When anyone who has reason and understanding reads the following passage, which has been derived from the book **Jâmi'u-karâmât-il awliyâ**, he will easily distinguish between the benevolent and the mischievous:

Fakhr-ud-dîn-i Râdî says is his explanation of the Sûrat-ul Kahf: They brought the janâza of Abû Bakr Siddîq near Rasûlullah's grave, as it had been his last will. They gave their salâm and said, “Abû Bakr has come to your door, o Rasûlallah.” The door of the mausoleum opened and there came a voice from within: **“Put the beloved with the beloved!”** Bayhakî conveys from Abdullâh-i Ansârî: Thâbit bin Qays was martyred in the battle of Yamâma. As we interred him we heard a voice saying, “Muhammadun Rasûlullah wa Abû Bakr-i Siddîq wa 'Umar-i shehîd wa 'Uthmân-i rahîm.” Abû Nu'aym and Ibn Asâkir relate that “A miscreant relieved himself on the grave of Hadrat Hasan. Right after that he went mad, and then died.” As Bayhakî and Wâqidî relate, Fâtima-i Huzâ'iyya visited Hadrat Hamza's grave. When she gave her salâm she heard a voice saying, “Wa alaikum salâm.” When Shaikh Mahmûd-i Kurdî visited Hadrat Hamza's grave and gave his salâm he heard a voice from the grave, saying, “Wa alaikum salâm. Name your son Hamza!” When he was back home he had a son. So he named him Hamza. It is written in **Usud-ul ghâba**: When the ship on which Safîna, Rasûlullah's slave, sank, she got hold of a piece of board, and the waves brought her to the shore. When she was on land she saw a lion, and said to it, “O thou lion! I am Safîna, Rasûlullah's slave.” In sheepish submission the lion took her up to the road, and then wagged its tail to bid farewell. Ibn Menda conveys from Talha bin Ubaydullah: One night Talha visited the grave of Abdullah bin Amr bin Hirâm. He heard a voice reciting the Qur'ân in the grave. He went to Rasûlullah and told him what had happened. Rasûlullah said, **“He is Abdullah. Allâhu ta'âlâ puts the souls of martyrs in Paradise. Every night their soul and body come together. In the morning they return to Paradise.”**

Bayhakî conveys from Sa'îd bin Musayyib: We went to the cemetery of Medina with Hadrat Alî. He gave his salâm and said, "Will you let us know in what state you are? Or would you rather we told you our state?" We heard a voice saying, "Wa alaikas salâm, yâ Emîr-al Mu'minîn. You tell those who will follow us." As Ibn Ebiddunyâ communicates, when hadrat 'Umar went to the cemetery and gave his salâm, a voice said, "O 'Umar! We have been rewarded for what we did in the world." Ibni Asâkir relates that Hadrat 'Umar visited a youngster's grave, gave his salâm, and said, "There are two Paradises for those who fear Allah and forbear what is harâm." A voice from the grave replied, "O 'Umar! My Allah has bestowed upon me both the Paradises." Sahâwî communicates: Someone came to visit the grave of Hadrat Amr ibn Âs. He asked a person being there if he knew where the grave was. When the latter pointed to the grave with his foot, his foot became paralysed, and he could not walk. Bayhakî conveys from Ya'lâ bin Murra: Rasûlullah and Ya'lâ visited a grave. The latter heard sounds of torment from the grave, and wanted to let Rasûlullah know. Rasûlullah said **"I hear them, too. He is being tormented because he spread gossip and splashed his urine on himself."**

The forty hadîth-i sherîfs, written by the great Islamic savant Ahmad bin Suleymân bin Kamâl Pasha (rahmatullâhi 'aleyh) in 934 hijri, was translated into Turkish by Sayyid Pîr Muhammad Nitâî in 979. The translation was published in Istanbul in 1316. The eighteenth hadîth-i sherîf of the translation states, **"If you get confused in doing something ask for help from the dead!"** Shaikh-ul islâm Ahmed Efendi explains the hadîth-i sherîf as follows:

It is a strong love that has attached the soul to the body. Man's death means his soul is separated from his body. But the soul's love does not die after the separation. Long after death, the soul still has the same love and strong attraction towards the body. It is for this reason that it has been prohibited to break the bones of the dead and to tread on graves.

If a person stands by the grave of a powerful, mature and very effective high person and contemplates over that soil and that high person's body, since that high person's soul is attached to his body and thereby to that soil, the two souls will meet. The visitor's soul will receive many benefits from the high

person's soul, thus becoming graceful and mature. It is on account of this utility that visiting graves has been permitted, although there are other reasons. Imâm-i Fakhruddîn-i Râdî says in his books **Matâlib-i âliyya** and **Zâd-i Ma'âd**, "The visitor's soul and the soul of the exalted person in the grave are like mirrors. When they stand against each other the light in one of them reflects on the other. If the visitor looks at the soil, meditates on how great Allâhu ta'âlâ is, how He kills and enlivens, submits himself to His qadâ and qader and thus rebukes his nafs, ma'rifa and fayd develop in his soul, and thence they transmigrate to the soul of the exalted person. In return, the knowledges and powerful signs that have come to the exalted person's soul from the world of spirits and from the Rahmat-i-ilâhî after his death, pass on to the visitor's soul."

The author of the book **Al a'lâm** says: Prophets' souls 'alaihim-us-salâm' can appear in heavens, wherever they wish, and in their graves. They are not in their graves all the time, nor always away from them. They are connected to their graves and abstrusely attached to their soil. This state is beyond human knowledge. For this reason, it is mustahab to visit them. There is a continuous attachment between each Muslim's soul and his grave. He recognizes his visitors and acknowledges their salâms. It is for this reason that a hadîth, which exists in the book **Âqibat** by Hâfiz Abdulhaq-i Ishbîlî 'rahmatullâhi ta'âlâ 'aleyh', states, **"If a Believer visits the grave of another Believer whom he used to know and gives his salâm, the latter will recognize him and acknowledge his salâm."** Explanation of the eighteenth hadîth-i sherîf has been completed here.

It is written on the twentieth page of the second -1324 hijri-edition of the book **Râbita-i sherîfa**^[1]: If a person visiting the grave of a great person does râbita to him, that is, if he repels all worldly thoughts from his heart and, supposing the great person's soul to be a nûr that cannot be comprehended by the sense organs, keeps him in his heart, something from that soul will begin to flow into his heart. He must keep this nûr in his heart until one of the fayds or hâls of the great person begins to develop in him. For, the souls of Awliyâ are sources of fayd. A

^[1] By Sayyid Abdulhakîm Efendi 'rahmatullâhi ta'âlâ 'aleyh' (1281 [1865]-1362 [1943], Ankara.

person who places such a source in his heart will certainly attain its fayd, blessings and occult benefits; his soul will consolidate and mature. When you come near the grave, you first give your salâm. You stand on the right hand side, that is, on the qibla side, of the grave nearer the feet (than the head) side. You imagine his appearance like when you used to know him. You say the A'ûdh, the Basmala, the Sûrat-ul Fâtiha, and then the Sûrat-ul Ikhlâs eleven times, and present the thawâb to our Prophet's soul, to the souls of all Prophets 'alaihim-us-salâm', the Sahâba, the Awliyâ 'alaihim-ur-ridwân', and to the soul of the great person (whom you are visiting). Then you sit down, keep his soul in your heart, and stay there until something stirs in your heart. If you know how to receive, if that person is a mature Walî endowed with giving, and if you wait there observing its conditions, you will certainly obtain something. Its conditions are to believe that the great person will recognize you, hear and acknowledge your salâm, that his soul is mature and perfect, that his soul is not confined to time or place, that he will give you fayd wheresoever you remember him, that Allâhu ta'âlâ sends His fayd and spiritual nourishment through his soul. A person who wants grapes goes to a vineyard and picks them from the vines. He does not go to a plum tree. He who wants water goes to a spring or to a fountain, not to a tree or stove. He who wants wheat tills his field, sows the grains, and harvests the crops. He who wants children gets married. An invalid person who needs medicine goes to a doctor and then to a drugstore. He does not go to a grocery shop or to a lawyer's office. And he who wants to nourish his heart and have his soul purged resorts to the hearts and souls of the Awliyâ 'qaddas-allâhu ta'âlâ asrârahum-ul-'azîz.' Allâhu ta'âlâ sends these blessings through the hearts of the Awliyâ. Allâhu ta'âlâ alone creates and sends everything. However, it is His divine law to send everything through some means. He who wishes to attain His blessing must follow His law, find out His means, and hold fast to His means. To be unwilling to search for and learn the means is to violate His divine law and to disobey Him. To learn scientific knowledge is to obey His law and to learn the means. To receive fayd from a grave, it is necessary to revere the exalted person (in that grave) as if he were alive and not to tread on the grave. If the exalted person (in the grave) is a murshîd-i kâmil, the nisbat in your heart will

shape up rather late, yet it will remain there a long time. If he is a Walî but not a murshîd, the fayd and nisbat arising (in your heart) will be acute and volatile. Those who are unaware of these hâls will disbelieve the above-mentioned hadîth-i sherîf and will call it Mawdû'. The savants of Usûl-i hadîth call a hadîth-i sherîf **Mawdû'** when it does not have the conditions which they have put for a hadîth to be sahîh^[1]. In other words, they say, "It is not sahîh according to my ijtihâd." They do not say that it is not a hadîth-i sherîf.

When an exalted person who has attained the degree of receiving fayd from the blessed soul of our Master, Rasûlullah (sallallâhu 'alaihi wasallam), turns his attention towards him, no matter where he himself is, the blessed soul of our Master, Rasûlullah (sallallâhu 'alaihi wasallam) will give him fayd from his blessed grave in Medina-i munawwara. By the same token, any talented and capable person will get a similar benefit from the souls of the Awliyâ. It is written in the fortieth page: Shamsaddîn Ibn-ul Qayyim-i Jawziyya, a savant in Hanafî Madhhab, says in his book **Kitâb-ur rûh**, "The human soul has also other states different from those when it is in the body. After a Believer dies, his soul stays in a grade called Rafîq-i a'lâ, being still connected with the body at the same time. If someone gives his salâm to the body in the grave, the soul in the Rafîq-i a'lâ will acknowledge his salâm." This statement of Ibn-ul Qayyim's would suffice for refuting lâ-madhhabî people. For they call him **Allâma** in their book **Fath-ul majîd** and put forward his articles as a documentary. Also, Imâm-i Suyûtî writes like Ibn-ul Qayyim in his book **Kitâb-ul munjalî**. The fact that a soul will hear and reply is written in the Arabic book **Minhât-ul wahbiyya fî-radd-il wahhâbiyya**, whose third edition has been published in Istanbul, and in its (Turkish and English) translations, as well as in the book **Kiyâmat ve Âhiret** (Resurrection and Hereafter), in its chapter captioned **Müslimâna Nasîhat** (Advice for the Muslim)^[2]. Scholars say that the Awliyâ have some functional capacity after their death. Shaikh Khalîl, the author of the book **Mukhtasar** and one of the

^[1] Please see chapters five and six in the second fascicle of **Endless Bliss** for detailed information about hadîths; and the book **Sunnî Path** will give you sufficient information about the branches of knowledge in Islam.

^[2] Please see a list of our publications appended to this book.

savants of Mâlikî, says, “Allâhu ta’âlâ gives such power to the souls of the Awliyâ that they can assume various guises. Their bodies do not leave their graves. But their souls can appear in guises.”

Alâuddawla Ahmad-i Samnânî^[1] (rahmatullâhi ta’âlâ ’aleyh) was asked: “A body in the grave is without a soul, so it does not hear. And the soul does not have a special place; it can be present at any place. Is it necessary to go and visit the grave of the Awliyâ, then? No matter where you are, if you turn your attention towards a Walî’s soul, will not the soul be present there?”

His answer was that going to the graves has many benefits: A person who goes to visit a Walî will think of him all the time. Each step he takes will add to his tawajjuh (turning, inclination) towards him. By the time he gets near the grave and sees his soil, his thoughts will be preoccupied only with him. This will increase his tawajjuh all the more. The more his tawajjuh increases, the more benefits will he receive. It is true that there is no hindrance or limit for a soul. All places are the same for it. But the body with which it lived for years in the world and with which it will stay eternally in the Hereafter, is there, in that soil. Therefore, the soul’s frequenting, inclination to, relation with and attachment to that soil will be more than in the case of other places. Alâuddawla said: One day I entered the room where Junayd-i Baghdâdî ‘qaddas-Allâhu ta’âlâ sirrah ul-’azîz’ had subjected himself to mortifications. There, I tasted so many zawks. Then I visited Junayd’s grave, but I could not find the same zawks there. When I asked my master the reason for it he said, “Were those zawks because of Junayd?” And when my answer was positive, he said, “Since zawks arise from a place where he stayed a few days during his lifetime, there must be many more zawks when you go near his body, with which he spent many years together. Perhaps when you were by his grave you saw other things, which might have decreased your tawajjuh towards him.” If a person turns his tawajjuh to the soul of Rasûlullah (sallallâhu ’alaihi wasallam) when he is in his own

^[1] Alâuddawla Ahmad-i-Samnânî ‘rahmatullâhi ta’âlâ ’aleyh’ (659 [1260]-736 [1335]), Sôfî Âbâd, was the son of the Pâdishâh (Sultan) of Samnân, N. Iran, He dedicated himself to Tasawwuf and attained perfection in the path termed Kubrawiyya

country, he will get some benefits. But if he goes to Medina-i munawwara, Rasûlullah's soul will be aware of his journey and of the hardships he will be suffering on the way. When he gets there and sees Rasûlullah's Rawda-i pâk, his tawajjuh will become perfect. He will get so many benefits that the benefits he received when he was in his country will prove to be nothing in comparison to them. These facts which we are stating now the Awliyâ-i-kirâm perceive with their hearts.

Celâleddîn-i Rûmî^[1] (quddîsa sirruh) said on his deathbed. "Don't be sorry when I am dead! Be with me and think of me wherever you are! I shall come to your rescue and help you. My soul has two kinds of attachments in this world; the first one is its attachment to my body, and the second is its attachment to you. When my soul leaves my body by the grace of Allâhu ta'âlâ, its attachment to the body will also extend to you.

Abdullah-i Dahlawî^[2], (qaddas Allâhu ta'âlâ sirrahul'azîz), one of the greatest Awliyâ, says in the eighth letter of his book **Maktubât**, "Strive to increase the nisbat [attachment] in your heart! By doing much dhikr, that is, repeating (with your heart) the name of Allah and the Kalima-i tehlîl very often, and sometimes by saying the salawât or reading the Qur'ân al-kerîm, try to approach Allâhu ta'âlâ! If you feel any languor during these efforts, turn your tawwajuh to this faqîr's soul [the great savant means himself]! Or, visit Mirzâ Mazhar-i-Jân-i Jânân's grave!^[2] Paying tawajjuh to him causes great progress. The benefits to be received from him will be many more than those to be received from a thousand living ones. Also, meditate over Gaws-us saqalayn Abdulqâdir Geilânî^[3] and

[1] Celâleddîn Muhammad Rûmî 'rahmatullâhi ta'âlâ 'aleyh' (604 [1207], Belikh, Syria - 672 [1273], Konya, Turkey) was a great Walî in the path of Tasawwuf termed Qâdirî.

[2] Ghulâm-i-Alî Abdullah Dahlawî 'rahmatullâhi ta'âlâ 'aleyh' (1158 [1745], Punjab, India - 1240 [1824], Delhi), a great Walî and an expert in Tasawwuf.

[2] Shams-ud-dîn Habîbullah Mazhar-i-Jân-i-Jânân 'rahmatullâhi ta'âlâ 'aleyh' (1111 [1698] - 1195 [1781], Delhi, India) was a great Walî and an important link in the chain of Awliyâ termed Silsila-i-aliyya. He was the educator and master of Sayyid Abdullah Dahlawî, (above).

[3] Muhyiddîn Abû Muhammad bin Abû Sâlih bin Mûsâ Jengî Dost Abdulgâdîr-i-Geilânî 'rahmatullâh ta'âlâ 'aleyh' (471 [1078], Geilan, Iran - 561 [1166], Baghdâd, Iraq) a great Walî and a great expert in

Bahâeddîn-i Bukhârî!”^[1] It is written in detail in the book **At-tawassul-u bin-Nabî wa bi-s-sâlihîn**,” and in Mawlânâ Hamdullah Sahâranpûrî’s book **Al-basâir li-munkirit-tawassul-i bi-ahl-il-maqâbir** that it is permissible to visit the graves of sâlih (pious) Muslims and to pray through them. These two books were reproduced in Arabic by Işık Kitâbevi in Istanbul in 1395 [1975].

19 – A LETTER OF CONDOLENCE **BY RASÛLULLAH (sallallâhu ’alaihi wasallam)**

This letter was dictated by Allâhu ta’âlâ’s Prophet, Muhammad (’alahissalâm) for Mu’âz bin Jabal ‘radiy-Allâhu ta’âlâ ’anh’.

May Allâhu ta’âlâ bless you with salvation!

I offer up my hamd to Him. He, alone, can do good or harm to anybody. Unless He wills, no one can do good or harm to anyone.

May Allâhu ta’âlâ give you plenty of thawâb. May He bless you with patience! May He grace you with gratitude for His blessings!

We must know for certain that our own existence, our property and wealth, our women and children are samples of Allah’s innumerable blessings, sweet and useful gifts. He has not given us these blessings for eternal retention, but has entrusted them to us so that we may use them until He takes them back. We utilize them for a certain duration of time. When the time comes He will withdraw all of them. Allâhu ta’âlâ has commanded us to thank Him when He pleases us by being generous and to be patient when we feel sorrow when the time comes for Him to take back His gifts. That son of yours was one

Tasawwuf, a mujtahid in the Islamic branches of knowledge termed Fiqh and Hadîth. Through a paternal chain of ancestry, he was related to the Messenger of Allah ‘sall-Allâhu ta’âlâ ’alaihi wa sallam’ both through hadrat Hasan ‘radiy-Allâhu ’anh’ and through Huseyn ‘radiy-Allâhu ’anh’, the two blessed grandsons of the Messenger of Allah ‘sall-Allâhu ta’âlâ ’alaihi wa sallam’. His blessed mother, Fâtima binti Abû Abdullah, was again one of the granddaughters of hadrat Huseyn ‘radiy-Allâhu ta’âlâ ’anh’, Rasûlullah’s younger grandson.

^[1] Bahâeddîn Muhammad bin Muhammad Bukhârî ‘rahmatullâhi ta’âlâ ’aleyh’ (718 [1318] - 791 [1389], Qasr-i-Ârifân, Bukhâra) was a great Walî and a great scholar in Tasawwuf

of the sweet, useful blessings of Allâhu ta'âlâ. He had entrusted him to you on condition that He would take him back. Through your son He had blessed you. He had pleased and delighted you so as to make others envy you. Now, taking him back, He will give you plenty of thawâb and goodness, and, by His mercy, He will bless you with making progress and improvement on the right way. To attain this mercy and blessing you must be patient. You must tolerate what He has done! If you become angry, cry and yell, you will not attain the thawâb and mercy, and will regret in the end. Know it very well that crying and lamenting will not ward off a catastrophe. Nor will it do away with the sorrow! You will undergo whatsoever is in your qader (fate). You must be patient and not become angry with what has already happened.

May Allâhu ta'âlâ bestow salvation on you all! Âmîn.

20 – FIRST VOLUME, 104th. LETTER

This letter, written to the Qâdîs of Perkana, offers condolence.

The sorrow felt for the death of the merhûm^[1] Hadrat (exalted person) is very severe, very poignant; but the slave has no other way than acquiesce in the doings of his owner. Man is not created for a constant abode in this world. We are created to work in the world. We must work! There is no reason for apprehension for a person who has worked, earned, and then died. In fact, such a death means to come into great fortune. Death is like a bridge; it brings lovers together. Death is not a disaster. But it is a disaster not to know what you will encounter after death. We must help the deceased and rescue them by saying prayers and istighfâr for them, by giving alms for them. Rasûlullah (sallallâhu 'alaihi wassallam) declared, **“The state of a deceased person in the grave is like that of a person who has fallen into the sea and is crying for help. As a person who is about to drown awaits a savior, so the deceased person yearns for the arrival of prayers from his parents, brothers and friends. Any prayer coming to him delights him more than if the whole world were given to him. Through the prayers of the living, Allâhu ta'âlâ gives the deceased rahmats like mountains. The present to be given**

^[1] Deceased and admitted to Allah's mercy.

to the deceased by the living is to say prayers and istighfâr for them.”

[**Du’â** (prayer) means to ask. It is like a hungry man’s asking for food when he has an appetite. It is very useful to do khatm-i tehlîl for a person who has died with îmân, that is, to say the kalima-i tawhîd seventy thousand times and present the thawâb to his soul. But we are in such a time that very few people die with îmân. It is written in **Maqâmât-i Mazhâriyya**, “A hadîth-i sherîf declares: **‘If a person says the kalima-i tawhîd seventy thousand times for himself or for someone else, his (or the other person’s) sins will be forgiven.’** Hadrat Mazhar-i Jân-i Jânân ‘qaddas-Allâhu sirrah ul’azîz’ was sitting near a prostitute’s grave, when he turned his tawajjuh to the grave, [that is, concentrated upon it without thinking of anything else]. He said, ‘There is Hell fire in this grave. I doubt if the woman has îmân. I shall present the thawâb of **Khatm-i tehlîl** to her soul. She will be forgiven if she has îmân.’ After presenting the thawâb of khatm-i tehlîl, he said: ‘Al-hamdulillâh, she has îmân. The kalima-i tayyiba has taken effect, and she has been forgiven.” It is stated in **Manâhij-ul-’ibâd**, “The Kalima-i-tawhîd is said seventy thousand times by one person or by a number of people.” It is stated in the hundred and twentieth letter of **Makâtib-i-sherîfa**, “The Khatm-i-tehlîl is very useful to living people, too.” It is written in a book of fatwâ, which occupies the number 520 of the Ibrâhîm Efendi ‘rahmatullâhi ’aleyh’ section in the library of Süleymâniye, “Prayers must be said silently. It is ignorance (for an imâm) to say prayers together with the jamâ’at after the Friday prayer. It is bid’at for a preacher to say prayers aloud (and have all the listeners say âmîn) after his preaching is over. No report has come from the Salaf-i sâlihîn (that such things must be done). Such practices have been assimilated from Jews and Christians.”]

21 – ISQÂT FOR THE DECEASED

It is written in **Nûr-ul îdhâh** and in its marginal notes by **Tahtâwî**, at the end of the namâz of qadâ in **Halabî** and **Durr-ul mukhtâr**, in **Multaqa**, in **Durr-ul muntaqâ**, in **Wikâya**, in **Durer**, in **Jawhara**, at the end of the explanation of Kadızâde’s **Birgivî vasiyyetnâmesi**, and in other valuable books that it is necessary to perform isqât and dawr for a deceased person who has enjoined it (in his will). For example, it is written in the

marginal notes by **Tahtâwî**, “There are nass (âyats and hadîths with clear meanings) about isqât (absolution) of the (sin for the) omitted fastings by giving fidya. All savants unanimously declare that, because the namâz is more important than fasting, as with fasting, isqât is to be performed for the prayers of namâz which a person missed for some reason justified by the Sharî’a and which he could not make qadâ of^[1] later because he took to his deathbed though he wished to perform them. A person who says that isqât cannot be performed for namâz must be ignorant. For he objects to the agreement of savants. A hadîth-i sherîf declares, **‘A person cannot fast or perform namâz on behalf of another person. But he can feed the poor for his (the other person’s) fasting or namâz.’**” As we have heard recently, some people, who cannot realize the superiorities of the savants of Ahl-as sunna and who suppose that our imâms of Madhhabs express their personal illusions, as they themselves do, say, “There is no isqât or dawr in Islam. Isqât resembles Christians’ redemption.” Such words of theirs expose them to risk. For our Prophet (sallallâhu ’alaihi wasallam) declared, **“My Umma do not come together in deviation.”** And **“Something which Believers consider beautiful is beautiful according to Allâhu ta’âlâ, too.”** These hadîth-i sherîfs are written on the 94th page of the book **Berîqa**, and they prove that to make dawr is certainly true in Islam. He who does not believe in dawr will have denied the hadîth-i sherîfs quoted above. It is written at the end of the namâz of Witr in **Ibn Abidîn**, “A person who unbelieves the knowledge of ijmâ; i.e. the essential religious knowledge which is known even by the ignorant, becomes a kâfir (unbeliever).” Ijmâ’ means the unanimity of savants. How can isqât ever be likened to redemption? Under the pretext of redemption, priests are rooking people. But in Islam men of religion cannot perform isqât. Isqât can be performed only by the deceased person’s walî, and the money is given not to men of religion but to the poor.

Today there is next to no place where the business of isqât and dawr are being performed suitably with the Sharî’a. If the cavillers of isqât said that “the isqâts and dawrs being

^[1] To make qadâ of any religious precept means to perform it later, if one has not been able to perform it within its prescribed time.

performed today are incompatible with the Sharî'a" instead of being opposed to isqât and dawr, they would be doing well, and we would be supporting them; by saying so, they would both be safe against a great danger and be serving Islam. Ibn Abidîn explains how to perform isqât and dawr as prescribed by the Sharî'a at the end of the subject about the namâz of qadâ.

If a person has fâita salât, [that is, prayers of salât which he left to qadâ because he could not perform them for some 'udhr], and if he has still not performed them even with signs though he could have, it is wâjib for him to enjoin in his will that the isqât should be done for their kaffârat when he is about to die. But he does not have to enjoin the isqât if he has not had the power to perform them. Likewise, if a musâfir or a sick person who did not fast in Ramadân-i sherîf dies before having time to make qadâ, he does not have to enjoin the isqât. Allâhu ta'âlâ will accept the 'udhrs of such people. [The isqât for a sick person's kaffârat is performed by his walî after his death. It is not performed before he dies. It is not permissible for a living person to have the isqât performed for himself. It is stated in the Shâfi'î book **Anwâr**, "It is not wâjib according to the Shâfi'î Madhhab to give fidya for the prayers of namâz omitted by a dead Muslim. The fidya given, if any, will not stand for isqât." Imâm-i-birgivî 'rahmatullâhi ta'âlâ 'aleyh', a Hanafî scholar, states in his book **Jilâ-ul qulûb** that if a person owes debts to Allâhu ta'âlâ or to people it is wâjib for him to say his will in the presence of two witnesses or to read to them what he has written. And (to say or write) a will is mustahab for a person without debts].

For the isqât of kaffârat, the deceased person's walî, that is, the person to whom he has instructed to distribute his property to the appropriate places, or his heir, gives alms as much as the fitra amount, that is, half a sâ' [five hundred and twenty dirhams or seventeen hundred and fifty grams] of wheat for each prayer of salât and the same amount for each salât of witr and the same amount for a day's fasting for which qadâ is necessary, as fidya to the poor [or to their deputy], from the third part of this property.

If the deceased person did not enjoin in his will that the isqât of kaffârat be done, his walî does not have to perform the isqât of kaffârat in Hanafî Madhhab. It is stated in **Naf'ul-anâm fî isqât-is-salâti wa-s-siyâm**, a book (written by scholars) in

Shâfi'î Madhhab: "Bâjûrî^[1] states in his explanation of Ibnî Qâsim's explanation of Abû Shûjâ: Fidyâ is not given for the prayers of namâz missed by the deceased person. There is yet another report saying that it is given. It will be good to do isqât for them by imitating Hanafî Madhhab. According to an earlier report in Shafi'î Madhhab, the deceased person's walî (guardian) makes qadâ of the prayers of namâz and fasts missed by the deceased person." In all the (four) Madhhabs, the guardian has to pay the deceased person's debts to creatures (people) from the property he has left behind even if the deceased did not enjoin it in his last request. In fact, the creditors may appropriate their dues without a law court decision if they can obtain the property. If he enjoined the fidya for the fasts he had left to qadâ, i.e. that they must be paid by giving property, it is wâjib to fulfil it. For it is a commandment of the Sharî'at. If the deceased person did not enjoin it, his inheritor can perform it with his own property. If he enjoined (the payment for) namâz (which he had missed), it is permissible, but not wâjib, to give fidya for it. Even if these last two performances are not accepted (by Allâhu ta'âlâ), they will at least produce thawâb of alms, which in turn will help forgiveness for the deceased person's sins. Hadrat Imâm-i-Muhammad also said so. It is written in **Majma'ul-anhur**, "If a person, being deceived by his nafs and the shaytân, did not perform his prayers of salât and then, towards the end of his life, became penitent [and began to perform his daily prayers of salât and make qadâ of the past ones], it is written in **Mustasfâ** that it is permissible for this person to enjoin the isqât for his prayers of salât which he has not been able to make qadâ of."

It is written in **Jilâ ul-qulûb**: "Other's rights include debts to be paid, dues resulting from practices such as consignment, extortion, theft, employment and purchase, physical rights proceeding from acts of encroachment such as battery, injury and unjust employment, and spiritual rights ensuing from acts of wrongdoing such as blackguardism, mockery, backbiting and slander.

If one-third of the property of the deceased person who has made a will suffices for the isqât, the guardian has to give the

^[1] Bâjûrî Ibrâhîm was a professor in Jâmi'ul az-har. He passed away in 1276 [A.D. 1859].

fidya out of that property. It is written in **Fath-ul Qadîr** that, if it does not suffice, the heir can donate the deficit of the one-third. Likewise, if the deceased person enjoined in his will the performance of the hajj which was fard for him, it is not acceptable for his heir or someone else to present the money for hajj. If he does not enjoin it before dying and if his heir performs the isqât or the hajj with his own money, his debt of hajj will have been paid. Some (savants) say that these things are not permissible with the money of someone other than the heir. But the authors (rahmatullâhi ta'âlâ 'alaihîm ajma'in) of the book **Durr-ul mukhtâr**, **Marâqil-falâh** and **Jilâ-ul qulûb** said that they are permissible.

Only in the Hanafî Madhhab; in lieu of wheat, flour, one sâ' of barley, dates or grapes can be calculated and given for the isqât of kaffârat. [Because these things are more valuable than wheat, they are more useful to the poor]. Instead of any of these, gold or silver of the same value can be given. It is permissible for (people belonging to one of) the other three Madhhabs to imitate the Hanafî Madhhab. [The isqât cannot be performed with paper money]. It is not necessary to give fidya for sajda-i tilâwat.

If the money to be given for fidya exceeds one-third of the property, the walî cannot spend more than the one-third without the inheritors' consent. It is written in the book **Qunya** that if the deceased had debts, it is not permissible to carry out his will even if his creditors give approval for the fulfilment of the will. For, the Sharî'a commands that the debts must be paid first. Paying the debt cannot be postponed with the creditor's consent. In case it is not known at what age the person who enjoined the isqât of all his prayers of namâz died, his will is acceptable when one-third of the property he has left does not suffice for the isqât of his prayers of namâz. If one-third of the property equals and even exceeds (the amount to be spent for) the isqât, his will is not acceptable; it becomes invalid. For, when the one-third does not suffice for the isqât, the number of the prayers of namâz for which the isqât is to be performed with the one-third will be known, and so his will will be sahîh (valid) for those prayers of namâz; and (the part of) his will concerning his remaining prayers of namâz will become laghw, that is, empty words. When the one-third is in excess, his lifetime, and hence the number of his prayers of namâz, will not be known,

and so his will will become invalid. Kâdızâde says in his explanation of the **Birgivî**:

To avoid the risk of a wrong or invalid practice, if the deceased person did not have any property, or if one-third of the property he left behind does not suffice for the isqât, or if he did not make a will and the guardian wants to perform the isqât with his own property, he will perform **dawr**^[1]. But the guardian does not have to perform dawr. To perform dawr, the guardian borrows as much gold or silver -gold coins, gold five lira pieces, bracelets, rings, valid silver coins- as will suffice for a month's or a year's isqât. The years of debt are calculated by subtracting twelve years -if the deceased person is a man -or nine years- if the deceased person is a woman- from a lifetime. **Ten and a half kilograms of wheat is to be given for one day's six prayers of namâz and three thousand and eight hundred kilograms for a solar year.** For example, when one kilogram of wheat cost 1.80 liras, for the isqât of a year's namâz six thousand, eight hundred and ninety-eight or, let us say, six thousand and nine hundred, liras would be required. Since one gold coin [which weighs seven grams and twenty centigrams], cost a hundred and twenty liras when one kilogram of wheat cost 1.80 liras, which means that one kilogram of wheat equals one-tenth [1/9.26] gram of gold in value, the isqât of a month's (debt of) namâz requires four plus three quarters [4.75] gold coins, and consequently **the isqât of a year's namâz requires fifty-seven and a half, or, circumspectly, sixty, gold coins.** The deceased person's guardian borrows five gold coins, or bracelets with the same weight, and finds one or more, e.g. four, poor people who are not fond of worldly things and who know and love their religion. [These people must be poor enough to be exempted from the liability of giving the fitra and to be among those who can be given zakât. If they are not (so) poor, the isqât will not be acceptable]. The deceased person's guardian, that is, the person to whom he has made his will, or one of his inheritors or the person deputizing one of his inheritors gives the five gold coins to the first poor person, with the intention of alms, saying, "I give you these five golds as compensation for the isqât-i salât of the deceased Bey." When giving the alms to the poor person it is permissible

^[1] Its lexical meaning is 'circulation'.

to say, "I give you these as a present." Then the poor person, (taking possession of the gold coins), says, "I accept and take them, and I present them to you," and gives them to the inheritor or to the inheritor's deputy, who takes possession of them. Thus, one dawr (circulation; rotation) will be completed by giving (the golds) to one poor person four times or to each of the four poor people once and taking them back. With one dawr (the deceased person) will have been absolved of twenty gold coins of kaffârat of salât. If the deceased person was a man and was sixty years old, $48 \times 60 = 2880$ gold coins will be necessary for forty-eight years' salât. So, the dawr is to be done $2880:20=144$ times. If the number of gold coins is ten, 72 dawrs will be done, and if the number of gold coins is twenty, thirty-six dawrs will be completed.

If the number of poor people is ten and the number of gold coins is ten, too, twenty-nine dawrs will be completed for the isqât of kaffârat for forty-eight years' debt of salât.

The number of the years during which he (the deceased person) did not perform namâz x the number of gold coins for one year = the number of the poor x the number of gold coins circulating x the number of dawrs. This applied to the example we have given:

$$48 \times 60 = 4 \times 5 \times 144 = 4 \times 10 \times 72 = 4 \times 20 \times 36 = 10 \times 10 \times 29$$

As it is seen, for determining the number of the dawrs (to be done) for the isqât of salât, **the number of the gold coins (required) for one year will be multiplied by the number of the years of debt of salât. Then the number of the gold coins circulating will be multiplied by the number of the poor individuals. The result of the first multiplication will be divided by the second.** The result of the division will indicate the number of dawrs. Wheat's and gold's equivalent in paper money vary at approximately the same rate in course of time. In other words, the value of gold and the value of wheat always go up and down correspondingly. For this reason, as the amount of wheat for a year's isqât does not change, so the number of gold coins for one year's isqât, i.e. sixty gold coins, as we have calculated above, remains almost the same. Therefore, in the calculation of isqât the circumspectly accepted formula is, except for some extraordinary situations:

Five gold coins for the isqât of a month's salât.

One gold coin for the isqât of a month's fasting in Ramadân.

The number of gold coins to be circulated and the number of circulations will be calculated accordingly.

If no gold coins are available, the guardian borrows some gold articles such as bracelets or rings from a woman he knows. Weighing these, he puts an amount equal to the (number of years during which the deceased person omitted his prayers of namâz x 7.2 grams) in a handkerchief. There are now as many gold coins as the number of years during which the dead person omitted his namâz in the handkerchief. When number sixty is divided by the number of the poor Muslims taking part in the dawr, the result shows the number of dawrs (circulations) to be performed. If the gold pieces are insufficient, half the amount in the former case is weighed. In this case the number of dawrs will be twice the number that would be performed in the former case. According to our example, six dawrs will be performed with ten poor people if we have $48 \times 7.2 = 350$ grams of gold, and the number of dawrs will be thirty if the amount of gold possessed weighs 70 grams. When the process of dawr is over, the poor Muslim occupying the final position gives the gold as a gift to the guardian, who in his turn gives them back to the person he has borrowed them from. If the guardian has gold coins, the dawrs are performed with as many gold coins as the number of years during which the deceased person did not perform namâz. When the number 60 is divided by the number of the poor people sitting for the dawr, the result is the number of dawrs to be performed. If the gold coins are several times fewer than the number of years of debt of namâz, the number of dawrs should be as many more. According to the example given above, if you have 48 gold coins, you will make 60 dawrs with one poor person, 15 dawrs with four poor people, and 6 dawrs with ten poor people. If the number of gold coins is 10, the number of years will be supposed to be 50 instead of 48 and 75 dawrs will be performed with four poor people. If the poor people are ten, 30 dawrs will be performed.

After the isqât for the namâz is finished, for the isqât of the forty-eight years' fasts omitted, that is, for the ones that must be made qadâ of, he (the inheritor or his deputy) makes three dawrs with five gold coins and four poor people. For, the isqât for the kaffârat of a year's (thirty days') fasting requires fifty-two-and-a-half kilograms of wheat, or 5.25 grams of gold, i.e. 0.73

gold coins. Hence, **one gold coin absolves the kaffârat of a year's fasting**; and hence, it is necessary to give forty-eight gold coins for forty-eight years. Completing one dawr with five gold coins and four poor people means having given twenty gold coins. After the performance of the isqât of the fasts requiring qadâ, a few dawrs must be done first for zakât and then for the qurbân, then for the sadaqa-i-fitr and then for nazr and then for rights of other people whose inheritors are not known.

In the Madhhab of Mâlikî and Shâfi'î, the report saying that fidya is made for the (omitted) namâz is observed by giving the fidya for five prayers of namâz for each day, since the namâz called Witr is a sunna. It is written in (the books) **Al-Anwâr** and **Naf'ul-anâm** that according to these two Madhhab one mud' of wheat is to be given as the fidya of one prayer of namâz and one fasting. Since one mud' is 173.3 dirhams, the fidya for a day's five prayers of namâz is 2.1 kilograms of wheat, which makes 63 kilograms of wheat, or 0.875 gold coins, for a month, and 705 kgr. of wheat, or 10.5 gold coins, for a year, while the fidya for a month's fast is 5.2 kilograms of wheat or 0.07 pieces of gold coins. For imitating Hanafî Madhhab, people who are in one of the Madhhab of Mâlikî and Shâfi'î should calculate the fidya for a month's prayers of namâz as five gold coins and a month's fast as one gold coin.

Doing the kaffârat of one oath requires ten poor people in one day, and the kaffârat of one day's fast that was broken without any acceptable excuse and for which the kaffârat is necessary requires sixty poor people in one day; and, one poor person cannot be given more than half a sâ' of wheat in one day. That is, the kaffârats for several oaths cannot be given to ten poor people within the same day. Then, the dawrs for the kaffârats of oaths and (broken) fasts cannot be done in one day. Please see the sixth chapter of this book! If (the deceased person) enjoined (the isqât) for his oaths, you give two kilograms of wheat or flour, or its equivalent in other property such as gold and silver, to each of ten poor people in one day. Or, you may give the same amount to one poor person every day for ten successive days. Or, (calculating and) giving (the whole expense in) paper money to a poor person, you must say to him, "I appoint you my deputy. With this money you shall buy yourself food and eat it for ten days, twice each day, once in the

morning and once in the evening!” If he buys other things, such as coffee and newspapers instead of feeding himself as advised, it will not be acceptable. The best way to do it is to bargain with a restaurant and give the ten days’ expense to the restaurant and have the poor person eat there every morning and every evening for ten days. So is the case with the kaffârat of a fast that was broken after the niyya and with the kaffârat of zihâr; in either of these two cases, for one day’s kaffârat you give half a sâ’ of wheat or other property of the same value to each of sixty poor people in one day or to one poor person for sixty days or feed him twice a day (for sixty days).

It is not necessary to perform the isqât of zakât not enjoined (by the deceased person). The fatwâ permits the inheritor to perform the dawr for the isqât of zakât by his own volition.

While making dawr, each time the poor people are given the gold, the walî should intend for the isqât of salât or fast. The poor person also should say, “I give (this) as a gift,” as he gives back the gold and the guardian should reply, “I have received (it).” The book **Ashiat-ul lamaât**, in its discourse on the kinds of people who are not permitted to accept alms or zakât, states that Âisha (radiy-Allâhu ’anhâ) related,” Rasûlullah (sallallâhu ’alaihi wasallam) came to my room. There was boiling meat in the pot. I served him bread and some other food that I had in the house. He said, ‘**I see (some) meat cooking.**’ ‘That was the meat given to our maid Berîre as alms. I haven’t served this meat, for you don’t take alms (zakât).’ ‘**That meat is alms for Berîre. But the meat that she gives us becomes a gift,**’ he said.” The poor can give the zakât they have received back to the rich. What they give becomes a gift. It is allowed (halâl) for the rich to take this. For, the poor has given it out of his or her own property. Rasûlullah (sallallâhu ’alaihi wasallam) accepted all gifts given to him without discriminating between rich and poor. In return, he used to give much more.” [If the guardian will not be able to perform the isqât, he appoints a non-relative as his deputy to perform the isqât for the deceased person; this deputy is preferred to others in doing the isqât and the dawr].

[It is written in the final part of **Vasiyyetnâme**, by Imâm Birgivî, and in its explanation by Kâdî-zâde Ahmed Bey ‘rahmatullâhi ta’âlâ ’alaihi’: It is a condition that the poor people must not have the nisâb amount (of property). It is permissible for them to be the dead person’s relatives. When

giving (the gold coins) to the poor person, the guardian must say, “I give these to you for the isqât of so-and-so’s so and so many prayers of salât.” And the poor person must say, “I have accepted them,” and must know that the gold coins belong to himself when he takes possession of them. If he does not know this he must be taught beforehand. And this poor person, showing kindness, gives the gold coins to another poor person of his own accord, saying, “I give these to you for the isqât of so-and-so’s salât.” The latter, taking possession of them, must say, “I accept them.” When he takes possession of them he must know that they are his property. The dawr will not be acceptable if he takes them as a deposit for safe-keeping or as a present. And this second poor person, after saying, ‘I take and accept them,’ gives them to a third poor person by saying, “I give these to you the same way.” Thus, dawrs must be done for prayers of namâz, for fasts, for zakâts, for qurbâns, for sadaqa fitrs, for votive offerings, for (violated) human and animal rights. Fâsid and bâtil^[1] buying, and selling are among (violated) human rights. It is not permissible to do dawr for the kaffârats of an oath or fasting.

After the dawr is finished, the last poor person taking possession of the gold coins shows kindness and presents them to the guardian of his own volition and of his own will. The guardian takes them, saying, “I accept them.” If he (the poor person) does not present them, they cannot be taken by force, for they are his own property. The guardian gives the poor person some gold coins or some paper money or some of the deceased person’s property and presents the thawâb for the alms to the deceased person’s soul. A poor person who is in debt must not join the business of dawr. For, it would be fard for him to pay his debts as soon as he took possession of the gold coins. It would not be permissible for him to give the gold coins to the next person for the deceased person’s kaffârat instead of paying his debt. The dawr would be acceptable, but he himself, let alone earning any thawâb, would become sinful. It is written in Ibn Âbidîn that a child’s giving a present is not sahîh].

If a deceased person without any property enjoined in his

^[1] Kinds of buying and selling prohibited by she Sharî’a. There is detailed information about buying and selling in the Turkish original of **Se’âdet-i Ebediyye**.

will the performance of dawr, it is not wâjib for the guardian to do the dawr. It is wâjib for the dying person to will as much of his property as sufficient for the isqât, provided that it shall not be more than one-third of the inheritance. Thus, the isqât will be performed without dawr being necessary. He will be sinful if he enjoins that the dawr should be done with less than one-third of his property while one-third of his property would suffice for the isqât. It is written in the two hundred and seventy-third page of the fifth volume of Ibn Âbidîn, "If a sick person has small children or poor big children who will need his inheritance, who have reached the age of puberty and who are pious, it is better for him to leave his property to his pious children instead of willing it for (the performance of) supererogatory pious deeds and services." The book **Bezzâziyya** writes in its discourse on presents, "One should spend one's property on pious deeds and services instead of leaving it to one's sinful children (if they are so). For, it would mean to support sins. And one should not give one's sinful child money or property more than his subsistence."

If a person has numerous debts of salât, fasting, zakât, qurbân and oath, it is not permissible for him to enjoin in his will that dawr should be done with less than one-third of the inheritance he leaves behind and that the rest of the property should be spent on pious deeds such as reading Qur'ân al-kerîm, khatm-i tehlîl and mawlîd. A person who pays or takes money for such religious services becomes sinful. It is permissible to pay or take money to learn or teach (how to read) Qur'ân al-kerîm. Yet it is not permissible for reading it.

It is not permissible for the inheritors or for any other person to make qadâ of the deceased's omitted prayers of namâz or fasts. Yet it is permissible and even good to perform supererogatory salât and fasts and to present the thawâbs to the deceased's soul.

It is permissible for the deputy appointed by the deceased to make qadâ of the deceased's debt of hajj with the deceased's money; this will relieve the deceased from his debt (of hajj). For, hajj is a worship which is done both with body and with property. Supererogatory hajj can always be performed on someone else's behalf. But the hajj which is fard can be performed by a deputy only on behalf of a person who will not be able to perform it in person till his death.

It is written in **Majma'ul anhur** and in **Durr-ul muntaqâ**, "The deceased's isqât must be performed before the burial. It is written in **Quhistânî** that it is permissible also after the burial."

In the performance of the isqât of the kaffârats of namâz, fasting, zakât and qurbân for the deceased, one poor person can be given more than the amount of nisâb. In fact, all the gold coins can be given to one poor person.

It is not permissible for a person on his deathbed to give the fidya for his omitted prayers of namâz. If a person is so old that he cannot fast, it is permissible for him to give the fidya for his fasts that he cannot perform. A sick person has to perform his salât at least by moving his head. If a person is so sick that he cannot perform his prayers of salât for more than a day even with such movements (of his head), he will be absolved from the obligation of performing these prayers of salât. He will not have to make qadâ of these prayers if he recovers later. But when he recovers he will have to perform his fasts which he could not perform. If he dies before recovering, (his sin of not performing) these fasts will be pardoned.

22 – KNOWLEDGE OF FARÂID

The knowledge that teaches who the property left by the deceased person will be given to and how it will be distributed is called **'Ilm-i farâid** (the knowledge of farâid). What Allâhu ta'âlâ declares most clearly and most extensively in the Qur'ân is how to distribute the inheritance left by the deceased. Because most of its procedures have been commanded as fard, it has been termed **Ilm-i farâid** (the knowledge of fards) as a whole. A hadîth, conveyed by Ibn Mâja and Dâra Qutnî 'rahmatullâhi ta'âlâ 'alaihim ajmâ'in' in the epitome of **Tadhkirat-al Qurtubî**, declares, **"Try to learn the knowledge of farâid! Teach this knowledge to the youth! The knowledge of farâid is half of (all) religious knowledge. It will be this knowledge that my Umma will forget first."**

The author of **Durr-ul muntaqâ** 'rahmatullâhi ta'âlâ 'aleyh' says: "A person who is lost is judged to be dead. A foetus which has been killed in its mother's womb and for which the diyat has been paid is judged to be dead. The property of these two is distributed to their inheritors. A heir which was in its mother's womb at the time of death is judged to have been alive. This foetus being assumed to have been a boy or a girl, the shares it

would be given in both cases are separately calculated in accordance with (the knowledge of) farâid, the share that it is found out would be more is reserved and the rest is divided among the other inheritors. If this foetus is born alive in two years' time, it becomes an inheritor even if it dies immediately, and it leaves an inheritance when it dies." In **Ibni Âbidîn** and **Durr-ul-Muntaqâ** it is said, "If one of two brothers dies in China and the other brother dies in Andalusia^[1] at sunrise the same day, the one who dies in Andalusia will inherit from the other. For [the earth rotates from west to east], the sun rises earlier in the east.

I - Expenses for washing, shrouding, burying and human debts, respectively, are set apart and distributed from the property left by the deceased. The rest of the property is evaluated according to the market and divided into three. The first part is spent for fulfilling those orders of the deceased that are compatible with the Sharî'a. The other two parts are distributed according to their value, or they are sold and the money is distributed to the inheritors as follows:

(1) First, the twelve people called the ashâb-i farâid are given their dues as prescribed in Qur'ân al-kerîm. These dues are also termed **fard**. Four of them are male.

(2) The property remaining from the ashâb-i farâid is given to the closest of those relatives of the deceased that are called Asaba. The names of the asaba will be given later. If there are no asaba the rest of the property also is distributed to the ashâb-i farâid. But the husband or the wife is not given a share at this time.

(3) If none of the ashâb-i farâid or the asaba is existent, it will be given to the relatives called zawil-arhâm, which consists of five classes; their names are written towards the end of the twenty-third chapter.

(4) If there are no zawil-arhâm either, it is given to a man called mawlal-muwâlât. [See article ten]. If this does not exist either, it is given to the person who the deceased has claimed to be his relative through someone, —e.g. by saying, "He is my brother"—, but who is not avowed by the person claimed to have mediated in the kinship.

^[1] Spain.

(5) If none of the inheritors mentioned above exists, the remaining two-thirds of the inheritance also is spent for the fulfilment of his orders. If he died intestate, the Bayt-ul-mâl takes the property, even if he is a zimmî.

II - Qur'ân al-kerîm classifies the ashâb-i farâid into six groups and allots each group's share [fard] as follows:

NISF: After the amount enjoined in the will is set apart from the property of inheritance, half of the rest is given to one of the following five kinds of people, with the proviso that, if there is only one person in one of the first four kinds, she and the husband (of the deceased) will get it. Two of these four kinds cannot exist at the same time.

Daughter: If the deceased has no son(s), the daughter gets that half.

Son's daughter: If the deceased does not have a (living) child [son or daughter] or a grandson through his son she gets that half.

Sister: If the deceased does not have a (living) child(ren), grandchild(ren) by a son, brother(s), or father, she gets that half.

Paternal sister: She gets that half instead of the sister if the deceased does not have a sister.

Husband: He gets that half if the deceased does not have children or grandchildren by a son.

If one of the first four of these five kinds of people exists together with her brother, she cannot get her fard. She becomes only an asaba. When she becomes an asaba, the brother gets twice as much as the sister. Reasons for this are explained in the five hundred and seventy-sixth page of the Turkish original version, under the heading **Nafaka ve Komşu Hakları** (Maintenance and Neighbours' Rights). If there are more than one people in one of these four kinds, instead of the nisf they get the thuluthân (two-thirds) and share it.

RUBU': Are those who will get one-fourth. They are two people:

Husband: If the deceased has children or grandchildren by a son, the husband gets one-fourth.

Wife: If the deceased has no children or grandchildren by a son, the wife gets the rubu' (one-fourth).

Husband and wife inherit from each other's property during the wife's time of 'iddat^[1] in case of talâq-i rij'î^[2].

THUMUN: Gets one-eighth, and is only one person:

Wife: If the deceased has children or grandchildren by a son, the wife gets one-eighth.

THULUTHÂN: Is two-thirds; when there are more than one people in one of the groups whose share is nifs (half), with the exception of the husband, they get equal shares from the two-thirds.

THULUTH is one-third and is given to two people:

Mother: If the deceased does not have children, grandchildren by a son, and (in addition to this situation) if there is more than one of all kinds of brothers and sisters, the mother gets one-third. If the deceased has a father and a husband or a wife also, the mother gets one-third of what remains from the husband or wife and the father. If the deceased has grandfather(s) instead of a father, the mother gets one-third of the whole property.

Uterine brothers and sisters are called **benûl-akhyâf**. When they are more than one, they share the one-third among themselves. Brothers and sisters get equal shares. If the deceased has children or grandchildren by a son or a father or a grandfather, the benûl-akhyâf cannot inherit anything.

SUDUS is one-sixth, and it is given to seven people:

Father: When the deceased has children or grandchildren by a son, the father gets one-sixth.

Mother: If the deceased has children or grandchildren by a son or more than one brother or sister of any kind, the mother gets one-sixth.

Sahîh grandparents^[3]: If the deceased does not have a (living) father but has a son(s), the grandfathers and grandmothers get one-sixth.

Granddaughters by a son get one-sixth and share it when they exist with the one daughter of the deceased.

^[1] A prescribed space of time; the space of time within which canonically a woman cannot marry a man after separation from a former spouse.

^[2] A kind of divorce.

^[3] Jedd-i sahîh: ancestor(s) in the direct male line.

Paternal sister gets the sudus when she exists with the one daughter of the deceased.

Uterine brother or sister: When the deceased has one uterine brother or sister, he or she gets the sudus (one-sixth).

Warning: When the father is to receive one-sixth first the father receives the sudus (one-sixth) and then the mother receives one-third of the remainder. If the mother does not exist, the grandmothers still receive the sudus; they cannot replace the mother and receive the thuluth.

3 - Male inheritors are ten, and nine of them are asaba. The husband cannot be an asaba:

Father: If the deceased does not have children or grandchildren by a son, the father becomes only an asaba. If the deceased has a daughter or a granddaughter by a son, the father is included both in the ashâb-i farâid and in the asaba. If he (the deceased) has a son or a grandson by a son, he (the deceased's father) gets only the sudus.

Sahîh grandfathers: Are those grandfathers who are not linked with the deceased by mother. They become asaba instead of the father when the deceased does not have children or a father. If the deceased has a son, such a grandfather gets only the sudus in lieu of the father. If the deceased has a father, they cannot be inheritors at all.

Son: Is the most emphatic asaba; when there is a son the other asabas cannot be asaba at all. If a child is expected to be born, it is accepted as male and its share is reserved accordingly.

Son's son: When the deceased does not have a son, the son's son becomes the most emphatic asaba and the asabas lapse from being asaba.

Brother: Is of three sorts: shaqîq, only by father, only by mother. Shaqîq, that is, brother of the same mother and father, brother uterine or brother of the same father becomes asaba when the deceased does not have a son, son's son, father or grandfathers.

Brother's son, paternal uncles and their sons, and, if the deceased was a manumitted slave or jâriya, the man who manumitted him or her, respectively, become asaba if there are not any asabas prior to them.

Husband: Is included only in the ashâb-i farâid. He does not

become asaba.

4 - Female inheritors are of seven types: The deceased's daughter, granddaughter by a son, mother, sahîh grandmothers, sisters of three kinds, wife, and, if the deceased was a slave or a jâriya, the woman who manumitted him or her. When there are more than one wives, they share one fard.

5 - If the deceased has more than one daughters, his (or her) granddaughters by a son cannot become inheritors. But if he (or she) does not have sons but has a grandson by a son also, his (or her) son's daughters become asaba together with the grandson, and what remains from the daughters is distributed to the son's sons and son's daughters, each grandson being given twice the share of each granddaughter. If the deceased has a son, the son's children cannot be inheritors.

6 - **Benûl-a'yân** consists of brothers of the same mother and father, who are also termed shaqîq, and **Benûl'allât**, that is, brothers of the same father but different mothers; these cannot be inheritors when one of the son, son's son, father and grandfather exists (is alive).

Sisters can be only asaba when the deceased has a daughter or a granddaughter by a son or they (sisters) have a brother. They cannot be inheritors if the deceased has a son, a grandson by a son, father or a grandfather.

If the deceased has more than one shaqîqas, that is, sisters of the same mother and father, his (or her) sisters of the same father only cannot be inheritors when they are without brothers of the same kind. But if the deceased has also brothers of the same father, these cause the sisters of the same father to become asaba, and the property remaining from the sisters of the deceased (shaqîqas) is distributed to his (or her) brothers and sisters from the father, the brothers being given twice the amount (received by the sisters).

Sisters from the same father can be only asaba when the deceased has a daughter or granddaughter by a son or when they (these sisters) have a brother; but they cannot be inheritors if the deceased has two sisters (shaqîqas) or a son or a grandson by a son or father. The dead person's having (living) brothers and sisters of the same father and mother does not exclude his (or her) brothers and sisters uterine from being heirs. In other words, the benûl-akhyâf (brothers and sisters

uterine) do not lapse from being heirs on account of the benûl-a'yân.

7 - The dead person's son and daughter from his wife or jâriya, his (or her, if the deceased is a woman) father and mother, husband and wife are never deprived of the inheritance. Of the asabas other than these, a person who is related to the deceased through one other person cannot be a heir if that other person exists. Those who are closer to the deceased deprive those who are farther away. [For example, when a sister exists as an asaba, the paternal uncle or the brother's son cannot be asaba]. Only, brothers and sisters uterine are exempt from this. One who is related (to the deceased) through two lines deprives one who is related through one line. For example, brothers of (only) the same father cannot inherit in case a brother of the same father and mother exists. Sisters of (only) the same father, when they are asaba, lapse from being asaba when the deceased has a brother. Likewise, when the deceased has a daughter, she causes the brother of (only) the same father to lapse.

The ashâb-i farâid can get their shares from the inheritance according to the conditions written on the previous page.

8 - All the jaddas, that is, grandmothers, are excluded from the inheritance when the deceased has a mother. The jaddas in the male line are excluded also when there is a father. However, existence of grandfathers does not exclude them.

9 - Slaves, the deceased's murderer (if the deceased is the victim of a murder), non-Muslims, renegades cannot be heirs. [Then, if a Muslim's progeny are supercilious about harâms and fards, e.g. namâz, ghusl ablution, fasting, if they do not feel penitent for their sins, they become renegades and they cannot inherit from a Muslim]. An illegitimate child disavowed by the father cannot be a heir to his (or her) father. However, it is permissible for a Muslim to will his property to a disbeliever and for a disbeliever to a Muslim.

10 - If a zimmî [a non-Muslim countryman] or a harbî [a foreign disbeliever] is converted to Islam with the help of a Muslim and accepts that Muslim as his guardian, that is, commits himself under his command, and if that Muslim accepts to undertake the payment of his debt, that Muslim becomes his **Mawlal-muwâlât**.

In our explanation of the land laws within the subject of zakât of the produce of the earth, in the first chapter, we have written that there are four kinds of land. The first kind subsumes, as we have explained, those land areas that are the people's property. When the owner of such land dies, the land may be sold and the money may be spent for the payment of the owner's debts. One-third of the rest is spent for the fulfilment of his will. And two-thirds is distributed to his heirs in prescribed shares. The second kind consists of those mîrî land areas, which belong to the Beyt-ul-mâl. They are rented out with title deeds to people in return for ready money. Such land does not become the holder's property. When the holder dies it is not sold for the payment of his debts or for the fulfilment of his will. It does not become an inheritance for his heirs. It is rented out to someone else. But, as a favour to the people, the State gave to the owner of a mîrî land area the right to transfer it to someone else in return for money or present it and it could be transferred to his children without ready money when he died. The title deed's being transferred to his children was not a legacy; it was the State's favour; the land did not become the heirs' property, yet it was rented out to them. According to the fifty-fourth and the following chapters of the law, when the holder of the title deed died the land was distributed equally to his sons and daughters. If he did not have children, it was given to his grandchildren; if they did not exist, to his father; and if he did not exist either, to his mother, free of charge. But, in giving the right of transfer to the father or mother, one-fourth was given to the husband or wife (depending on the deceased's sex) and then three-fourths was given to the father or mother. The husband or the wife could not get a share from the mîrî land if the deceased had children or grandchildren. The grandchildren of the deceased had shares equal to his (or her) children's. There is no mîrî land today; all such land has become the people's property. So, such land has to be divided like other property of inheritance now. Please see the final parts of the books **Berîqa** and **Hadîqa**!

Every Muslim should make his **testament** during his illness that feels like it is going to end in death. It is stated in the book **Mâ-lâ-budda**: "If a person feels deadly ill, it is wâjib for him to write his will, yet it is mustahab to write and have it with him if he feels well. In this written will, he should give his last advice to

his children and friends. He should request them to see to that people whom he has hurt, offended or wronged or to whom he owes, (if there are any such people) be paid their rights or dues or apologized to or somehow pleased, to pay his debts, to perform isqât for him and, (if hajj has become obligatory for him), to either make hajj on his behalf or to have a deputy sent. He should state his wishes concerning his funeral service and after burial. He should never forget to request that his debt of **Mahr-i muejjel** to his wife be paid back. And he should choose a guardian in the presence of two fair witnesses for fulfilling his wishes in accordance with the rules of the Sharî'a. **Kâdihân** (rahmatullâhi 'aleyh) says, "According to Imâm Muhammad (rahmatullâhi 'aleyh) it is permissible to enjoin that a cemetery should be made or that a hotel or a mosque or a fountain should be built for travellers or that shrouds or coffins should be bought or graves should be dug for Muslims or expenses of a mosque should be met with one-third of your property. However, it is not permissible to enjoin to build a penitentiary by allocating one-third of one's property, for this duty is the government's responsibility. If the deceased person enjoined performance of hajj, the deputy must be sent forth from the city where he died. If the property is not sufficient to cover the expenses from the city of residence, the deputy is to be sent from an affordable location. If he enjoined Jihâd, then the property is given to the soldiers and/or is spent on military equipment. It is permissible to make a bequest to poor disbelievers who believe in another Holy Book, but it is not permissible to enjoin building of a church. It would not be valid to bequeath a pardon for one's convicted murderer. If a person leaves only a house, he is permitted to enjoin that a certain person should live there. In this case, the latter can live in the house till death. Before it becomes evident by its symptoms that death is quite close, it is permissible for the person in his deathbed to give a gift to one of his children for the purpose of rewarding the extra services he has done or because he is in need, unless the ill person shows signs of mental incompetence. If the bequest is made to distribute one-third of one's property to the poor within the city, it will be permissible to distribute it even to the poor who live in other cities. Even if the bequest provides that the money should be distributed to ten poor people, it is permissible to give all of it to one poor person,

or the other way round. It is also permissible to distribute it in one day, even if it was said to distribute it in ten days. If one bequeathed one-third of one's property to one's relatives, it is distributed to those other than heirs. Even if there are infants among the heirs or the deceased had debts, adults utilize the inherited property. (See the chapter captioned **Companies** in the Turkish original, **Se'âdet-i Ebediyye**) A person can annul his last will; however, denial of the will doesn't mean annulment. Anyone who accepts to execute the will cannot give up after the ill person's death. If a fâsiq or zimmî who is not trustworthy is appointed as an executor, a judge can replace him. It is not permissible for an executor to be paid. However, a pay promised to him becomes a bequest; he takes it and undertakes his duty as the executor. Even if the father of the deceased who did not appoint an executor will become the guardian of his infant grandchildren, he cannot sell any property in order to pay debts. The executor or the grandfather guardian cannot lend the orphan's property; however, a judge can do so. The executor cannot repay the deceased's debts with the orphan's property. Nor can he pay his fitra or perform the qurbân for him out of the orphan's property. But the father can. If the executor becomes needy, he can utilize the orphan's property, but he cannot donate it to someone else. If he wastes the property he should be dismissed. He is not permitted to use the orphan's property for his own needs and later substitute it with its equivalent. It is necessary to give it to the orphan when he grows up." The book **Durr-us sukkuk**, which was printed in 1288, contains canonical law court decisions. One of the documentaries demonstrating the appointment of a trustee is as follows:

"Draper Osmân Efendi, who dwells at such and such a building near Gedikpaşa in Islâmbol city, says in the majlîs-i shar'i sherîf-i anwar and also in the presence of Ahmed Ağa, 'When I die by the command of Allâhu ta'âlâ, all my property and all the loans due to me shall be collected; first the washing and shrouding of my corpse shall be done as is customary; then my debts shall be repaid if there are any, and one-third of the rest shall be set apart. Of this reserved thuluth, such-and-such amount shall be spent performing the isqât of my prayers of namâz and the kaffârats of my fasts, oaths and vows. The isqât must be done compatibly with the Sharî'a and the money

should be given to the poor. So-and-so much money shall be spent making sweetmeats, and they shall be distributed to the poor. So-and-so much shall be spent for my grave. The rest of this reserved thuluth my appointed trustee shall spend on such pious and charitable deeds as he chooses. I have chosen and appointed Ahmed Ağa, who is present here, for the execution of this will of mine.’ Ahmed Ağa has listened and acceded to this will, and he has undertaken to do all of it the best way. And we the undersigned, have seen and heard and therefore bear witness that he was present.”

Signed

Osmân son of Hasan

Signed

Ömer son of Süleymân

Signed

Ahmed son

Signed

Bekr son of

It is written in **Behjet-ul fatâwâ**, “If the executor appointed (by the deceased) to use one-third of the property in charitable deeds spends so much of the property in charitable deeds, the heirs of the deceased cannot question him on who he has given so much property.”

If a person dies without having appointed an executor, the judge appoints an executor for the fulfilment of his will.

While explaining fâsid sales, the book **Radd-ul mukhtâr** states, “When the heirs know that others have dues from the inherited property and also who the dues belong to, they have to give them their dues. (Otherwise), the property will be harâm for the heirs. If they do not know who the dues belong to but if they are able to distinguish the property which belongs to others, that distinguished property will still be harâm for the heirs. They must give that property as alms to the poor with the intention that the thawâb shall belong to the owner of the property. If that property has been mixed up with the deceased’s property and if its owners are not known, it becomes halâl for the heirs, according to scholars. [If a civil servant bequeaths to one of his heirs some money in form of compensation or salary as he dies, the money becomes the receiver’s property. The other inheritors cannot demand any share from the money.]

It is permissible to eat the food offered by a person who is known to have been earning money by cruelty, bribery, extortion or theft, or whose loans are known to be paid with

money earned likewise. But it is not permissible if it is known that the food itself comes from the harâm. So is the case with a woman who eats the food brought home by her husband.

If the debts of the deceased are in excess of the property he leaves, the heirs can prevent the sale of the property left by paying the value (of the owed property) to the creditors out of their own property. The creditors cannot say that they shall not let them (the heirs) have the (left) property unless they (the heirs) pay all the debts.”

The sons’ being given twice as much as the daughters in the dividing up of inherited property has been leading some people to misconception; it has been another basis for the enemies of Islam to inveigh against Islam. They say that in Islam women are deprived of their rights. I have quoted a very ignoble poem fibbed by Ziyâ Gökalp, in the 41st chapter of the part named **Doğruya İnan, Bölücüye Aldanma** in my Turkish book **Fâideli Bilgiler** (Useful Information). In truth, in Islam the woman has been given so much that she does not need a bit of inheritance. Her husband, her father, her brother, and her other mahram relatives such as paternal uncles have been enjoined to work, earn and meet all her needs. On account of this hard task, men would deservedly be inheriting the whole property had Islam not favoured women with getting half men’s share. Despite the fact that the man has to support the woman and the woman does not have to support even herself, Islam supports the woman by giving her a share from the inheritance in addition. This is another demonstration of the fact that women are cherished highly in Islam. Anyone who disapproves and dislikes the rules of Islam becomes a disbeliever. If a daughter says, “I want a share equal to my brother’s,” the inherited property will be divided into six shares, the son will be given four shares and the daughter will be given two shares, and both of them will acknowledge their acquiescence in this commandment of Allâhu ta’âlâ. Then the son donates one of his four shares to his sister, thus securing her against the danger of becoming a disbeliever.

23 – CALCULATIONS of FARÂID **(Solution of the Problems of Farâid)**

Solving the problems of farâid requires learning well and memorizing the ten pieces of knowledge given in the previous

chapter.

Of the six fards, which are commanded clearly in Qur'ân al-kerîm and which are written in section number two above, nisf, rubu' and thumun are termed the **First Category**, and the kinds thuluthân, thuluth and sudus are termed the **Second Category**.

There are two possible cases in calculations of farâid:

FIRST CASE: The ashâb-i farâid and the asabas exist together, in which case one of the following five situations may be in question:

1 - If the nisf exists with the second category, the inheritance is divided by six; this is mottoed as "The matter [problem] is based on six."

For example, if there is the husband, two sisters uterine and one paternal uncle, the problem is based on six, the husband gets three shares, the two sisters uterine get two shares, and the remaining one share is given to the uncle.

To exemplify, if a deceased woman leaves nine thousand liras as an inheritance, the woman's husband gets $9000 \times 3/6 = 4500$ liras, her two sisters get $9000 \times 2/6 = 3000$ liras, and the uncle gets $9000 \times 1/6 = 1500$ liras. The sisters get fifteen hundred liras each.

A second example: When there is the husband, the mother and a jedd (grandfather), the husband gets three shares, the mother two shares, and the grandfather the remaining one share.

2 - If the rubu' exists with the second category, the matter is based on twelve.

For example, when there is a wife, a mother, two sisters, and two sisters uterine, the inheritance is divided by twelve, the wife is given three shares, the mother two shares, the two sisters eight shares [four shares to each], and the two sisters uterine four shares [two shares to each], in which case the number of shares becomes seventeen. Then, the basis of the problem makes **awl** (swerves) to seventeen and then the inheritance is divided by seventeen.

A second example: When there is the wife of the deceased, his father's mother and his paternal uncle, three of the twelve shares are given to a wife, two to the grandmother, and the remaining seven shares to the paternal uncle, who is an asaba.

3 - When the thumun exists together with the second kind,

the matter is based on twenty-four. For example, when there is a wife, two daughters, a mother, and a paternal uncle, the problem is based on twenty-four, and a wife is given $[24 \times 1/8 = 3]$ three shares, the two daughters are given $[24 \times 2/3 = 16]$ sixteen shares, a mother is given four shares, and the remaining one share is given to the paternal uncle.

A second example: When there is a wife, a daughter, son's daughter, a mother, and a sister, three of the twenty-four shares are given to the wife, four shares to the son's daughter, four shares to the mother, twelve shares to the daughter, and the remaining one share to the sister, who is an asaba.

4 - When one share cannot be divided by the number of the people (who are to share it), the basis of the problem is multiplied by the number of those people, and the inheritance is divided by this new basis.

For example, when there is a husband and five sisters, the basis of the problem, which is six, makes awl, [that is, changes], to seven and the five sisters get four shares. Since four shares cannot be divided by five, the number of sisters, the basis of the problem becomes $5 \times 7 = 35$. So, $[4 \times 5 = 20]$ twenty shares are given to the five sisters, and $[3 \times 5 = 15]$ fifteen shares to the husband.

5 - If a few shares cannot be divided between the owners of those shares, the least common multiple of the number of the owners of those shares is multiplied by the basis of the problem and thus the new basis is found. The inheritance is divided by that new basis.

For example, when there are three daughters and three paternal uncles, the problem is based on three and the daughters get two shares and the uncles get one; yet because the share cannot be divided by the number of individuals the basis of the problem becomes $[3 \times 3 = 9]$ nine; $[9 \times 2/3 = 6]$ six shares are given to the daughters and $[9 \times 1/3 = 3]$ three shares to the uncles.

A second example: When there are two wives, ten daughters, six grandmothers and seven paternal uncles, the problem is based on twenty-four, and three shares belong to the wives, sixteen shares to the daughters, four shares to the grandmothers, and the remaining one share belongs to the uncles; but because the number of shares is not divisible by the

number of their owners, the least common multiple of two, ten, six and seven, (210), is multiplied by the basis of the matter, (24), and the result is obtained: $[24 \times 210 = 5040]$. The wives get $[5040 \times 1/8 = 630]$ six hundred and thirty shares, the daughters $[5040 \times 2/3 = 3360]$ thirty-three hundred and sixty shares, the grandmothers $[5040 \times 1/6 = 840]$ eight hundred and forty shares and the uncles $[5040 \times 1/24 = 210]$ two hundred and ten shares. Thus, one wife gets 315 shares, one daughter 336 shares, one grandmother 140 shares, and one paternal uncle 30 shares.

SECOND CASE: There is only the ashâb-i farâid. Because there are no asabas, the property remaining from the ashâb-i farâid is again divided between the ashâb-i farâid in proportion with their shares. That is, it is returned to the ashâb-i farâid. But it is not returned to the husband or wife. These two are called **unreturned**. Those ashâb-i farâid other than the husband and wife are called **returned**, which means those that are given again. The problems of the second case are called **problems of return**. One of two situations may form the problems of return:

1 - If the unreturned do not exist in the problem of return, two situations are possible:

A: When (all) the returned own their fards in (the same) one category the problem is based on two.

For example, when there are two sisters, each gets half of the inheritance.

A second example: When there is a grandmother and a sister uterine, each gets half of the inheritance. For, the fard of both of them is sudus (one-sixth).

B: When the returned do not have their fards in two or three different categories, the basis of the problem of return is the sum of the number of shares.

For example, if the problem contains the categories of thuluth (one-third) and sudus (one-sixth), the problem must be based on six and the share of the one whose fard is thuluth must be $6 \times 1/3 = 2$, and the share of the one whose fard is sudus must be $6 \times 1/6 = 1$. However, because there are no asabas our problem becomes a problem of return, and the basis of the problem becomes $[2 + 1 = 3]$ three, instead of six. An example of this is the existence of a mother and two sisters uterine; since the fard of the mother is sudus and the fard of the two sisters is

thuluth, this problem of return is based on three; so the sisters are given two shares and the mother is given one share.

A second example: If the problem of return contains the categories of nisf and sudus, the problem will be $6 \times 1/2 = 3$, and the share of the one whose fard is sudus will be $6 \times 1/6 = 1$. But the problem of return is based on $[3+1=4]$ four. When there is a daughter and a son's daughter, three shares belong to the daughter and one share belongs to the son's daughter.

A third example: If the problem of return contains the categories of nisf and thuluth or sudusân [two units of sudus] and nisf or thuluthân [two units of thuluth] and sudus, the problem is based on five instead of six. When there is one sister and two sisters uterine the basis of the problem of return becomes $[3+2=5]$ five, three shares being given to the sister and one to the two sisters uterine.

2 - When the problem of return contains the unreturned too, there are, again, two possible situations:

A: When the returned have their fards in (the same) one category, two cases exist:

First case: If, after the unreturned has gotten his (or her) share, the remaining property can be divided by the number of the returned, the unreturned gets his (or her) share and the rest is divided by the number of the returned.

For example, when there is a husband and three daughters, the husband gets one of the four shares and the remaining three shares are distributed to the daughters.

Second case: If, after the unreturned has gotten his (or her) share, the remaining property cannot be divided by the number of the returned, the basis of the problem is found by multiplying the number of the persons returned by the denominator of the fard [share] of the unreturned.

For example, when there is a husband and five daughters, the husband gets the rubu' (one-fourth) and the remaining three shares cannot be divided between the five daughters; so the basis of the problem becomes $[4 \times 5 = 20]$ twenty, the husband gets five shares and the daughters get fifteen shares; each daughter is given three shares.

B: If the returned own fards in two or three different categories, the person unreturned gets his (or her) share and the remaining property is divided like in the problem of return.

Here also, there are two cases:

First case: If the shares remaining from the unreturned can be divided by the basis of the problem of return, for finding out the basis of the problem the least common multiple of the number of the returned and unreturned is multiplied by the denominator of the fard (share) of the unreturned.

For example, if there is one wife, four grandmothers and six brothers or sisters uterine, when the wife gets the rubu', three shares remain; the basis of the problem of the returned is the share of the grandmothers ($6 \times 1/6 = 1$) plus the share of the brothers or sisters ($6 \times 1/3 = 2$) $= 1 + 2 = 3$. Since the remaining three shares can be divided by the basis of the problem of return, which is three, the basis of the problem becomes $[12 \times 4 = 48]$ forty-eight. For, the least common multiple of four, which is the number of the grandmothers, and six, which is the number of the brothers and sisters, is twelve. $48 \times 1/4 = 12$ shares fall to the wife, $1 \times 12 = 12$ shares to the four grandmothers — three shares to each — , and $2 \times 12 = 24$ shares to the six brothers or sisters— four shares to each.

Second case: If, after the unreturned has gotten his (or her) share, the remaining shares cannot be divided by the basis of the problem of return, to find out the basis of the problem the basis of the problem of return is multiplied by the denominator of the unreturned's fard, and the result is, again, multiplied by the least common multiple of the number of the returned and the unreturned.

For example, supposing there are four wives, nine daughters, six grandmothers, the wives get the thumun and seven shares remain. And since the nine girls will get $6 \times 2/3 = 4$ shares and the six grandmothers $6 \times 1/6 = 1$ share, the basis of the problem of return is $4 + 1 = 5$. The remaining seven shares cannot be divided by five, which is the basis of the problem of return, so basis of the problem becomes $[5 \times 8 \times 36 = 1440]$ fourteen hundred and forty, and the wives are given $[1440 : 8 = 180]$ hundred and eighty shares, the daughters $[(1440 - 180) \times 4/5 = 1008]$ one thousand and eight shares, the grandmothers $[(1440 - 180) \times 1/5 = 252]$ two hundred and fifty-two shares; accordingly, each wife gets forty-five shares, each daughter gets $[1008 : 9 = 112]$ hundred and twelve shares, and each grandmother gets $[252 : 6 = 42]$ forty-two shares.

Kadihân (rahmatullâhi ta'âlâ 'aleyh) says that if the spouse

of a deceased woman is the only remaining heir, and the decedent bequeathed half of the property to a third party, this third party will be entitled to half of the property. One-third is received by the spouse. One-sixth will be received by the **Bayt-ul-mâl** (the treasury). The third party first will receive one-third. The half of the remaining two-thirds, (which translates to one-third of the inherited property), is to be received by the husband. After this distribution, one-third of the property of inheritance remains. By giving one-sixth of this remaining part to the third party, the half of the inherited property which was bequeathed to him has been transferred. The remaining one-sixth will belong to the Bayt-ul-mâl, for the remaining part is not to be given to the spouse. If the decedent bequeathed half of the property to the spouse (husband), the entire property would belong to him.

It is written in **Fatâwâ-i Hindiyya**, "Supposing a deceased woman has a husband, a sister, and a sister by her father; half (of the inheritance) falls to the husband, half to the sister, and one-sixth to the sister by her father, and the basis of the problem makes awl (changes) from six to seven. If there were a brother by her father too, he would cause the sister by her father to fall from her share of fard and become an asaba. And because there would be nothing remaining from the husband and the sister, the sister by father would get nothing.

ZAWIL - ARHÂM

I - If there exists no ashâb-i farâid or asaba, or if there is only the husband or the wife, the inheritance is given to the zawil-arhâm. The expenses of the funeral arrangement, such as washing, shrouding and burial, and the payment of the human debts having been deducted from the inheritance, one-third of the remainder is spent for the fulfilment of the (decedent's) will. Two-thirds of the rest are given to the closest of the zawil-arhâm. The **zawil-arhâm** consists of five classes, which are as follows in respect of their closeness to the deceased:

1 - The first class subsumes the decedent's furû'. Furû', (sing., fer'), means children. (The decedent's) daughters, children, (the decedent's) son's daughters' children and their progeny are in this class.

II - The second class subsumes the decedent's asl, which

are the fâsid^[1] grandfathers, the fâsid grandmothers, and their parents. Also in this class are the decedent's mother's father and also the father or mother of this last member.

III - The third class subsumes the decedent's father's furû'. All kinds of sisters' children or grandchildren and uterine brothers' children and all kinds of brothers' daughters or grandchildren are in this class.

IV - The fourth class subsumes the grandparents' furû'. Paternal aunts, maternal aunts, maternal uncles and paternal uncles uterine are in this class. The paternal uncle uterine is one's father's brother uterine. Those paternal uncles who are the father's brothers by the same father and mother or by the same father only are asabas. All kinds of paternal uncles' daughters and their progeny are all in the fourth group.

V - The fifth class subsumes the father's or the mother's grandfathers' furû'. The mother's or father's paternal aunts, maternal aunts and maternal uncles, the father's paternal uncles uterine, the mother's paternal uncles, the mother's and father's paternal uncles' daughters, and the mother's paternal uncles' children are in the fifth class.

2 - If only one of the zawil-arhâm exists and none of the other heirs exists, this person gets the entire property. If there is only one person in one of the five classes of the zawil-arhâm, those who are in the following classes cannot be heirs even if they are closer to the deceased. If there are several people in the same class, the ones who are closer to the deceased deprive the ones who are farther of the inheritance. For example, if the mother's father exists, his (mother's father's) mother or father cannot be an heir. Likewise, if the maternal uncle and the maternal uncle's son exist, the maternal uncle's son cannot get any inheritance. Next, one who is related to the deceased by two linkages deprives one who is related by one linkage. For example, when there is a maternal uncle by both parents, (that is, mother's brother from the same father and mother), a maternal uncle only by the same father, (that is, mother's brother only from the same father), cannot be an heir. In case of equality in these respects also, one who is related to the deceased through an heir becomes the heir. For example, if the son's daughter's daughter exists, the daughter's daughter's

^[1] Fâsid grandfathers and grandmothers are those in the female line.

son cannot be an heir. For, the former is of the progeny of the owner of the fard.

3 - If there is difference in the directions of closeness; for example, if the father's mother's father and the mother's father's father both exist, the one in the father's direction gets two-thirds, and the one in the mother's direction gets one-third.

4 - In case of equality in respect of the degree of closeness, the strength of closeness and the direction of closeness to the deceased, and if none of the concerned is related to the deceased through an heir, the inheritance is divided so that the men get twice as much as the women do. An example of this would be the existence of both the daughter's son and the daughter's daughter.

The person who has helped a murderer, like the murderer, cannot get any inheritance (from the murdered). This, of course, has the stipulation that they should have reached the age of discretion and puberty. One can be a renegade's heir. But a renegade cannot be a Muslim's heir.

It is stated in the final chapters of the books **Hadîqa** and **Berîqa**, as well as in the books **Sayf-us-sârim** and **Inqaz-ul-hâlîkin** and **Jilâ-ul-qulûb**: "If a person donates gold coins or silvers to a public foundation and provides that they should be spent on good deeds such as reading Qur'ân al-kerîm, performing supererogatory namâz, saying prayers such as tesbîh, tehlîl, mawlîd and salawât and the thawâb for these pious deeds should be donated as gifts to his soul and to the souls of people he names, this will is not sahîh, for it is a bid'at to make such a donation. He or the people he names will not receive the thawâb donated. Money accepted in return for these services will be a fee for the pious deeds, which is an act of harâm. If some people perform these pious deeds voluntarily and donate the thawâb (they will earn for these pious deeds) to people they choose, alive or dead, those people will receive the thawâb. And it will be halâl for them (people who do these pious deeds) to accept the gifts donated to them without bargaining. Donation of this sort will be sahîh."

A lawyer named Toma Andoniaki Bey from the Istanbul Bar, gives information about Ottoman law in his book **Kâmûs-i Kavânîn** (Dictionary of laws), published in 1310 [1892 A.D.] in Istanbul, and provides further details regarding the distribution of inherited property. A lawyer from Adana, Kasbaryan Bey,

wrote about **Majalla** and explained fourteen other Ottoman laws article by article in his book **Juzdân-i Kavânin-i Osmâniyye** (Pamphlet of Ottoman laws) printed in 1312 [1894 A.D.] in Istanbul.

24 – SECOND VOLUME, 16th LETTER

This letter, written to Badi’uddîn Sahâranpûrî, informs us about life in the grave and about the thawâb of plague.

Hamd be to Allâhu ta’âlâ. Salâm be to the good people He has chosen. Your valuable letter has reached us. You write that in your part of the country two horrific series of events have commenced, and that one of them is the tâ’ûn [plague] and the other is the qaht [food famine]. May Allâhu ta’âlâ protect us and you against calamities. May He bless us all with good health!

“This great catastrophe notwithstanding, we are still praying day and night and waiting upon the will of Allâhu ta’âlâ. Our hearts are with Him momentarily,” you write. Upon reading this, we paid our hamd and gratitude to Allâhu ta’âlâ. At such times as this, recite the four **Quls** very often! [That is, say the sûras beginning as “Qul yâ ayyuhal kâfirûn...,” “Qul huwallâhu...” and “Qul a’ûdhu...” This will protect you against the harms of genies and human beings!]

The sunna prescribes that a man’s shroud must consist of three parts. It is bid’a to wrap a turban. A piece of paper called **Ahdnâma**, [on which the answers to be given to the interrogating angels and the prayers such as istighfâr are written], must not be put in the grave. Otherwise it will cause the blessed letters and names to be smeared with the foul emissions from the corpse; and it has not been commanded by any [of the four] basic proofs [of the Sharî’a]. The savants of Mâwarâ-un nahr [Transoxiana, the cities between the rivers Syr Darya (Jaxartes) and Amu Darya (Oxus) near the Aral Sea] never did so. It is good to put a savant’s shirt on the deceased instead of a qamîs. Martyrs’ shrouds are their clothes. [Those martyrs who die of a wound by a gun are not washed or shrouded. Those who die in combat without being wounded or who die of an epidemic disease or in a catastrophe still get the thawâb of martyrs, but they are washed and shrouded]. Abû Bakr-i Siddîq (radiyallâhu ’anh) enjoined in his last will, “Shroud me with these two pieces of clothes of mine!”

Because life in the grave is like worldly life in one respect,

the deceased makes progress and gets promoted. Life in the grave is different with different people. It has been said that Prophets 'alaihimussalâm' perform namâz in their graves. As our Prophet 'sallallâhu 'alaihi wasallam' went by the grave of Mûsâ ('alaihissalâm) on the night of Mi'râj, he saw him performing namâz in his grave. When he ascended to heaven at that moment, he saw Mûsâ 'alaihissalâm' in heaven. Life in the grave is a wonder. Nowadays, studying the life in the grave on account of my deceased eldest son [Muhammad Sâdiq 'rahmatullâhi 'aleyh'], I have been observing wonderful mysteries. If I were to divulge only a few of them, due to their being beyond the mind's range they would cause mischief and a disturbance. The Arsh is the ceiling of Paradise. But the grave also is one of the gardens of Paradise. Mind's eye cannot see this. The astonishing things in the grave are seen with a different eye. Belief in this, weak as it may be, causes one to be saved from torment. However, to be able to utter that beautiful word [Kalima-i tawhîd] at your last breath it is necessary to [obey the Sharî'a in the world and to] do pious deeds.

It is a grave sin to abandon a place stricken with plague lest you should die. It is like deserting the battlefield. A person who does not leave the place of plague and who puts up with it patiently will get the thawâb of martyrs when he dies. He will not suffer any torment in the grave. If this patient person does not die, he will get the thawâb of ghâzîs (those who survive a Holy War).

25 – SECOND VOLUME, 17th LETTER

This letter, written to Mirzâ Husâmaddîn Ahmad, explains that worldly troubles will promote a person though they taste bitter, and states the value of dying of plague.

First, I extend my hamd to Allâhu ta'âlâ and send my salawât to our Prophet (sallallâhu 'alaihi wasallam), and then I pronounce a benediction over you. I have been disturbing you with my letters. Shaikh Mustafâ has delivered your valuable letter, in which you advise us to be patient about the misfortunes that have befallen us. We have been honoured with reading it. All of us are Allâhu ta'âlâ's property. All of us will go before Him! The misfortunes that have fallen upon us are, outwardly, very smart, very bitter. But in reality they are

progressive and exalting medicines. [Certainly, a medicine will be bitter]. The benefits which these bitter events produce in this world cannot be a hundredth of the blessings which we expect to be given in the Hereafter. Then, the child is a great blessing from Allâhu ta'âlâ. As long as it lives you reap many benefits from it. And its death brings you thawâb and promotion. The great savant Muhyissunna [Nawawî] (rahmatullâhi 'aleyh) says in his book captioned **Hilyat-ul abrâr**: "When Abdullah ibn Zubayr was the Khalîfa plague broke out, and it bereaved Anas bin Mâlik (radiyallâhu 'anh) of eighty-three of his children. Having been a servant of our Prophet's (sallallâhu 'alaihi wasallam), he had been honoured with his (the Prophet's) benediction of barakat and abundance over him. The plague bereaved also Abdurrahmân bin Abî Bakr Siddîq (radiyallâhu 'anhumâ) of forty children." With this having been done to the Sahaba ('alaihimurridwân), who are the best and the most valuable of mankind, how could we expect to be taken into special accounts so sinful as we are? A hadîth-i sherif declares, **"The plague was sent as a torture onto the previous ummats. For this Umma it is a cause of martyrdom."** Indeed, those who die of plague die in astounding serenity and with tawajjuh towards Allâhu ta'âlâ. On this day of calamity one longs to join that blessed company; one desires to leave the world and accompany them in their cruise to the Hereafter. The catastrophe of plague may seem to be wrath and torment upon this Umma, but essentially it is (Allah's) compassion. Mayân Shaikh Tâhir said that during the days of plague someone in Lahore had heard some voices saying, "Shame upon anyone who does not die during these days!" It is true! When due attention is paid to the states of these martyrs, bewildering states, occult occurrences are observed. Such blessings are exclusive only to those who sacrifice their lives for Allah's sake.

Sir! The bereavement of my most cherished son has been a very great catastrophe. It has scorched me. No one has suffered such a burning grief. Yet at the same time the blessing of patience and gratitude, which Allâhu ta'âlâ has bestowed on this weak-hearted faqîr, me, against this catastrophe, has been one of His greatest gifts. I pray that Allâhu ta'âlâ will not give the reward for this catastrophe in the world and will give it in the Hereafter! However, I am not unaware of the fact that this wish of mine originates from the depression in my heart. For, His

mercy is endless and His compassion is profuse. Both in this world and in the Hereafter, He gives profusely. What we expect from our brothers is that they help and rescue us by praying for our guidance toward îmân in our last breath and for the forgiveness of our sins, which we have committed out of human weaknesses. O our Allah, forgive us and do not let us deviate from the right way! Help us defend ourselves against unbelievers! Âmin. I send my salâm to you and to those who are on the right way.

26 – SECOND VOLUME, 88th LETTER

This letter, written for Molla Badî'uddîn, informs that it is necessary to acquiesce in Qadâ and to derive pleasure from the arrangements of the Owner.

Hamd be to Allâhu ta'âlâ and salâm to His chosen, beloved slaves! The good slave is the one who approves and likes the arrangements of his Owner. The person who likes his own wishes is servile to himself. Even if his Owner thrusts a dagger in his slave's throat, the slave must like it and be pleased with it. If, may Allah forbend, he does not like and approve of it, he will no longer be His slave; he will distance from his Owner. [Epidemic and fatal diseases] such as plague come as a result of Allâhu ta'âlâ's will. One must be happy as if it (the disease) had come as a result of one's own wish. One must not become angry or sorry when a plague (or any other epidemic disease) comes. Thinking that it is of the Beloved's making, one must take delight in it. Everyone has a certain time of death. This time never changes. For this reason, one must not feel in straits or worried in the event of a disease. When such griefs and calamities come about, one must trust oneself to Allâhu ta'âlâ and pray, invoke Him for good health and salvation. Allâhu ta'âlâ likes those who ask for good health and salvation. It is declared in the Sûrat-al Mu'mîn, "Pray! I shall accept your prayers!" Mawlânâ Abd-ur-rashîd has arrived here and told us about you. May Allâhu ta'âlâ protect you against events that can be foreseen and prevented and against those that cannot be seen and prevented! Âmîn.

[Ya'qûb bin Sayyid Alî (rahmatullahi 'aleyh), in his explanation of the book **Shir'at-ul Islam**, refers to the hadîth-i sherîf, "**Praying is worshipping.**" Even if the prayers are not accepted, they will yield thawâb. Acceptability of any prayer

depends on various conditions: Halâl food must be eaten. The prayer of the person who eats harâm food will not be accepted for forty days. Prayer is the key to satisfying one's needs and providing happiness. The cogs of this key is the halâl food. Secondly, the clothing should be **tîb**. Property which is not forbidden it is called halâl. Property which is not of doubtful origin is called **tîb**. While praying the heart should be awake and one must believe that one's prayers will be accepted. The prayers of an ignorant person who is not aware of what he says will not be accepted. Before praying, one should repent and ask Allâhu ta'âlâ for forgiveness. One should not be impatient for the acceptance of prayers. Praying should continue and one should not flag. Allahu ta'âlâ likes prayers and the person who prays. His way of giving to those whom He loves is to delay the thing requested, even though the prayer has been accepted, in order to protract the prayer and thus to increase its thawâb. The prayer should be repeated at least seven times. Anyone who prays more at times of comfort and ease will have his prayers accepted sooner at times of trouble and misfortune. Before praying, first give thanksgiving to Allahu ta'âlâ and send "salât and salâm" to Rasulullah. Rasulullah (sallallahu 'alaihi wasallam) used to say, "**Subhâna rabbiyel aliyyil a'lel wahhab,**" when he started his prayers. First one should make tawba for one's sins, then pray for the health and happiness of all Muslim Believers, and then request wholeheartedly for whatever one wishes. Things that are inconsistent with both rational behaviour and religious rules should not be requested. For example, a prayer such as "Donate to me a white chalet on the right-hand side of heaven" should not be made. The blessed thing requested should be heart-felt and the meaning of the prayer should be known. A prayer should not be wishful thinking, and one must stick to the means which will lead to the end. That is to say, first one must hold tight to 'ibâdât and good deeds, then pray and expect the consent of Allah. Good deeds and worships are the means of love. Without sticking to the means, the prayers will not be accepted. This will not be called a prayer. It is called a useless wish. Any request which is not expected to be fulfilled is called a wish. To ask for something expected is called a rejâ (request). One must invoke (Him) for the attainment of the means for what is wished. It is stated in a hadîth-i sherîf, "**Anyone who prays without working for it, is**

like a soldier who goes to war without a gun.” The request should be made by kneeling towards the Kâ’ba, after making an ablution, by opening the palms [to the sky], by orientating oneself to the souls of Prophets and Awliyâ, and by asking “for the sake of those beloved people,” and the last word should be “**Âmîn.**” First of all, the prayer should be made for forgiveness and compassion. A very valuable prayer which comprises all these elements is “**Allahumma rabbenâ âti-nâ fiddunyâ haseneten ve fil-âkhireti haseneten ve qi-nâ adhâbennâr..**” One should not pronounce maledictions over oneself, over one’s children, over one’s spouse. [One should not say, for instance, “Yâ Rabbî! Take my soul out!”] If it is accepted, repentance will be futile. The translation from the explanation of Shir’a ends here.]

27 – THIRD VOLUME, 15th LETTER

This letter, written to Mîr Muhammad Nu’mân ‘qaddas-Allâhu ta’âlâ sirrah ul-’azîz’, informs that the troubles and pains coming from the Beloved are, to the lover, sweeter than His blessings and sweets.

Hamd^[1] be to Allâhu ta’âlâ and salâm to those people beloved and chosen by Him! My dear sayyid brother! Listen with attention! I have heard that our good-willed brothers have had recourse to all kinds of remedies so that we might rid ourselves of our grief and that none has availed. The hadîth-i sherîf, “**There is khayr, goodness in what Allâhu ta’âlâ creates and sends,**” is well-known. Being human, for some time we sorrowed over the events that had befallen us; we felt annoyed. But after a few days, with the favour of Allâhu ta’âlâ, the sorrows and grievances disappeared, not a bit of them being left. They left their places to joy and relief; for, those who have been disturbing us have been wishing and doing what Allâhu ta’âlâ wills. Hence, it has been realized that it would be useless to feel sorry or grieved and that a person who claims to love Allâhu ta’âlâ must not feel so. For, the afflictions which the Will of the Beloved sends upon the lover must be, like the favours coming from Him, endearing and sweet to the lover. As the Beloved’s favours come sweet, so should His hurting. In fact, one must find more pleasure in the bitterness than in the

^[1] Praise and gratitude.

sweetness coming from Him. For, pains and distresses do not please the nafs^[1]. The nafs does not like such things. When Allâhu ta'âlâ, who is beautiful in every respect and beautiful from every aspect, wills to hurt this slave of His, His Will must, certainly, come sweet to the slave. As a matter of fact, he must take delight in it. Because the wills and wishes of those who have been disturbing us concur with Allâhu ta'âlâ's Will, because their will indicates the Will of the Beloved, what they will and do also is certainly beautiful and sweet. A person's work representing the Beloved's Work is, like the Beloved's Work, endearing and sweet to the lover. Therefore, that person also becomes beloved for the lover. Amazing to say, the greater the pain and torture that person inflicts on the lover, the sweeter they come to the lover. For, the tortures inflicted by him show that the Beloved is like an enemy. The doings of those who have gone out of their minds in this way are beyond mind's grasp. In summary, to retort upon that person, or to loathe him, is repugnant with loving the Beloved. For, that person is like a mirror reflecting the Beloved's Deeds. Those who disturb and hurt us seem more lovable than others. Tell our brothers and friends! They must not be sorry or worried about us. They must not loathe those who hurt us. And they must not hurt them! (On the contrary), it will be quite right if they are happy about what those people have been doing. Yes, we have been commanded to pray. Allâhu ta'âlâ likes those who pray, who hang their heads before Him, who beg and invoke Him. Such behaviour pleases Him. Pray for the dispelling of the pestilence and trouble! Beg for forgiveness and good health!

I have said that that person's hurting us presents the Beloved as an enemy. It is the case, because the Beloved's enmity is for enemies; His enmity towards His friends is only in appearance; and this indicates His mercy and pitying. Such outward acts of enmity of His are of so many benefits to the lover that they could not be tallied. Furthermore, His displaying such behaviour, which seems like enmity to His friends, destroys those who do not believe these facts and brings ruination to them. Muhyiddîn-i Arabî 'qaddas-Allâhu ta'âlâ sirrah

^[1] A malignant being inherent in man's nature. All its desires are against the commandments of Allâhu ta'âlâ.

ul-'azîz' says, "The Ârif^[1] does not have an intention or purpose," which means, "A person who knows Allâhu ta'âlâ does not have recourse to anything for getting relief from a nuisance." The meaning of this statement must be learned well. For, he (the Ârif) knows that distresses and calamities come from the Beloved, that they are His will. Now, does he want to part with something sent by the Beloved and yearn for its deserting him? Yes, he prays and entreats for it to go away; but this he does to obey the command that he must pray. Actually, he does not wish it to go away at all. Everything coming from Him pleases him and comes sweet to him. May Allâhu ta'âlâ give salvation to the adherents of the right way! Âmîn.

^[1] Profound scholar and Walî who Allâhu ta'âlâ has blessed with knowing Him.

A'ûdhu billah-imin-esh-shaytân-ir-rajîm
Bi-s-mi-llâh-ir-Rahmân-ir-Rahîm

Resûlullah 'sall-Allâhu 'alaihi wa sallam' stated: **“When fasâd (mischief, instigation, disunion, tumult) runs rife among my Ummat (Muslims), a person who abides by my Sunnat will acquire blessings equal to the amount deserved by a hundred martyrs.”** Scholars affiliated with any one of the four Madhhabs, (which are, namely, Hanafî, Mâlikî, Shâfi'î and Hanbalî,) are called **Scholars of Ahl as-Sunna**. The leader of the scholars of Ahl as-Sunna is al-Imâm al-a'zam Abû Hanîfa. These scholars recorded what they had heard from the Sahâba-i-kirâm, who, in their turn, had told them what they had heard from the Messenger of Allah 'sall-Allâhu 'alaihi wa sallam'.

The earth is populated by three groups of people today:

1– Disbelievers. These people say that they are not Muslims. Jews and Christians are in this group.

2– The Sunnî Muslims. These people exist with an ever-increasing population in every country.

3– (Hypocrites called) Munâfiqs. They say that they are Muslims. With respect to îmân and some acts of worship, they are not comparable to the Ahl as-Sunnat. They are not true Muslims.

Our Prophet ‘sall-Allâhu ‘alaihi wa sallam’ stated, “**A person whom Allâhu ta’âlâ loves very much is one who learns his religion and teaches it to others. Learn your religion from the mouths of Islamic scholars!**”

A person who cannot find a true scholar must learn by reading books written by the scholars of Ahl as-sunna, and try hard to spread these books. A Muslim who has ‘ilm (knowledge), ‘amal (practising what one knows; obeying Islam’s commandments and prohibitions), and ikhlâs (doing everything only to please Allâhu ta’âlâ) is called an **Islamic scholar**. A person who represents himself as an Islamic scholar though he lacks any one of these qualifications is called an ‘evil religious scholar’, or an ‘impostor’. An Islamic scholar is a guard who protects Islam. An impostor is Satan’s accomplice.**[1]**

[1] Knowledge that is acquired not for the purpose of practising it with ikhlâs, will not be beneficial. Please see the 366th and 367th pages of the first volume of **Hadîqa**, and also the 36th and the 40th and the 59th letters in the first volume of **Maktûbât**. (The English versions of these letters exist in the 16th and the 25th and the 28th chapters, respectively, of the second fascicle of **Endless Bliss**).