

A TEXTBOOK FOR HIGH SCHOOL STUDENTS



FİQH



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FIOQH



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GLOSSARY

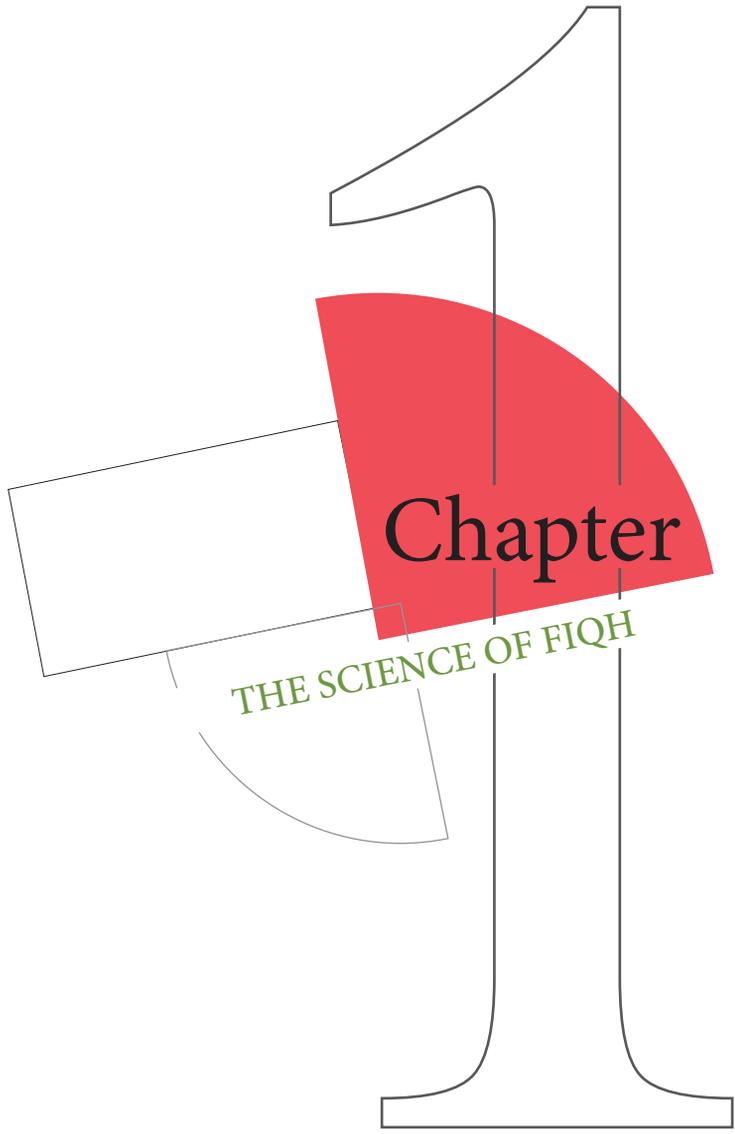
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ANSWER KEY

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Chapter

THE SCIENCE OF FIQH

THE SCIENCE OF FIQH

LET'S GET READY FOR THE CHAPTER

1. Research the meanings of the terms “*fiqh*, *halal*, *haram* and *justice*”.
2. How can people learn things that are useful and harmful for themselves in their daily lives? Reflect.
3. What are the names of the Islamic sciences that you know?
4. Examine the table of contents of a *fiqh* book and learn what the main subjects of the science of *fiqh* are.

1. The Definition, Aim and Importance of the Science of Fiqh

Fiqh lexically means to know and to comprehend something deeply. Terminologically it means knowledge of beneficial and harmful things in one's daily life and is usually translated into English as Islamic law.

The word *fiqh* began to take on a particular meaning after the death of Prophet Muhammad (saw),¹ and became the name of a particular science. During this process, the first meaning it gained was “the true comprehension of the religion as a whole.”

The one who deals with the science of *fiqh* and has the ability to make religious judgments by deducing them from sources such as the Qur'an and *Sunnah*, is called *faqih*. Accordingly, *fiqh* and *ijtihad*, and *faqih* and *mujtahid* have been used in a similar meaning.

The science of *fiqh* has several objectives to achieve through its study. First and foremost, the study of science of *fiqh* aims to obtain the happiness in this life and the Hereafter. It teaches people's rights and responsibilities toward their Creator,

LET'S NOTE

“If Allah wills us to do good to a person, He makes him comprehend the religion.”

Bukhari, *Ilm*, 10.

Interpret the hadith above.

¹ Sallallahu Alayhi wa Sallam: Peace be upon him, from now on will be abbreviated as (saw).

themselves and other human beings, and contributes to the development of a just, peaceful and stable society. It thus builds strong relations among people upon the principles of equality in the creation and brotherhood in belief.

By studying the science of *fiqh*, people can consciously fulfill their duty of servanthood toward God. They perform their acts of worship in a correct way without any deficiency. They learn the requirements of religion, e.g. the fardhs (compulsory acts) or nullifiers of prayer, using *fiqh*.

The subject of rights (huquq) also are within the aims of *fiqh*. The science of *fiqh* further explains what the rights of men are and lays down some principles to protect these rights. It contributes to the improvement of relationships between people such as: cheating in trade is forbidden, unlawful gain is prohibited, etc. Similarly, studying enables us to acquire some principles that make life easier. The permission for not fasting while traveling is an example of this.

LET'S EVALUATE

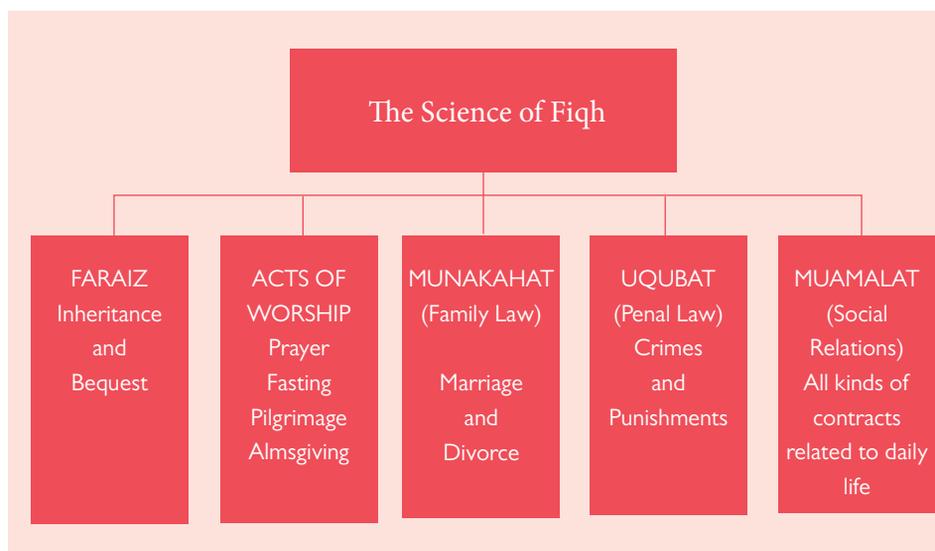
وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي
الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ

“And the believers should not all go out to fight. Of every troop of them, a party only should go forth, that they (who are left behind) may gain sound knowledge in religion, and that they may warn their folk when they return to them, so that they may beware.

Tawbah 9: 122.

Evaluate the verse given above in relation to the importance of the science of *fiqh*.

2. The Science of Fiqh and its Contents



The discipline of *fiqh* comprises all kinds of statements regarding the actions, and conduct of human beings. So it tries to designate proper evaluations and how it is considered in religion, for instance, it deals with subjects such as performing ritual prayer, giving alms, or trading. Moreover, the validity or invalidity of people's actions and statements are also among the subject matters of *fiqh*.

First, *fiqh* examines the acts of worship. Because purity is prerequisite for some worships, *fiqh* books begin with issues about purity. Topics related to purity such as minor ablution, major ablution and dry ablution are examined within this section. Following the purity law, the institution of family is examined. Subjects such as marriage, divorce, rights and responsibilities of family members are investigated in these sections.

INFORMATION BOX

No stage of an individual's or society's life is out of *fiqh*. For an individual is always in relation with

- * His/her Creator,
- * Other people,
- * Society.

Second, Islamic law also examines our relations with other people in daily life and it issues general principles on these subjects. This section is called muamalat, and examines subjects that are related to social relations in daily life, such as trade and rent.

Third, crimes against another person's property or life and the punishments for these crimes are examined under the title of uqubat (punishments).

The subjects such as one's death and legacy are examined under the titles of bequest and inheritance in *fiqh*. (Faraid or inheritance law.)

3. The Relationship between Fiqh and the Methodology of Fiqh

A Mujtahid* needs certain principles to derive legal judgments from the sources. These rules consist of the details found in the Qur'an and *Sunnah* and general principles that help in the process of deduction for legal decisions. Thus, *usul al-fiqh*, or the science of methodology of *fiqh*, which means the knowledge of the arguments (sources) upon which the science of *fiqh* is built, was born.

Usul al-fiqh can refer to three meanings because of the variations in meanings of the word *usul*. The first meaning of *usul al-fiqh* is the way and method that conveys us to *fiqh*. Here "*usul*" deals with how to derive rules from the sources and by which methods correct conclusions can be drawn. With this function, *usul al-fiqh* is just a methodology.

The second meaning of *usul al-fiqh* refers to the sources of *fiqh*. In this case, the question "from where a legal decision is derived" is examined.

LET'S FIND OUT

- * Imam Shafii, *al-Risalah*
- * Zakiyuddin Shaban, *The Principles of the Science of Islamic Jurisprudence*
- * Mohammad Hashim Kamali, *The Principles of Islamic Jurisprudence*

Find out the names of three more books written on *usul al-fiqh*.

The third meaning of *usul al-fiqh* refers to the principles and fundamentals that constitute the basis of *fiqh*. According to this meaning, *usul al-fiqh*

* A scholar who is eligible to deduce judgments from the sources of Islamic law.

constitutes a part of *fiqh* and it cannot be thought of as a separate science. For instance, fairness and ease in social relations are some of the basic principles of *fiqh*. Therefore, *usul al-fiqh* is a branch of the science of *fiqh*.

In general, *usul al-fiqh* deals with the evidences of juridical rulings and principles and methods of deriving legal decisions from those evidences.

INFORMATION BOX

All these examples, which belong to eras prior to Islam, have great value. As Muslim jurists say, they consist of legal principles related to *furu'* i.e. legal texts. According to Muslim jurists, these are branches of the tree of law and cannot be accepted as the science of law, besides they are not the methodology. There is no work, neither in Eastern nor Western societies, that deals only with the science of law. The very first book written on this issue is *al-Risalah* of Imam Shafii, who was born in 150 AH (767 AD).

Muhammad Hamidullah, *Islam Hukuku Etüdleri*, p. 49-50. (Summarized)

A *faqih* examines the Qur'an, *Sunnah* and other evidences. He investigates these evidences to indicate what kind of judgments should be given, such as if the judgment requires commandments or prohibitions. He then establishes some general principles explaining the judgments of these evidences. For instance, he designates the imperative refers to obligation, and thus he establishes the principle "Imperative signifies *fardh* (obligation)." In the same way, he analyzes the texts that imply prohibition, he concludes that prohibitions are *haram* (unlawful) and he then establishes the general principle "Prohibition signifies *haram*."

When *faqih* wants to make judgment (*hukm*) on a legal issue, he applies principles established by the scholars of *usul* (or methodologists) and by which he understands which judgment can be derived from that evidence. For example, when *faqih* wants to determine the *hukm* of prayer, he first finds the relevant verse **وَأَقِيمُوا الصَّلَاةَ ... "Establish prayer..."**² as an evidence. He then sees that prayer is commanded, and based on the principle that "Imperative forms signify *fardh*", he concludes that "prayer is *fardh* (obligatory)".

² Baqarah, 2: 43.

LET'S FIND EXAMPLES

Usul al-Fiqh		Fiqh
Evidence	Principle	Ruling
<p>“And establish prayer and pay alms (zakat) and bow down (ruku) with those who bow down.” Baqarah 2: 43</p>	<p>Imperatives signify obligation.</p>	<p>Prayer is obligatory. Almsgiving is obligatory.</p>

Find some more examples like the one above.

4. The Relationship of Fiqh with Other Sciences

Fiqh has a close connection with other Islamic sciences such as *tafsir* (Qur’anic exegesis), *hadith*, *siyar* (the biography of the Prophet), *kalam* (Islamic theology), etc. Science that explains the verses of the Qur’an in detail is called *tafsir* (Qur’anic exegesis). The science of Qur’anic exegesis studies the verses of the Qur’an based on some rules and methods. It learns the occasions for the revelation of the verses. Thus, it explains the meanings of the verses in detail. The information given as a result of such investigation and research are quite important for the conclusion of the legal judgments. In the making of judgments, *faqih*, the main source of which is the Qur’an, benefits from the books of exegesis, particularly exegeses of *ahkam* (exegesis of the verses related to legal matters).

All sayings, practices and tacit approvals narrated from the Prophet are called *Sunnah* or *hadith*.³ *Usul al-Hadith* determines the degrees and qualities of narrations, and *fiqh* benefits from the sciences of *hadith* and *usul al-hadith* while issuing judgments. It especially gains from the science of *hadith*, that is, how the practical verses of the Qur’an were applied by the Prophet to daily life. In this regard, *Sunnah* is the second main source of *fiqh*.

Siyar (The Life of the Prophet) is another science to which *fiqh* is related. *Siyar* is a science that illuminates the life of the Prophet, his conduct, manners,

³ Talat Koçyigit, *Hadis Usulu*, p. 15.

administration, battles and his evaluations on cases. *Fiqh* benefits from the science of *siyar* while deriving judgments from *Sunnah*.

Kalam (Islamic Theology) is the discipline that deals with basic principles of Islam. The science of *Kalam* tries to prove that a *mukallaf* (legally responsible person) can act freely with his/her free will and *fiqh* explains the rulings of these acts.

All judgments derived by *fiqh* are in harmony with ethical principles. The science of *fiqh* makes a point of protecting the attitudes and behavior that are accepted as correct and good by ethics such as justice, virtue, goodness, righteousness, honesty and respect to other people's rights. It aims to achieve love, respect, trust, help and solidarity between people and the prevention of injustice. All rulings of *fiqh* about *ibadat*, *muamalat* and *uqubat* are ensured to protect these ethical values; and to achieve these aims.

In addition to the Islamic sciences, *fiqh* also takes into consideration other disciplines relevant to the legal issue at hand such as arithmetic, geography and **social practices of a particular society**. For instance, arithmetic is used in inheritance law and geography, and astronomy is used for determining prayer times, for calculating the months of fasting and pilgrimage, and for determining the direction for prayer. Custom (*urf*), social practices of a particular Muslim society, may further assist the jurist in the determination of judgment. If a custom of a society is prevalent generally (*muttarid*) and not in conflict with general Islamic principles, then such custom can be taken into consideration by jurists. Therefore, one may state that jurists also are keen observers of the societies in which they live.

The science of fiqh also deals with philosophy, logic and sociology. In *fiqh*, some explanations are made to prove the validity of judgments, to indicate their foundations and to elucidate their justifications. It propounds the individual and social benefits of legal judgments. While doing this, it benefits from the *aqli* (logical) and *naqli* (based on revelation) sciences.



Mechanical Clock/ the Museum of Turkish and Islamic Arts

LET'S FIND

Find some examples about the relationship of fiqh with the other sciences.

- The relationship of fiqh with mathematics is about the division of inheritance.
- The relationship of fiqh with hadith is about the determination of the numbers of prayer cycles.
- The relationship of fiqh with geography is ...
- The relationship of fiqh with tafsir is ...

5. Basic Principles and Aims of the Science of Fiqh

The Qur'an and *Sunnah* are the sources of legal judgments and for this reason, they should be explained in detail. For such explanations, there are some prominent principles in the science of *fiqh* that include: easiness of accountability, the wide range of lawful things, the limited range of unlawful things, graduality in judgments, observation of public welfare and the realization of justice.

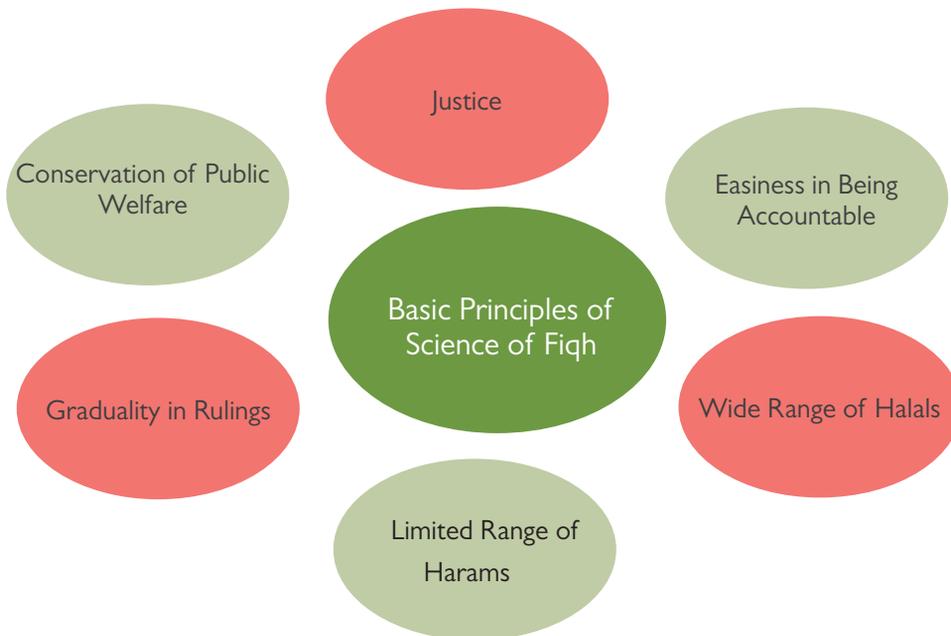
5.1. Easiness of Accountability

Allah (j.j.)⁴ is exceedingly merciful to His servants; that's why He holds people responsible according to their strengths. Likewise, He does not impose any obligation or prohibition beyond their capacity. This fact is remarked upon in the 286th verse of Surah al-Baqarah as follows: **“Allah does not impose upon any soul a duty beyond its capacity...”** It is impossible to see responsibilities beyond human power and nature in the Qur'an. Allah Almighty confirms this in other verses as, **“He has not laid upon you any hardship in religion...”** Prophet Muhammad states that the best of everything is to be moderate and consistent, and he advises against the extreme.⁵

⁴ Hajj, 22: 78.

* Jalla Jalaluhu: May His Majesty be exalted.

⁵ Ibrahim Canan, *Kütüb-i Sitte*, vol. 9, p. 205.



Islam does not impose any responsibilities beyond a person's ability. It lays down many rules and regulations facilitating the fulfillment of obligations for which it holds people responsible. For instance, in the absence of water, *tayammum* (dry ablution) is performed in place of ablution; people who cannot remain standing can perform prayer sitting. Moreover, in the month of Ramadan, travelers are permitted to not fast while traveling; and rich people who are not able to perform pilgrimage because of an illness can send somebody else on their behalf. There is a lot of ease in worships like those previously mentioned. Allah the Almighty states the principle of ease in the Noble Qur'an as such:

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ ... "Allah desires for you ease; He does not desire hardship for you..."⁶ The Prophet declares that there is no difficulty in the essence of the religion in a hadith: "Make things easy for people and do not make them difficult."⁷

LET'S NOTE

"Difficulty begets ease."

(Majallah al-Ahkam al-Adliyyah, article: 17)

"Latitude should be afforded in the case of difficulty."

(Majallah al-Ahkam al-Adliyyah, article: 18)

⁶ Baqarah, 2: 185.

⁷ Bukhari, Iman, 12.

LET'S FIND

Our religion provides a lot of ease in worship. Find some examples of these.

- Dry ablution is performed in the absence of water.

.....

.....

“Being permissible is the fundamental principle.”

Ibn Nujaym,
al-Ashbah wa al-Nazair, p. 73.

5.2. Wide Range of Permissibles (Halals)–Limited Range of Prohibitions (Harams)

Allah has put everything in the universe at the disposal of humankind. This is cited in the following verse as: “**O mankind, eat from whatever is on earth that is lawful and good...**”⁸ Allah has allowed human beings to benefit from these blessings. Yet because of His mercy, Allah has forbidden things that are harmful for the individual and society. For instance, alcohol and gambling are forbidden because of the damage they cause to the individuals, their families and their environment. Forbidden things are remarked on in our religion because they are limited, but lawful things are not counted due to their large number. Some forbidden things are accepted as temporarily permissible in instances of necessity. For example, it is not forbidden for someone who is about to die of hunger to eat unlawful animal meat. This is expressed in the Qur’an as follows:

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنْزِيرِ وَمَا أُهْلَ بِهِ لِغَيْرِ اللَّهِ فَمَنْ اضْطُرَّ غَيْرَ
بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ ﴿١٦٨﴾

“Allah has only forbidden you what dies of itself, and blood, and flesh of swine, and that over which any other (name) than (that of) Allah has been invoked; but whoever is driven to necessity, not desiring, nor exceeding the limit, no sin shall be upon him; surely Allah is Forgiving, Merciful.”⁹

Allah has given people reason and free will, and He holds them accountable for their deeds. Along with that which are *halals*, He prohibits some things

⁸ Baqarah, 2: 168.

⁹ Baqarah, 2: 173.

and wants people to choose what is *halal*. He proclaims that He will reward those who avoid forbidden things. For this reason, those who have a sense of responsibility know that *halal* and *haram* are a form of test in this world and so they must act accordingly.

LET'S TALK

“Forbidden to you is that which dies of itself, and blood, and flesh of swine, and that on which any other name other than that of Allah has been invoked, and the strangled (animal) and that beaten to death, and that killed by a fall and that killed by being smitten with the horn, and that which wild beasts have eaten, except what you slaughter, and what is sacrificed on stones set up (for idols) and that you divide by the arrows; that is a transgression. This day have those who disbelieve despaired of your religion, so fear them not, and fear Me. This day have I perfected for you your religion and completed My favor on you and chosen for you Islam as religion; but whoever is compelled by hunger, not inclining willfully to sin, then surely Allah is Forgiving, Merciful.”

Ma'idah 5: 3.

List the prohibitions that are cited in the verse above and talk about the extent of *halal* and *haram*.

5.3. Graduality in Rulings (Tadrij)

Revelation of the Qur'an is completed during 23 years. A considerable number of these years were passed in Mecca. The verses revealed during the Meccan era are mainly about the construction of a belief system and ethical substructure, and the verses revealed during the Madinan era were generally about worships and social life. For example, all acts of worship except ritual prayer are commanded in the verses revealed in the Madinan period.

Acts of worship and rulings related to social life were established gradually and according to society's needs. This principle makes the comprehension and application of these judgments easier. For instance, at first the amount of alms was not determined; believers were allowed to give according to their will and financial power, then the amount of alms was determined by the Prophet.¹⁰

The revelation of Allah's judgments occurred not as a whole but corresponding to certain situations and through a step-by-step process, this is called *tadrij* (gradualism). Gradualism, which is one of the fundamental features of *fiqh*, is always permissible when inviting others to Islam. For this reason, new Muslim converts learn and practice religious rulings gradually, over time.

¹⁰ Hayrettin Karaman, *Islam Hukuk Tarihleri*, p. 57.

LET'S LEARN

The stages of the prohibition of alcohol are presented in the verses below. Analyze these verses and learn how gradualism takes place in judgments.

“(O Muhammad!) They ask you about intoxicants and games of chance. Say: In both of them there is a great sin and means of profit for men, and their sin is greater than their profit.”

Baqarah 2: 219.

In the verse above, intoxicants are encompassed by the term sin, and it is emphasized that they have more harm than benefits.

“O you who believe! Do not go near prayer when you are intoxicated until you know (well) what you say, nor when you are under an obligation to perform a bath—unless (you are) traveling on the road—until you have washed yourselves...”

Nisa 4: 43.

In the verse above, it is emphasized that intoxication that is the direct result of drinking alcohol is an obstacle for performing prayer.

“O you who believe! Intoxicants and games of chance and (sacrificing to) stones set up and (dividing by) arrows are only an uncleanness, the Satan’s work; shun it therefore that you may be successful. The Satan only desires to cause enmity and hatred to spring in your midst by means of intoxicants and games of chance, and to keep you off from the remembrance of Allah and from prayer. Will you then desist?”

Ma’idah, 5: 90-91.

In the verse above, alcohol is forbidden in an absolute form.

5.4. Observation of Public Welfare (Maslahah)

All rulings of the religion are to serve people. Human happiness both in this world and in the Hereafter is the greatest aim of the religion. Hence, public agencies and institutions are for people, too. Public welfare is understood as the welfare of society. In some cases, public interest and individual interests may conflict with each other. In such cases, public welfare needs to be made a priority. If there is an obligation for preference between damage of social benefit or of private property, public interest is particularly preferred. Yet in instances of such preferences, it is necessary to protect private property and to compensate for damages. Thus, there would be a balance between public benefits and personal rights. For instance, an individual’s private property can

be confiscated for the construction of a building in the city center for public needs such as a hospital, a school, a mosque, etc. Yet in such cases, the price of the property must be paid to the owner and thus, the right of that person should be protected.

Public welfare also may refer to the removal of that which might damage the public, or it can be the acquisition of things that are of public benefit. In cases in which damage and benefit for the public are in conflict, the removal of the damage is the priority. For example, if a factory should damage the environment, regardless of its potential benefits, the project should be abandoned.

LET'S FIND EXAMPLES

Find some examples about observing public welfare.

- While building a road for public benefit, private properties that obstruct the construction of that road can be confiscated provided that its price is paid.
-
-
-

5.5. Materialization of Justice

The word justice lexically means righteousness, equality, and the state of being moderate and stable. Terminologically, it means to do a work properly, to give the right to the holder, and the compliance with rights and law.

One of the key features of the science of *fiqh* is the necessary regulations for actualization of justice. The Qur'an expresses this fact as follows:

LET'S EXPLAIN

Explain the following saying: "Justice is the foundation of property."

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰ ٱلْأَنفُسِ ٱلَّذِينَ أَدْلُوا۟ هُمْ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌۢ بِمَا تَعْمَلُونَ ﴿٨٥﴾

“O you who believe! Be upright for the sake of Allah, and be bearers of witness to justice, and do not let the hatred of a people prevent you from being just. Be just, that is closest to piety, and fear Allah; indeed, Allah is all-knowing what you do.”¹¹

People need provisions of law to regulate relationships between them. These provisions actualize justice, provide peace and security in society.

Justice requires the individual to remain loyal to law, and to abide by equality and fairness. For this reason, nobody should try to obtain their rights by themselves but instead should leave it to the appropriate authorities. Hence such an attempt is, according to *fiqh*, considered a crime that requires punishment. Therefore, justice can be materialized by abandoning revenge and blood feuds and by obeying the provisions of law. On that account, the Prophet declares in the Farewell Sermon that means of exploitation such as interest and unjust attitudes such as waging a feud are customs of the age of ignorance, and there is no place for them in religion.

LET'S MAKE A LIST

“O you who believe! Be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves or parents and relatives. Whether one is rich or poor, Allah is nearer to them both, in compassion. So therefore do not follow (your) low desires, lest you not be just. And if you distort [your testimony] or refuse [to give it], then surely Allah is aware of what you do.”

Nisa 4: 135.

Evaluate the verse above, and list the prescribed principles for the actualization of justice.

One should not act according to emotions while acting as a witness.....

¹¹ Ma'idah, 5: 8.

LET'S EVALUATE THE CHAPTER

A. Answer the open-ended questions given below.

1. What does *fiqh* mean? Explain.
2. What is the subject matter of the science of *fiqh*?
3. What is the relationship between *fiqh* and *usul al-fiqh*? Explain.
4. From which sciences does *fiqh* benefit?
5. What is the objective of the science of *fiqh*? Discuss.

B. Choose the correct answers to the following multiple-choice questions.

1. Which of the following is **not** one of the basic features of the science of *fiqh*?
 - A) Easiness
 - B) Gradualism
 - C) Imitation
 - D) Justice
 - E) Public welfare
2. Which of the following are among the subjects of *fiqh*?

I. *Uqubat* II. *Muamalat* III. Ethics IV. *Ibadat* V. *Munakahat*

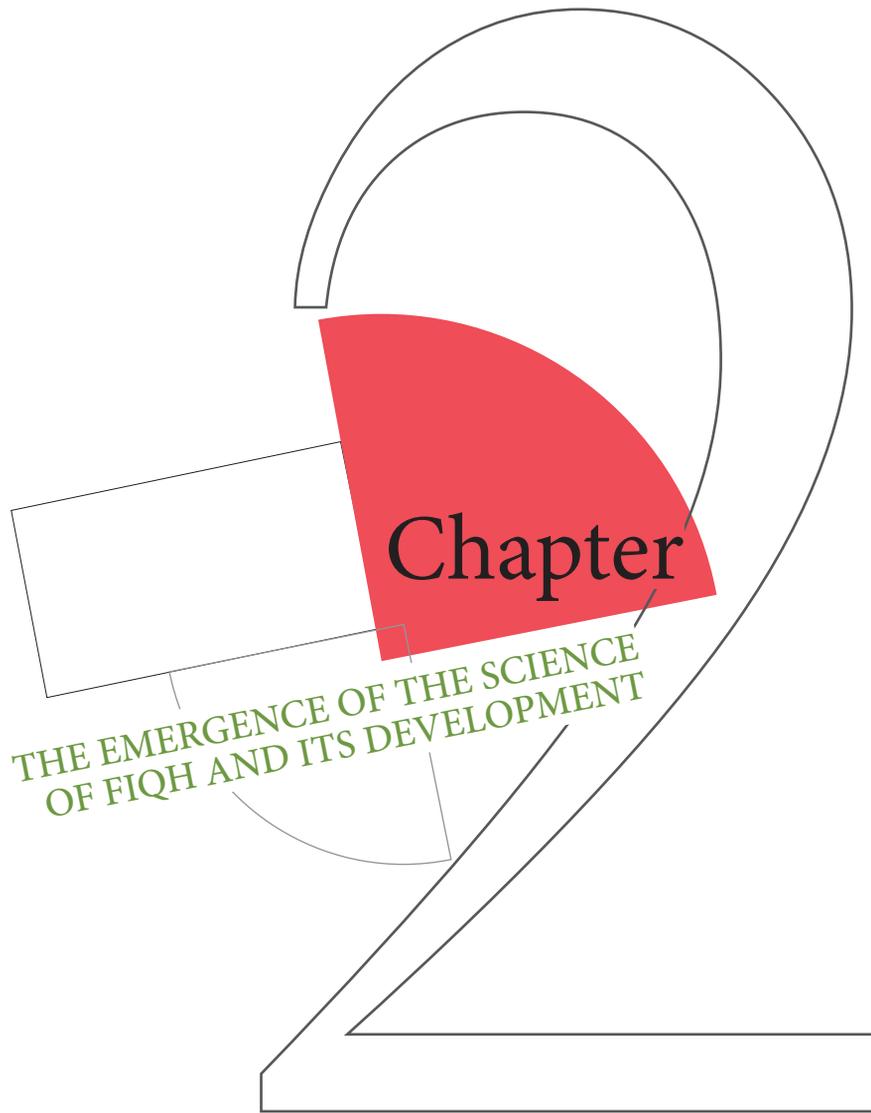
 - A) I-II-III
 - B) II-III-IV
 - C) III-IV-V
 - D) I-III-IV-V
 - E) I-II-IV-V

C. Fill in the blanks in the following sentences with the most suitable word from the list below.

(belief, gradualism, law, *uqubat*, *munakahat*)

1. People need rules of to regulate relationships between them.
2. Revelation of judgments not as a whole but corresponding to certain situations and using a step-by-step process is called
3. Crimes against another person's property or life and the punishments for these crimes are examined under the title of
4. The subject of is not among the subjects of *fiqh*.





Chapter

THE EMERGENCE OF THE SCIENCE
OF FIQH AND ITS DEVELOPMENT



THE EMERGENCE OF THE SCIENCE OF FIQH AND ITS DEVELOPMENT

LET'S GET READY FOR THE CHAPTER

1. Learn the meaning of the following terms: “madhhab, taqlid, ra’y, fatwa”
2. Mention the names of the schools of Islamic law that you know.
3. Write the titles of contemporary fiqh books that you know in your notebook.
4. Research the elements that were influential to the emergence of schools of Islamic law.

1. The Period Before the Emergence of the Schools of Islamic Law

The period before the emergence of Islamic law schools is examined under three main topics in the science of *fiqh*, which are the era of the Prophet, the era of the Companions, and era of the Successors.

In most of the verses revealed to the Prophet, there are statements such as “They are asking to you.” and “They are asking for judgment from you.”¹ The Prophet’s answers to these and other similar questions constitute the first examples of *fiqh*. In addition, deriving judgments from the sources began with the Prophet. After the Prophet’s death, the Companions tried to find solutions for new problems based on the Qur’an and *Sunnah*. In the era of the Successors, practices of the Prophet and the Companions were developed and systematized. This situation laid the ground for the emergence of the schools of Islamic law.

¹ M. Fuad Abdul Baqi, *al-Mu’jam al-Mufahras li Alfaz al-Qur’an al-Karim*, the articles of “Seele” and “Fata”.

1.1. The Prophet's Era

يَسْأَلُونَكَ مَاذَا أُحِلَّ لَهُمْ قُلْ أُحِلَّ لَكُمْ الطَّيِّبَاتُ...

“They ask you as to what is allowed to them. Say: The good things are allowed to you...”

Ma'idah, 5: 4

The era of the Prophet is the most important period for the emergence of *fiqh*; 13 years of this period passed in Mecca, and 10 years in Madinah.

The Prophet's message during the Meccan era was mostly focused on belief and ethics. The principles of belief and ethics underlie acts of worship and social relations. Legal judgments from the Meccan period are few, and they are in the form of general rules.

The Madinan era is of great significance for the history of *fiqh*, during which the social structure of the Muslim society began to take shape. Corresponding to this development, there were some regulations in social life as well as in personal life. Among these, the Covenant of Brotherhood was signed among Muslims, and the Constitution of Madinah was signed with other religious groups.

LET'S NOTE

The main judicial characteristics of the Prophet's era:

- *Tashri'* (establishing new judgments)
- *Tadrij* (gradualism in judgments)
- Easiness in judgments
- *Naskh* (abrogation of the judgments)

The most obvious characteristic of the Medinan period is the gradualism in legal rulings. In other words, rulings about certain issues, for which society was not yet ready, were issued gradually. For instance, alcohol was prohibited in three steps. The Prophet explained the revelation, practiced implementations, and approved some of the Companions' behavior. Thus, the first examples of legal rulings originated.

The Prophet derived judgments according to his *ra'y* (personal opinion) and *ijtihad*, sometimes consulting with his Companions and sometimes through personal knowledge and experience, or based on the conditions of the environment in which he lived. If these judgments were not right, they were corrected by revelation. For instance, in the Battle of Badr the Prophet consulted with the prominent Companions about how to treat captives. Abu Bakr suggested emancipating them in return for ransom, and Umar wanted them to be punished. The Prophet took Abu Bakr's opinion and emancipated the captives in return for compensation. The verse that was revealed regarding this case states that the opinion of Umar was more correct: **"It is not fit for a prophet that he should take captives unless he has fought and triumphed in the land. You desire the frail goods of this world, while Allah desires (for you) the Hereafter. And Allah is Mighty, Wise."**²

During the time of the Prophet, some Companions were sent to the cities outside of Hijaz. For example, Muadh ibn Jabal was sent to Yemen. When he asked by the Prophet, "Based on what will you judge where you go?" he answered by saying: "First in accordance with the Book of Allah and then the *Sunnah* of the Prophet." He added that he would then judge according to his *ra'y* and *ijtihad* (personal judgment) if he could not find any solution in the former two. With this answer, he obtained the Prophet's approval.³ This case shows that in the time of the Prophet, *ijtihad* was one of the sources of *fiqh*, because everybody did not have a chance to convey their questions to and get answers from the Prophet. In such situations, prominent Companions issued their personal solutions for issues, about which there is no clear legal injunction, by making *ijtihad*. Solutions were presented to the Prophet, and if they were wrong the Prophet would correct them. If they were right, he would approve them. These approved *ijtihads* of the Companions constituted the *Sunnah taqriri* (*Sunnah* based on tacit approvals).

The principle of easiness, which comprises the essence of judicial judgments, is one of the most significant features of that period. For instance, the Prophet said to a man who wanted to obtain information about Islam that he was to perform prayer five times a day, to fast during the month of Ramadan, and to pay almsgiving. Then the man said, "I will do neither more nor less than this. Upon this the Prophet said, **"If he is right then he will go to paradise."**⁴ On

² Anfal, 8: 67.

³ Abu Dawud, Aqdiyyah, 11.

⁴ Bukhari, Zakat, 5.

**LET'S
EVALUATE**

Find the Constitution of Madinah, read its articles in class, and evaluate them in terms of their contribution to the science of *fiqh*.

“My Companions are like (guiding) stars. Whomsoever you follow, you will be guided (on the right path).”

Munawi, *Fayd al-Qadir*, volume 4, p. 76

the other hand, it is a fact that some practices of that period were abrogated (*naskh*) by the revelation. For example, in the first years of Islam the direction of prayer had been al-Masjid al-Aqsa, but when the 149th and 150th verses of Surah al-Baqarah (2) were revealed, the direction was changed and al-Masjid al-Haram (Ka’bah) became the new direction.

1.2. The Era of the Companions (Sahaba)

The era of the Companions covers the period that begins with the demise of the Prophet until the beginning of the second century. After the death of the Prophet, the borders of Muslim lands rapidly expanded. With conquests, Muslims reached India in the east, and the Atlantic Ocean in the west; as a result Islam spread among people living in this wide geographical area. Muslims met new societies and civilizations, which naturally created a lot of problems. Some Companions distinguished themselves from others in terms of knowledge, understanding, and their ability to benefit from the revelation. They could immediately produce solutions to the problems that arose after the demise of the Prophet with the method of consultation and *ijtihad* they had learned from him. For instance, the Companions recognized and found a solution for the vacuum in administration following the death of the Prophet. After consultation among the Companions, Abu Bakr (may Allah be pleased with him) was elected caliph.

Abu Bakr remained in the caliphate for two years. Apostasy (*irtidad*) and instability caused by those who did not want to pay *zakat* were the most significant problems during his period as caliph. Muslims struggled to repress these rebellions and to secure unity and create solidarity for a long time. Abu Bakr always tried to solve the problems by consulting prominent Companions. For instance, the Prophet used to give a share in *zakat* to *muallafa al-qulub* (those whose hearts are to be reconciled to Islam). By these means he tried to be safe from their harm, gain their support, and win their hearts. After consulting with Umar, Abu Bakr stopped giving a share to them on the grounds that Muslims did not need their support any more.⁵ In addition, in this period, a lot of problems were resolved after long discussions. These decisions that were made consensually are called *ijtihad al-shura* (judicial decision based on consultation). For example, the compilation of the Qur’an in book form took place as a result of *ijtihad al-shura*.

⁵ Hayrettin Karaman, *Islam Hukuk Tarihi*, p. 117.

After Abu Bakr's death, Umar (may Allah be pleased with him) was elected caliph. His 12-year caliphate has an important place in the history of *fiqh*. Muslims began to meet with new cultures, and new residential centers such as Kufa (Iraq) and Fustat (Egypt) outside of Mecca and Madinah were established. In the conquered lands, part of the population converted to Islam and the rest who did not give up their beliefs lived together with Muslims.

Umar banned some jurist Companions from leaving Madinah in order to be able to consult with them when needed.⁶ When he came across a matter for which there was no judgment in the Qur'an or *Sunnah*, he would gather the Companions and consult them. Thus, he took their opinions and then applied the decisions made through consultation. This practice laid the ground for the emergence of *ijma* (consensus) and its acceptance as one of the major sources of Islamic Law.

Taking the conditions of the time into account, Umar issued new judgments that differed from the old practices. For instance, during the period of the Prophet, war spoils were shared among the soldiers who participated. Umar left the ownership of the lands to their old owners in return for the payment of taxes and created a new land law system. This practice served as a model for the land system in following times. He also did not apply the punishment for the crime of theft during years of famine. Umar began to distribute a certain amount of money from the treasury (Bayt al-Mal/House of Wealth) to the people according to their needs and to pay salaries.

After Umar's death, some Companions were sent to the conquered lands or the newly established cities to teach Islam. For example, Ammar ibn Yasir was sent as a governor and Ibn Masud as qadi (judge) and instructor to Kufa, an important center of learning in Iraq. The fourth caliph, Ali (may Allah be pleased with him), even transferred the Caliphal capital to Kufa and a lot of Companions stopped by there for various reasons or settled there. The situation of other cities was similar to that of Kufa. This resulted in the creation of other centers of knowledge besides Madinah. For instance, Ibn Abbas was sent to Mecca, Abu Musa al-Ashari to Basra, Abdullah ibn Amr to Egypt, and Muadh ibn Jabal to Syria, and there they conducted circles of knowledge.

The Companions also derived judgments based on the Qur'an and *Sunnah* in the new cities they went. In cases for which they could not find any judgment

LET'S NOTE

Many faqihs were trained during the period of the Companions. Umar, Ali, Abdullah ibn Masud, Abdullah ibn Abbas, Aisha, Zaid ibn Thabit and Abdullah ibn Umar were some of the prominent faqihs.

⁶ Hayrettin Karaman, *Islam Hukuk Tarihi*, p. 116.

in these sources, they used to produce solutions using their opinions (*ra'y*) and *ijtihad*. For instance, Ibn Masud, who continued his studies in Kufa, derived judgments by taking the special circumstances of that society into consideration. This was because the social and cultural environment as well as needs and problems were different. For this reason, he issued his legal opinions based on the Qur'an and *Sunnah*, and found solutions according to his own understanding. Ibn Masud who was very successful regarding this issue, laid the foundation for the *ra'y*-dominant school of law in Iraq. He trained many students there and was accepted as the founder of the school of *ra'y* (school of Kufa—also known as Rationalists).

LET'S EVALUATE

Umar pointed out some issues related to administration in a letter to Abu Musa al-Ash'ari, the governor of Damascus:

- Both sides of the case must be attentively listened. Treat them equally when you accept them into your presence, and when you listen to them.
- The one who alleges must prove his allegation, and the one who denies the allegation must take an oath.
- If the prosecutor asks for time, give him time. If he presents evidence and proof, derive your judgment accordingly.
- Try to understand the essence of the case, the judgment of which is not based on the Book and Sunnah. Make an analogy and try to find one that is most similar.
- While you are ruling a case, avoid anger and violence. Keep calm. Don't be tired, don't interrupt anyone, and be patient.

Ibn Qayyim al-Jawziyya, *Ilam al-Muwaqqi* in, Vol. 1, p. 85-86.
(Summarized.)

Evaluate the text above in relation to Umar's understanding of fiqh.

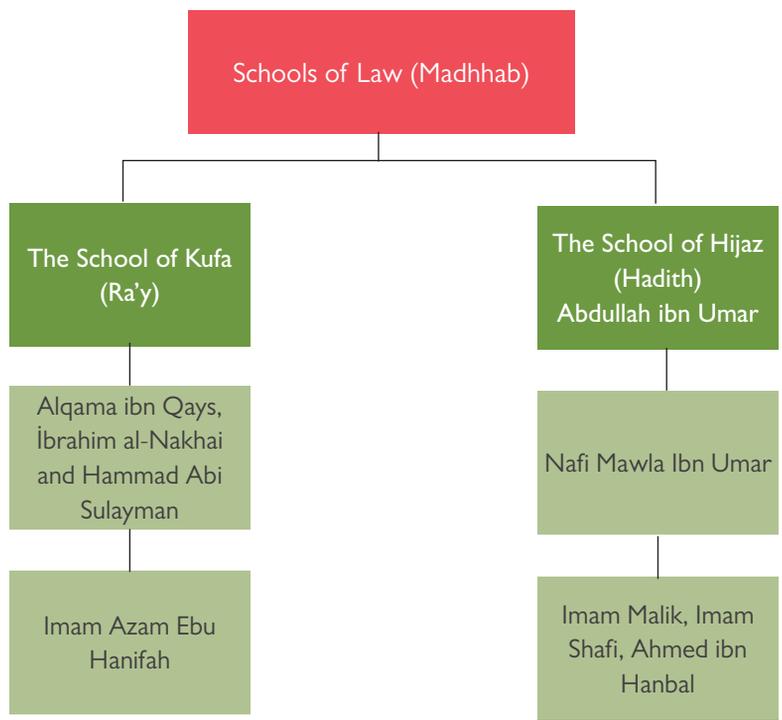
About the same time as the development of school of *ra'y* in Kufa came the foundation of the school of "Hijaz" which was based on *athar* that consists of the traditions of the Prophet and the judgments of the Companions in the region of Hijaz. Therefore, answers for the problems in the Prophet's time could be used as the answers to the issues of those days. For this reason there was not much need for legal judgments based on personal opinions. Zaid ibn Thabit and Abdullah ibn Umar were among the pioneers of this school.

LET'S MAKE A LIST

- List the juristic features of the era of the Companions:
- Generally, legal judgments were issued based on consultation.
 -
 -

1.3. The Era of the Successors (Tabiin)

The Companions taught the religion, trained pupils, and were examples in the places they went. Their pupils became the scholars of the generation of the Successors. For instance, Alqamah and Ibrahim al-Nakhai took lessons from prominent Companions in Kufa such as Ali and Abdullah ibn Masud (may Allah be pleased with them).



One-and-a-half centuries after the Prophet’s death, as a result of the activities of a great number of scholars, there was an accumulation of a great legal heritage. In this period many scholars of *fiqh* were trained, and some of them, such as Abu Hanifa and Imam Malik, became prominent. They designated some methods and principles to solve the problems of their time, and they produced solutions

for new cases accordingly. Having certain methods and principles helped to make their names prominent among the scholars of the same field.

LET'S MAKE A LIST

List the legal features of the era of the Successors.

- Two major schools of Islamic law—*ra'y* and *hadith*—developed during this period.
-
-

The situation mentioned above about Kufa and the Hijaz was the same for other important centers in Muslim lands. For example, Imam Malik's legal judgments presented the legal solutions for problems in Madinah especially and took care of society's needs in Egypt, North Africa and later on in Andalusia.

Many scholars from among the Successors derived rulings by making *ijtihad* based on the Holy Book and *Sunnah*. Regarding most of the issues for which they could not find any rulings in the main sources, they based their judgments on their personal opinions and understanding. Thus the school of *ra'y* was developed. The scope of *fiqh* was widened and, because of the differences of either scholars or region, there occurred different *ijtihads*. Writings on *fiqh* began to emerge in this era.⁷ Moreover, *hadith* compilations were arranged for the first time according to legal subjects, which are called *musannaf*.

2. The Formation Period of the Legal Schools

The formation of schools coincides with the period of the Successors. In parallel with the expansion of the borders of the Islamic State, the scope of *fiqh* was also widened. Solutions produced for new problems laid the foundation for a variety of views. In this period, while the activities of issuing legal judgments were continuing on the one hand, writing books on *fiqh* and *usul al-fiqh* began on the other.

⁷ Hayrettin Karaman, *İslam Hukuk Tarihi*, p. 161-162.

Scholars such as the Great Imam Abu Hanifa as well as Imam Malik, Imam Shafii, Imam Ahmad ibn Hanbal, and Imam Jafar al-Sadiq became the imams of their regions as a result of their interpretations based on their own legal methods. In time, schools began to form around these scholars. Legal establishments that first occurred as city-based institutions spread to a wider geography in time.

2.1. Social, Cultural and Intellectual Contexts within which Islamic Legal Schools Formed

People differ a lot in their understanding, abilities, values and other personal characteristics. In addition to this, the environments in which they grew up, their previous way of life, manners, experiences, knowledge and skills also are different. It is inevitable that such differences cause variation in interpretation. In addition to personal abilities, individuals differ from each other in terms of social environment and their opportunities, and because of this, every individual who interprets is under the influence of the time and social environment. Hence, judgments based on customs and traditions change with the time and environment.

Political developments and scholarly debates after the Prophet led to differences of opinion. In addition to the environment in which the scholars grew up, the sources and methods they used while deriving legal judgments laid the ground for the emergence of different opinions. These opinions were systematized under some methods.

In respect to its source, *fiqh* is based on the Qur'an and the *Sunnah* of the Prophet. Different understandings and interpretations of the statements of these two sources also were decisive in the emergence of the legal schools. For instance:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ
وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ ...

“O, you who believe! When you rise to [perform] prayer, wash your faces and your forearms to the elbows and wipe over your heads and wash your feet to the ankles...”⁸ In this verse, those who refer the noun “your feet” after the verb “wash” and read it in the accusative case come to the conclusion that feet must be washed during ablution; whereas those who refer it back to the verb “wipe” and read it in genitive case have concluded that the feet must be wiped during ablution.

GROUP WORK

Create groups with your friends. Each group must research about the life of a founder of a school and prepare a presentation. Share the presentations with your classmates.

⁸ Ma'idah, 5: 6.

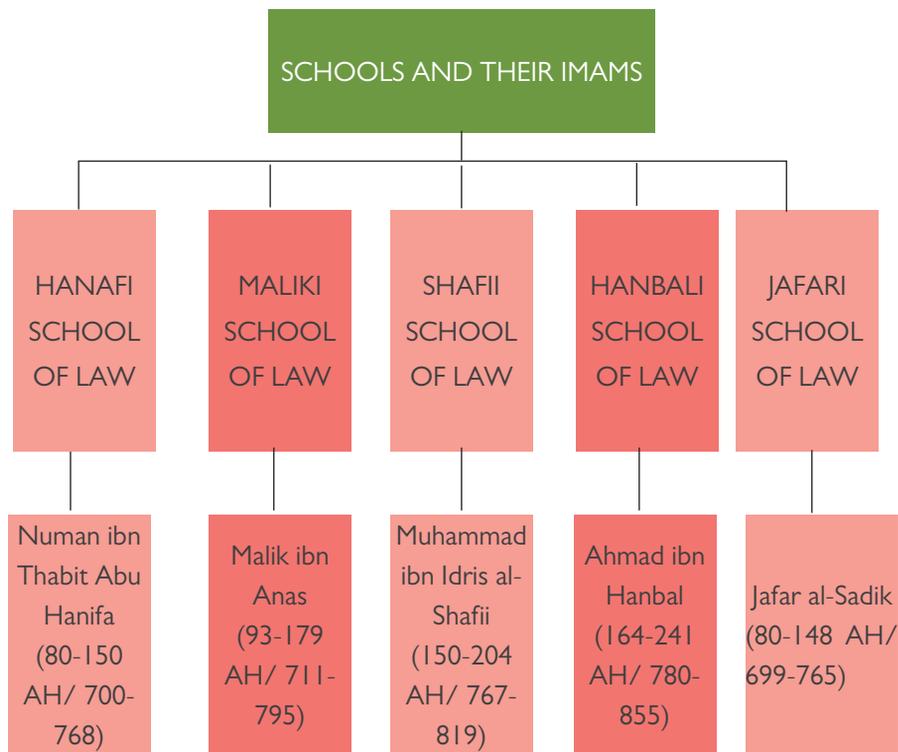
Different assessments of the verses and *ahadith* about the same issue led to different interpretations. Moreover, differences in the evidence and methodological principles to evaluate them were also decisive in causing differences in judgments.

Mujtahids of the early Islamic period used their own views when solving the legal problems of their times, whereas *mujtahids* in the era of the emergence of the schools of Islamic law issued legal judgments based on their own methods of *ijtihad*. The former related not only to numerous contemporary problems but also to theoretical problems that could occur in the future. They wrote in special books on Islamic law such as *al-Risāla* and *Kitab al-Umm* both their judgments and the methodologies they used while deriving them. These new legal schools created by those who adopted information and methods they learned from the books of the imams of the schools of Islamic law are called *madhhab*, and they have become known by the name of their respective imams.

LET'S DISCUSS

What do you think about how the schools of Islamic law emerged?

Discuss.



2.2. The Hanafi School of Law

Abu Hanifa (Numan ibn Thabit) was born in Kufa and died in Baghdad. In addition to his academic studies, Abu Hanifa was involved in trade. He grew up in Iraq, which was the center of various beliefs, views, and cultures. In Mecca and Madinah, he met some Companions, including Anas ibn Malik and Abdullah ibn Awfa, which is why he is accepted as one of the Successors.

Abu Hanifa grew up in the culture of the *Ra'y* School that had developed in Kufa. After his master, Hammad ibn Sulayman, he became the prominent name of this school.

While deriving his judgments, Abu Hanifa used to apply the *nass* or the Qur'an and *Sunnah* first. In the absence of a *nass*, he derived his judgments according to *istihsan* (juristic preference) and *qiyas* (deductive analogy). Moreover, he preferred *ijtihad* to *ahadith* whose authenticity was not decisively known. In deriving judgment, he used the method of induction, which went from the particular to the whole.

INFORMATION BOX

The features of the school of ra'y:

- In the absence of *nass*, *istihsan* and *qiyas* are applied.
- *Ijtihad* is preferred to *hadith* the authenticity of which is not known decisively.

One of the most significant features of Abu Hanifa's method of deriving judgment is the principle of "*istihsan*", which means taking the customs and traditions of the society into consideration in addition to the major sources of Islamic law.

Abu Yusuf, Imam Muhammad, and Imam Zufar were some of Abu Hanifa's prominent pupils, with whom he used to discuss legal cases, consult on theoretical problems, and find solutions to them. Opinions that came up as a result of all these discussions were recorded by his students.

Abu Hanifa, who lived during the Abbasid and Umayyad periods, had a particular love for *Ahl al-Bayt* (the family of Prophet Muhammad). The Abbasid Caliph al-Mansur offered him the position of the chief qadi in Baghdad, but he did not accept it.

LET'S STATE

Abu Hanifa used to say: "I take and accept what is in the Book of Allah. If I cannot find [what I am looking for] in it, I apply the Prophet's Sunnah, which is known by and popular amongst the trustful scholars. If I cannot find [what I am looking for] in that either, I accept the views of whomever I like from the Companions. However when it comes to scholars like Ibrahim, Sha'bi, al-Hasan, 'Atâ, etc., I deliver my own *ijtihad* like them as a scholar."

Hayrettin Karaman, *İslam Hukukunda İctihat*, p. 135

Evaluate the quote above and reflect on Abu Hanifa's approach and method of deriving judgments.

Abu Hanifa believed that his judgments were not necessarily correct and that every subject needed to be investigated with a critical approach. He disliked the act of imitating others blindly and said: "It is not legitimate for anyone to deliver a *fatwa* with our opinion when he does not know our sources and evidences." He also encouraged thinking by saying: "This is the best of what I could conclude. Whoever ends up with a better conclusion, then we accept his view."

Abu Hanifa wrote a book titled *al-Fiqh al-Aqbar* on theological issues, but legal opinions of Abu Hanifa were collected by his students and members of his study circle. Muhammad bin Hasan al-Shaybani (d. 189/805) wrote *Kitab al-Asl*, which was the most comprehensive book on the Iraqi school of Hanafism. Similarly, he wrote *al-jami al-saghir*, which contains the gist of the *kitab al-asl*. Al-Shaybani is major figure who systematized principles of the Hanafi school of law. From the same generation, Abu Yusuf (d. 182/798) served as a chief judge (qadi al-qudat) at the Abbasid state and wrote *kitab al-kharaj*. Legal scholarship of the Hanafi school, like other schools of law, is a quite rich and provides a significant source of study for students of Islamic law.

The Hanafi School spread across a vast geography. Although historically, there were followers of the Hanafi school in various regions of Africa; today the Hanafi School of law is commonly followed in Turkey, Syria, Iraq, Pakistan, India, the Caucasus, and the Balkans. In the post-Classical era, the most significant legal developments took place primarily in three regions: Mamluk Cairo, Ottoman Empire, and Mughal Empire, whose legal legacy shaped subsequent developments in the Hanafi School. Ibn Nujam, a major 16th-century scholar from Mamluk Cairo, wrote one of the significant

books on legal maxims (*al-qawaid al-fiqhiyyah*). *Al-Fatawa al-Hindiyya* and Fatawa collections of Ottoman muftis contain a very rich collection of legal deliberations, yet they are not fully studied by the contemporary historians of *fiqh*.

2.3. The Maliki School of Law

Malik ibn Anas was born, grew up and died in Madinah. Scholars of *fiqh* and *hadith* such as Zuhri, Nafi and Rabi'at'u'r-Ray are among the masters of Imam Malik.

While deriving legal judgments, Imam Malik based his judgments on the Holy Book, *Sunnah*, *ijma* and *qiyas* as well as taking into consideration the practice of the people of Madinah (*amal al-ahl al-Madinah*) and *masalih al-mursala* (public interest), which was the distinctive feature of his *fiqh*.

Al-Muwatta is Imam Malik's most famous book. The caliph at the time, Mansur, wanted to make this book the legal code of the Muslim state. Imam Malik refused this offer, however, thinking that using just one book as the legal code might obstruct the freedom of *ijtihad* and the creation of various legal understandings in different regions.

Some scholars, such as Abdurrahman ibn Qasim, Abdurrahman al-Qurtubi, and Asbagh ibn Faraj, took lessons from Imam Malik. From among these scholars, Abdurrahman ibn Qasim is the one who reviewed and compiled the book titled *al-Mudawwanat al-Kubra*, which contains the opinions of Imam Malik.

Due to the fact that Imam Malik taught several scholars who came from North Africa to Madinah, his opinions also were adopted in North Africa and then spread to Andalusia from there.

2.4. The Shafii School of Law

Muhammad ibn Idris al-Shafii was born in Gaza and died in Egypt. In Iraq, he took lessons from Imam Muhammad, who was Abu Hanifa's student, and from Imam Malik in Madinah. He settled in Egypt toward the end of his life. For this reason, his views are widespread in Egypt and are predominant in South Africa, Indonesia, Malaysia, and Turkey.



The Tomb of Imam Shafii
(Cairo, Egypt)

Imam Shafii's book, titled *al-Risala*, is the first book written on the methodology of Islamic jurisprudence (*usul al-fiqh*). *Al-Umm* is his most important book written on substantial law.

Imam Shafii took lessons from scholars such as Ahmad ibn Hanbal, Yusuf ibn Yahya al-Buwayti, Ismail ibn Yahya al-Muzani, and Rabi ibn Sulayman. When deducing a judgment, Imam Shafii first depended on the Qur'an and *Sunnah*. Second, he used consensus (*ijma*), the sayings of the companions, and analogy as the source for his judgments. In legal judgments, he mostly used the method of deduction. Unlike other imams, Imam Shafii attached more importance to the method of *istishab* (presumption of continuity).

2.5. The Hanbali School of Law

Imam Ahmad ibn Hanbal (d. 241/855) was born and died in Baghdad. Kufa, Basra, Mecca, Madinah, Damascus and Yemen were some of the cities where he received his education. He took classes from Imam Shafii for a long time. He is also a great *hadith* scholar.

According to Ahmad ibn Hanbal, the Qur'an and *Sunnah* take the most prominent place among the sources. He also recognized the sayings of the Companions as a legitimate source. He used *qiyas* only in case of *darurah* (necessity). Meanwhile, he frequently used the method of *istishab*.

His older son, Salih, and younger son, Abdullah, who were his students, spread the *fiqh* of Ahmad Ibn Hanbal. Abu Bakr al-Marwazi and Ibrahim b. Ishaq also can be counted among his students.

The most important book of Ahmad ibn Hanbal is a *hadith* book called *al-Musnad*. His views on *fiqh* were compiled in Khiraqi's book, *al-Mukhtasar*. This book was reviewed by Ibn Qudamah under the title of *al-Mughni*. Ibn Taymiyyah and his pupil Ibn Qayyim are among the important scholars of this school.

The Hanbali School of Law mostly spread around the Arabian Peninsula, and survives today.

2.6. The Jafari School of Law

The largest branch of Shia is the Jafari school which is based on Imam Jafar al-Sadiq's views in *fiqh*. Jafar al-Sadiq was born in Madinah in 80 AH (699 CE), and died in the same city in 148 AH (765 CE). In Sunni sources, he is mentioned with praise due to his righteousness. Abu Hanifa, Imam Malik and

Sufyan al-Thawri are some of the scholars who took lessons from him. Jabir ibn Hayyan of Tarsus, who was another disciple, wrote his works. The Jafari School is widespread in Iran, Pakistan and Iraq.

In legal matters, Jafari views are closer to the Hanafi School. They are in unison with the majority of other schools in the principles of faith, basic worship and prohibitions. The following are some of the cases in which they differ: Wiping bare feet during ablution instead of washing them; marriage to *ahl al-kitab* (people of the book) women is not allowed; the addition of the phrase “ashhadu anna aliyyan waliyullah” in the call to prayer (adhan) and the call for the actual start of the prayer (iqama); the combination of midday and afternoon prayers and performing them at the time of the midday prayer; and the combination of evening and night prayers and performing them at the time of evening prayer (*jam’ al-taqdim*).

LET’S WRITE

Fill in the blanks in the following chart.

	The Era of the Prophet	The Era of the Companions	The Era of the Successors	The Era of the Formation of the Schools
Source	The Book and Sunnah	.....	The Book, Sunnah, Qiyas, and Ijma of the Companions	.....
Method	Revelation comes and the Prophet explains.	.....	.....	.....
Prominent person	.....	Scholar Companions	.....	.....
Works left for the next generations	.....	.....	.....	Fiqh and Usul al-Fiqh Books were compiled.

2.7. Schools of Law That are No Longer Followed

Some scientific methods are required when deriving judgments from the sources and explaining them. Throughout Islamic history, along with leaders who have adopted these methods while deriving judgment, there also have been those who derive judgment by using their own methods. The views of some scholars—those who could not produce solutions to the problems that occurred with the change of circumstances and times—remained in the books. Although some schools emerged based on their opinions, in time these schools began to disappear with the decrease in the number of the followers who adopted their methods and *ijtihad*. Some of the judgments are included in the books written by scholars of those schools, and the rest of them are recorded in comparative *fiqh* books. For that reason, the views of the schools that no longer have followers have reached us.⁹

The following are some of the *mujtahids* who have no followers anymore:

- Hassan al-Basri in Basra (d. 110/728)
- Sufyan al-Thawri in Kufa (d. 161/778)
- Abdurrahman ibn Abi Layla in Kufa (d. 148/765)
- Awzai in Syria (d. 157/774)
- al-Laith ibn Sa'd in Egypt (d. 175/791)
- Dawud ibn Ali al-Zahiri in Baghdad (d. 270/883)

LET'S THINK

What are the reasons behind the fact that some schools of law have no followers anymore?

Reflect.

3. Later Developments in Fiqh

3.1. The Period of Imitation (Taqlid)

After a very fruitful period of *ijtihad* by legal schools, at the beginning of the 4th AH/10th century CE, legal schools were firmly established and the legal reasoning took place within the doctrinal limits of a particular school of law. The problems faced in the earlier periods had been solved with the use of particular methods. Intellectual stagnation, caused by the similarity of problems to previous ones and finding ready solutions in the books written before, affected the studies of *fiqh*. For this reason, scholars of *fiqh* who were content with the legal opinions of established schools did not try to derive

⁹ Mehmet Erdoğan, *İmam Hatip Liseleri Fıkıh Ders Kitabı*, p. 25.

new judgments. The comprehensively compiled books of Islamic legal schools caused a decrease in legal activities. In addition, some other factors such as sectarian fanaticism and the decrease of *ijtihad* activities emerged during this period.¹⁰ The respect toward the imams of the legal schools led to the belief that their judgments were necessarily true. Consequently, later *faqih*s did not consider deriving judgments as necessary. During this period, *ijtihad* activities, even though they were not many, were not supported by governments and the public as much as they had previously.

Another reason behind the stagnation of *ijtihad* in this period was due to the development in codification efforts. Based on these developments, judges began to issue judgments in accordance with the views of the school that was widespread in their regions.

LET'S FIND

Find some examples of fatwas presented as the solution to contemporary problems from fatwa books.

Although the period of imitation (*taqlid*) lasted a long time, the jurists of each school contributed to the science of *fiqh* with studies such as the explanation of *fiqh* texts. They examined legal judgments, determined the weak and authentic ones, and presented their justifications. Thus, they wrote glosses and supra-glosses (*sharh* and *hashiyah*) on the main books of Islamic law books. They produced solutions for new problems from the books of *fatwa*. *Fatawa al-Hindiyya* and the *Fatawa* of Ali Efendi are some of the most important *fatwa* books of this period.

3.2. The Codification of Islamic Law

The emerging mindset with the declaration of the Tanzimat Reforms in the Ottoman Empire necessitated reforms in every area, and law was on the top of the list. Even the translation of Western legal codes was proposed in order to achieve this purpose.

In the second half of the 19th century, regular (*nizami*) courts were established alongside the sharia courts in the Ottoman Empire. There existed ambiguity about what the prosecuted people were going to be charged with. This

¹⁰ See Hayrettin Karaman, *İslam Hukuk Tarihi*, p. 249-257.

situation had a negative effect especially on international trade and business issues. There emerged a need for codified legal texts to solve this problem. Meanwhile, almost every country in Europe had already codified their basic laws. Countries that had trade connections with the Ottoman Empire were demanding to have their own courts in Istanbul and many other places in order to resolve their problems.

The proposal was made to adopt a Western Civil Code translated and adapted for its application as the Civil Code of the Ottoman Empire. However, a committee was formed and started to work to create a native Civil Code under the leadership of the great statesman Ahmet Cevdet Paşa. The work of this committee started in 1869 and was completed in 1876. The committee, which consisted of scholars who were engaged in *fiqh*, collected the judgments found in *fiqh* books and compiled them into a law book. This book was titled “*Majallah al-Ahkam al-Adliyya*” and put into practice.

The Majallah, which was based on Hanafi law, was composed in the form of articles in accordance with legal techniques. A list of a hundred articles about the general principles of law was placed at the beginning of the Majallah.

The Majallah, which consists of 1851 articles, was legalized in 1876 by an Imperial decree. Yet, a committee was formed under the name of the Majallah Reform Committee to overcome the practical difficulties faced during its application. In time, due to necessity, this committee began to benefit from the views of other schools, and regulated some subjects. The Majallah remained in force until 1926, when it was abolished along with the closure of the courts established by foreigners.

In addition to the Majallah, there are some other codes, such as the Penal Code enacted in 1840 and 1851, the Land Law in 1858, and Enactment of Family Law in 1917. These codes emerged as a result of the change caused by the development. The views of other *mujtahids*, notably those of the four major legal schools, are included in the new Family Code in particular. Moreover, Christians, Jews and other minorities were allowed to solve their family matters based on their own religious laws.

Apart from the attempts at codification in the Ottoman Empire, there were some movements in favor of codification in other Islamic countries. For instance, in Egypt and Syria some works of codification were done in the field of family law.

3.3. New Developments in the Science of Fiqh

When *fiqh* is mentioned, it refers to the efforts made to find answers from the Qur'an and *Sunnah* to life questions. With this purpose in mind, several research projects were carried out in later times. *The Majallah al-Ahkam al-Adliyyah* and the Ottoman Family Code can be given as examples for such studies. Today in the universities of many countries, the religion of Islam and its law are being studied, researched, and examined. In Turkey, studies on *fiqh* are being carried out by faculties of theology and by some institutes within the directorate of Turkish Religious Affairs. Doctoral theses are being written and scholarly meetings are being held. Most of these studies are published as books. In addition, *fiqh* is taught as a mandatory subject in religious high schools, and in faculties of law as an elective course.

LET'S EXAMINE

Bring the book *Majallah al-Ahkam al-Adliyya* to the class and examine it with your friends.

LET'S FIND

Find some examples of *fiqh* books that are written in modern times.

- Hayrettin Karaman, *İslam'ın Işığında Günümüz Meseleleri*
- Halil Gönenç, *Günümüz Meselelerine Fetvalar*
-
-

Research studies on Comparative Islamic Jurisprudence are being done in some Islamic countries, notably Egypt, Saudi Arabia, Kuwait, Iran, Malaysia and Pakistan, and in some European countries.

LET'S EVALUATE THE CHAPTER

A. Answer the following open-ended questions.

1. What are the characteristics of the era of the Prophet in terms of *fiqh*?
2. How did the schools of Kufa and Hijaz emerge? Explain.
3. How did the Companions solve newly arisen problems of *fiqh*?
4. Why do some schools of Islamic law have no followers anymore? Explain.
5. Give information about studies on *fiqh* in modern times.

B. Choose the correct answers to the following multiple-choice questions.

1. Which one of the following names is one of the *faqih Companions*?
 - A) Abu Hanifa
 - B) Ibn Masud
 - C) Ibn Taymiyyah
 - D) Ahmad ibn Hanbal
 - E) Jafar al-Sadiq
2. Which one of the following names is *not* one of the imams of the surviving schools?
 - A) Awzai
 - B) Abu Hanifa
 - C) Shafii
 - D) Imam Malik
 - E) Ahmad ibn Hanbal
3. Which one of the followings is *not* a school of Islamic law?
 - A) Ja'fari
 - B) Hanafi
 - C) Shafii
 - D) Maturidi
 - E) Maliki

4. Which one of the following cannot be said about the times after the Prophet?

- A) The rise of new opinions.
- B) The rise of the legal schools.
- C) The writing of *fiqh* and *usul al-fiqh* books.
- D) Abrogation of the verses.
- E) The usage of new methods of deriving judgment in addition to the Qur'an and *Sunnah*.

C. Fill in the blanks in the following sentences with the most suitable word from the list below.

(*ra'y*, *hadith*, Ottoman Family Enactment, the Majallah, *istihsan*, *istishab*)

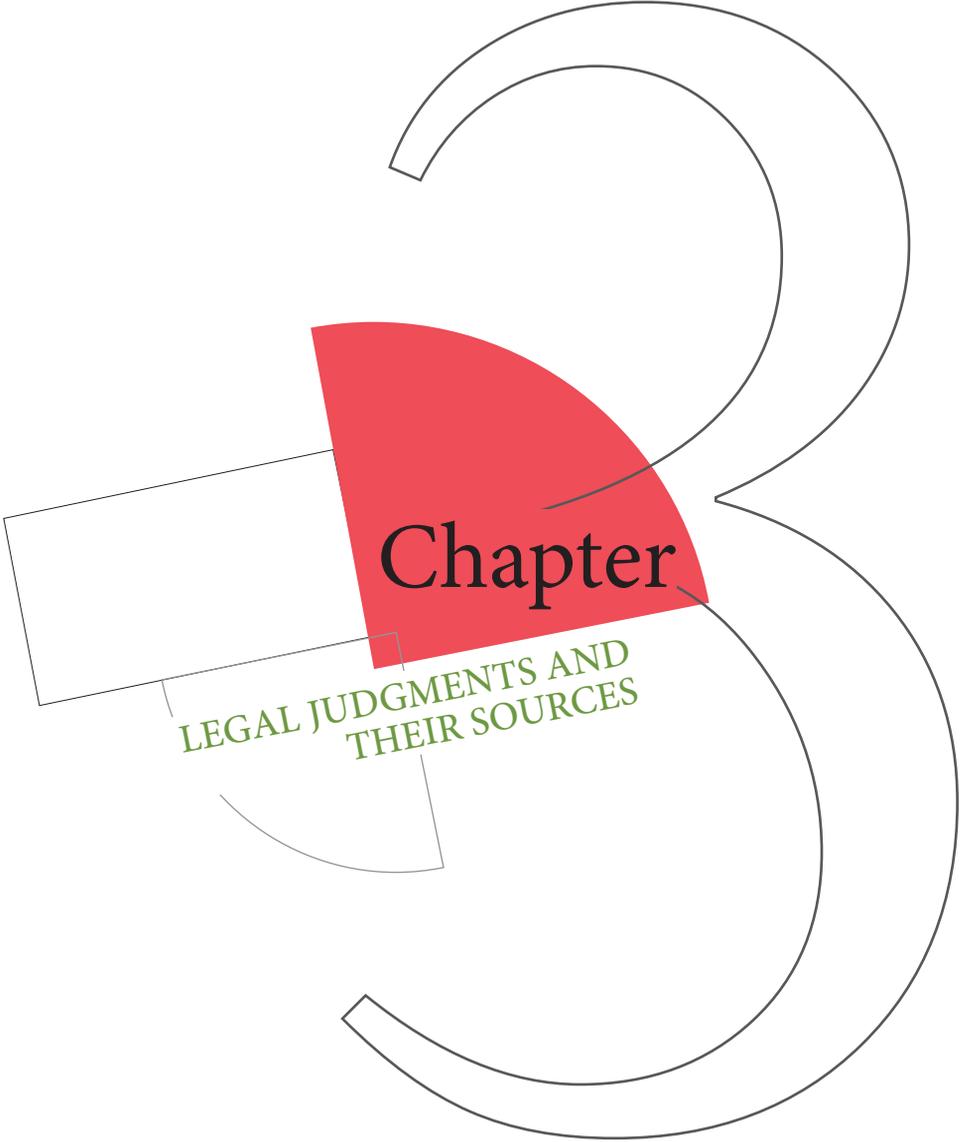
1., which consists of 1851 articles, was enacted in 1876 by an Imperial decree.
2. While deriving judgment, Abu Hanifa used the method of in contrast to other schools.
3. Views of other schools and other *mujtahids* were included in, which was enacted in 1917.
4. Ibn Masud, who continued his scholarly activities in Kufa, is accepted as the founder of the school of
5. The school of emerged as a result of juridical studies done in the Hijaz.

D. Write "T" for true and "F" for false for the following sentences.

- (...) At first, the Majallah was prepared based only on the views of the Hanafi School of law.
- (...) During the period of imitation (*taqlid*), the activities of *ijtihad* were increasingly continued.
- (...) Abu Hanifa issued solutions to actual problems but he also thought about and produced solutions about theoretical problems.
- (...) Imam Shafii used the sayings of the companions as a source for deducing judgments after the Book and *Sunnah*.

E. The names of the imams of the legal schools and their books are given below. Match the names and the correct corresponding books as in the sample.

1	Abu Hanifa		Al-Halal wa al-Haram
2	Shafii		Musnad
3	Imam Malik	I	Fiqh al-Akbar
4	Ahmad ibn Hanbal		Al-Risalah
5	Imam Jafar al-Sadiq		Muwatta



Chapter

**LEGAL JUDGMENTS AND
THEIR SOURCES**

LEGAL JUDGMENTS AND THEIR SOURCES

LET'S GET READY FOR THE CHAPTER

1. Learn the meanings of the following terms: "hukm, fardh, wajib, nafilah, ijma, qiyas"
2. Investigate what the phrase af'al al-mukallafin means.
3. Find a translation of a verse that contains a legal judgment.
4. What can the sources of legal judgments be? Investigate.

1. Mukallafiyah: Liability

Mukallafiyah lexically means liability, responsibility, etc. As a legal term, *mukallafiyah* means the liability to fulfill religious commands and to avoid its prohibitions and to be held responsible for the outcome of actions. The person who is liable for the religious rulings, in other words the person who is the object of commands and prohibitions, is called *mukallaf* (liable).

One must be a Muslim, sane and adolescent or older to be responsible for the fulfillment of religious commands and to avoid its prohibitions.

The age at which puberty begins can vary from region to region, and climate to climate. The biological structure of men and women is also an effective factor. A child who reaches the age of 15 but has not yet biologically reached puberty is legally regarded as a liable person from then onward. He/she becomes responsible for the fulfillment of religious commands and the avoidance of its prohibitions.

1.1. The Basic Conditions for Liability

Allah entrusted men and women some responsibilities and stated these responsibilities through the Prophet. For this reason, people are responsible to the extent of their knowledge. For instance, new converts are required to fast after they learn the command for fasting. It is not necessary for them to make up the days they did not fast before.¹

The actions of a liable person must be within the scope of his/her will and ability. This situation is stated in the Qur'an as follows: لَا يَكْلِفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا ... "Allah does not burden any soul with a duty beyond his capacity..."² For this reason, one is not held responsible for his/her actions while sleeping and when he/she is unconscious, or for the actions of other people. One also is not responsible for the feelings and thoughts in his/her mind that are not turned into action.

We may face some problems while fulfilling our responsibilities. In such situations, Allah provides some ease. For example, if there is an obstacle in finding or using water, we are allowed to perform dry ablution (*tayammum*) instead of regular ablution.³

The suitability to possess some rights and the ability to fulfill responsibilities is expressed with the term *ahliyyah* (capacity). *Ahliyyah* is divided into two types:

Ahliyyat al-wujub (The capacity to benefit from rights): It consists of a person's ability to have rights and to benefit from them. Being alive is sufficient for this type of *ahliyyah*. Moreover, unborn babies also have some rights. For instance, it is necessary to allocate a share for the embryo from the inheritance of his/her relatives. If the baby is born alive, the share will be given to him/her. Yet, because they do not benefit from all kinds of rights before birth, their *ahliyyat al-wujub* is considered deficient.

Ahliyyat al-ada (The capacity to use rights): It is the people's ability to use the rights they have. For this, one must have the power of *tamyiz* (discerning, *mumayyiz* is the term used for the person with *tamyiz*). *Tamyiz* is the ability to discern between good and bad, truth and falseness, and useful and harmful things. Yet those whose power of discretion is insufficient have not attained the full capacity to act.

¹ Mehmet Erdoğan, *İmam Hatip Liseleri Fıkıh Ders Kitabı*, p. 51.

² Baqarah, 2: 286.

³ See Surah al-Ma'idah, 5: 6.

Those who reach puberty have the full capacity to act and they are responsible for the commands and prohibitions of the religion. They can acquire rights or incur a debt with their free will. If their action is a crime, then they get punished for it. For instance, people deserve the provisions of what they had done; they pay the price for what they buy; and those who have a traffic accident pay the fine.

Children between the ages of seven and puberty, and people who have the symptoms of dementia do not have full capacity to act. For people in such states, transactions that can harm them financially, such as donating money to somebody, are void even if their legal guardians approve them.⁴ Transactions that can benefit them such as accepting bequests or charity are valid even if their guardians do not approve them. The transactions that have the possibility of being either advantageous or disadvantageous become valid with the permission of their legal guardians. For instance, if a 10-year-old boy buys his friend's watch, this boy's transaction can be valid with the permission of his guardian.⁵

Children who have not reached the age of discernment and people who are mentally sick have no capacity to act. Those who do not have the capacity to act are called *mahjur* (interdicted). Vows, oaths, purchases, sales and other transactions by such people are invalid. Such transactions are made by their guardians on behalf of them. If the actions of children and mentally ill people are criminal in nature, they are not physically held responsible. Yet, if their actions cause financial damage, this damage is compensated out of their guardians.

1.2. Conditions that Abolish the Liability

Being alive is the only requirement for the acquirement of rights, whereas some specific conditions are required to achieve the capacity to act. Absence, disappearance, or decrease in those conditions restricts or removes liability. These are called the obstacles of liability (*awaridh al-ahliyyah*) and are divided into two types:

Obstacles that come into being out of human will (al-awaridh al-samawiyah): These are the conditions that exist naturally and are not the outcomes of human will. They are the conditions that affect the capacity to act such as

LET'S SHARE

If a mentally ill person breaks a window of a car with a stick, is it considered a crime? Is it necessary to compensate the damage?

Share your opinions with your friends.

⁴ Zakiyuddin Shaaban, *Islam Hukuk İlminin Esasları*, p. 252.

⁵ Mehmet Erdoğan, *İmam Hatip Liseleri Fıkıh Ders Kitabı*, p. 51.

minority, insanity, dementia, sleeping, unconsciousness and forgetfulness. These conditions either totally remove or restrict the responsibility, for they generally affect the capacity to act. Minors, insane people, and those who suffer from dementia are not responsible for worshipping, due to the lack of their mental faculties. This fact is indicated in a *hadith* as follows: “The pen is raised for three (meaning: there is no obligation upon three): the one who is sleeping until he awakens, the child until he reaches puberty, and the one who is insane until he becomes sane.”⁶

LET'S FIND

“Allah has forgiven my nation for its mistakes, forgetfulness and what they have been forced to do.”

Ibn Majah, Sunan, Talaq, 16.

Deduce some examples from the above-mentioned *hadith* for situations that remove liability.

- Mistake: Expiation is not necessary for those who break fasting mistakenly. He/she redeems the fasting by making it up a day for a day.
- Forgetting: ...
- Coercion: ...

Obstacles that come into existence by means of human will (al-awaridh al-muktasabah): These are the conditions that arise by human will; such as drunkenness, being under coercion, inevitability, and prodigality. According to Hanafi scholars, these circumstances generally do not remove the liability. For instance, a drunken person is responsible for the damages he/she incurs.

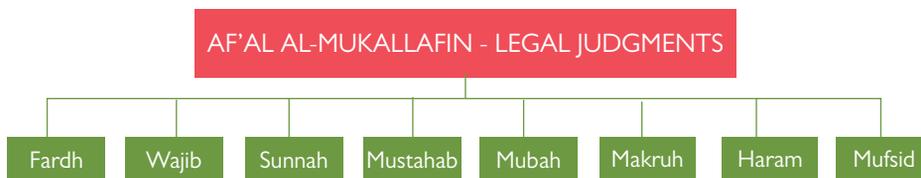
⁶ Bukhari, Hudud, 22.

2. Types of Hukm: Af'al al-Mukallafin

Hukm lexically means decision, administration, wisdom and understanding. In *fiqh*, it is the demand of the Shari' (ruler) from a liable person to do or to avoid an action, or His permission to do or not to do it. For this reason, *hukm* that are related to people's conduct are called "*af'al al-mukallafin* (the rulings of the actions of a legally responsible person)".

Legal rulings are delivered by the *Shari'*, that is Allah who is the legislator of the religion and His Prophet, who is the explainer of religion. The request can be in the positive form such as "do", which commands the fulfillment of an action, or it can be in the negative form such as "do not do" or "avoid" and prohibits the fulfillment of an action. "Establish prayer!"⁷ is an example of a positive command (*al-amr*), and "Leave the intoxicants and gambling aside!"⁸ is an example of negative imperative (prohibition) (*al-nahy*).

Giving options (*tahyir*) does not entail any request. Fulfillment of the action is left to the choice of a person. The verse "To hunt and to eat the fish of the sea is made lawful for you..."⁹ is an example for the option of choosing.



Fardh (Obligatory): Actions whose fulfillment are wanted in a decisive and obligatory way by Shari' are called *fardh* (obligatory). In order to be an obligation, an action must be cited decisively and clearly in the Qur'an, or *mutawatir* or *mashhur Sunnah*. Acts of worship such as prayer, fasting, pilgrimage, and giving alms are the actions the rulings of which are clearly expressed in the Qur'an as obligatory. The numbers of rak'at of prayers are designated by the *Sunnah*.¹⁰

⁷ Nur, 24: 56.

⁸ Ma'idah, 5: 90.

⁹ Ma'idah, 5: 96.

¹⁰ Qattani, *Mutevatir Hadisler*, p. 151.

Some obligatory acts must be fulfilled at certain times. The five daily prayers and the fast of Ramadan are some examples of this. Obligation becomes fulfilled if such acts are performed at the designated time. If they are not performed in time, they must be made up (*qada*). For instance, if obligatory fasting is not performed in time, it should be done as soon as possible in compensation. Some obligatory acts are not required to be performed at certain times. For example, alms can be given at any time of the year, or fasting that could not be performed in the month of Ramadan can be made up at any time of the year.

There are some obligatory acts that should be performed by each *mukallaf* individually. These are called *fardh al-ayn*. Praying and fasting are examples of this. Some obligatory acts are required upon Muslim society as a whole. Such responsibilities that have social content are called *fardh al-kifayah*. For example, Allah the Almighty commands offering a funeral prayer for the dead and burying them. Whoever fulfills this duty gains reward, and the responsibility is removed from others. However, if nobody fulfills this duty, everybody who lives in that area becomes responsible.

LET'S FIND

Find the proper examples for the following titles.

Some obligatory acts whose time is not definite:

- Almsgiving
-

Some obligatory acts whose time is definite:

- The fast of Ramadan
-

Acts obligatory upon each and every responsible believer (*fardh al-ayn*):

- The five daily prayers
-

Acts Obligatory upon the Muslim community (*fardh al-kifayah*):

- Making scientific research
-

It is required to believe that an obligatory act is commanded by Allah and that it must be fulfilled. Moreover, abandoning those acts is sin, and the denial of them causes one to convert out of the religion.

LET'S NOTE

Fardh al-kifayah can become a fardh al-ayn in some cases. If there is nobody in a community to do a job except one, it becomes a fardh al-ayn upon that person to do that job. For instance, it is a fardh kifayah for a doctor to treat patients. But when a doctor is on vacation, and there is an emergency, he/she has to respond if there is no other doctor. This job that was normally a fardh al-kifayah became fardh al-ayn for that specific doctor.

Wajib (Compulsory): They are the actions whose fulfillment is commanded but is not as definitive as the obligatory ones (*fardhs*). Some actions are called as *wajib* because they are not indicated as decisive as obligatory ones are; even they are cited in verses and hadiths. Sacrificing animals, reciting Surah al-Fatiha during prayers and performing festival prayers can be cited as examples of *wajib* (compulsory). These actions are called compulsory because the verses and *hadiths*, which are the source of ruling, are open to interpretation. In addition, actions whose rulings are based on *ahad Sunnah* i.e. *al-dalil al-dhanni* (presumptive proof) also are called compulsory even though their indication is definite.¹¹

While verses about the obligation of performing five daily prayers clearly indicate that this act of worship is obligatory for every liable person, the verse that commands sacrificing animals—“So ... sacrifice to your Lord alone.”¹²—is open to interpretation. Is the command of sacrificing for the Prophet alone or are all Muslims liable to fulfill this command? Because it is not clearly indicated, sacrificing animals is accepted as compulsory not as obligatory.¹³

¹¹ Zakiyuddin Shaban, *Islam Hukuk Ilminin Esaslari*, p. 207.

¹² Kawthar, 108: 2.

¹³ Commission, *Ilmihal*, vol. 2, p. 2.

INFORMATION BOX

According to Hanafis, Sunnah is divided into three with regard to the number of its transmitters:

1. *Sunnah Mutawatir*: It is the type of *Sunnah* of the Prophet, which is reported by such a large number of people from the Companions' time and afterward that they cannot be expected to agree upon a lie.
2. *Sunnah Mashhur*: It is the *Sunnah* that did not reach the level of *mutawatir* during the time of the Companions, but reaches that level in the following periods.
3. *Sunnah Ahad*: It is the *Sunnah* that never reaches to the degree of *mutawatir* in any time. It is also called *habar wahid*.

Fahrettin Atar, *Fikih Usulü*, p. 41-42.

Reciting from the Qur'an during prayers is obligatory, and abandoning it invalidates the prayer. For recitation, a part from the Qur'an during prayer is indicated in a decisive way. This fact is mentioned in the following verse: فَاقْرَأْ مَا فَاقْرَأْ مَا... تَيْسَّرَ مِنْهُ...¹⁴ “Then recite of the Qur'an that which is easy for you...”¹⁴ Abandoning the recitation of Surah al-Fatiha, however, is not one of the conditions that invalidate prayer. Although it is reprehensible, a prayer is valid even when this chapter is not recited. This deficiency can be restored by performing the prostration of forgetfulness (*sajdat al-sahw*) at the end of the prayer. For the ruling about the recitation of Surah al-Fatiha is based on the following *hadith* of the Prophet: “Whoever does not recite al-Fatiha in his prayer, his prayer is invalid.”¹⁵ While this *hadith* can indicate a meaning such as “The prayer is invalid if the chapter al-Fatiha is not recited,” it also can be interpreted as “such a prayer is not complete and perfect.” In this respect, there is no decisiveness in terms of indication (*dalalah*).

LET'S NOTE

According to the majority of the scholars, *fardh* and *wajib* are synonyms. They both have the same outcomes. Yet, according to the Hanafis, *fardh* and *wajib* have different meanings. The actions that are accepted as *wajib* in Hanafi School are considered either *Sunnah* or *fardh* according to the rest of the Sunni schools. The schools other than Hanafis use the word *wajib* in place of *fardh*.

Commission, *Ilmihal*, vol. 1, p. 164.

¹⁴ Muzzammil, 73: 20.

¹⁵ Bukhari, Adhan, 95.

According to Shafiis, recitation of Surah al-Fatiha is *wajib* in the meaning of *fardh*. They evaluated the verse “Then recite of the Qur’an that which is easy for you...”¹⁶ and the *hadith* “Whoever does not recite al-Fatiha in his prayer, his prayer is invalid”¹⁷ together. In conclusion, they affirm that a prayer is invalid if Surah al-Fatiha is not recited.

LET’S MAKE A LIST

List the differences between *fardh* and *wajib*.

- Evidence of *fardh* is a verse with clear meaning, or mutawatir or mashur *hadith*.
-

While a *mukallaf* is obliged to fulfill *wajib* actions, denial of a *wajib* does not harm to one’s faith.

Sunnah (Prophetic Practices): These are the actions which are not *fardh* or *wajib* but were fulfilled and recommended to Muslims by the Prophet. *Sunnah* comes after *fardh* and *wajib* in terms of importance. When someone fulfills *Sunnah*, he/she gains reward, and when he/she abandons it, he/she does not commit sin.

Practices of the Prophet that he mostly fulfilled and rarely abandoned are called *Sunnah muakkadah* (reiterated *Sunnah*). It is better for us not to abandon this kind of *Sunnah* as much as possible. Recitation of the *adhan* before prayers, men’s recitation of *iqama* before prescribed prayers, and performing prayers with the congregation are some examples of *Sunnah muakkadah*.

Sunnah actions that the Prophet sometimes fulfilled and sometimes abandoned are called *Sunnah ghayr al-muakkadah* (un-reiterated *Sunnah*), and whoever performs this type of *Sunnah* gains spiritual reward. *Sunnah* cycles of the afternoon prayer can be given as an example for this type.

Some *Sunnah* actions have in a way preparatory and complementary features for our obligatory religious duties. For instance, prayer is an essential act of worship. Cleaning our mouth and teeth, and wearing elegant and clean clothes for prayer are *Sunnah*. Thus, they are in a way preparation for the prayer.

¹⁶ Muzzammil, 73:20.

¹⁷ Bukhari, *Adhan*, 95.

LET'S FIND

Prayers that are Sunnah ghayr muakkadah:

- *Sunnah* rakahs of afternoon prayer.

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Prayers that are Sunnah muakkad:

- *Sunnah* rakahs of dawn prayer.

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Mustahab: These are the actions whose fulfillment makes people gain spiritual reward and the abandoning of which is not considered a sin. For example, helping old people to cross the street, or helping disabled people are *mustahab* actions.

Mubah (Permissible): Actions about which *mukallaf* is left free to perform or not. For example, sleeping, walking, eating and drinking are *mubah* actions. The terms “*jaiz*” and “*halal*” are also used in the place of *mubah*.

The concept of *mubah* is very wide, because it is a fundamental principle for things to be permissible. In other words, everything in the universe has been created for human beings and given to them for their use as blessings.¹⁸ Therefore, people’s every effort to benefit from them is permissible. Prohibited actions are exceptions of this general rule. For this reason, permissible things are not stated one by one, instead, believers are informed about prohibited things.

Just as there is no spiritual reward for performing *mubah* things, there is also no punishment for abandoning them. In addition to this, *mubah* actions can help people gain spiritual reward or result in their punishment. For instance, while food is *halal* in general, it is *haram* if it is acquired by prohibited means.

LET'S NOTE

The majority of the schools except Hanafis use the term *mandub* in the place of *Sunnah* and *mustahab*.

¹⁸ Jathiyah, 45: 13.

LET'S DISCUSS

As a rule, eating and drinking are mubah actions. Discuss with your friends whether the following examples are compatible with this rule.

- Eating sahur meal.
- Eating while fasting.
- Eating too much.

Haram (Prohibited): these are the actions that are clearly and decisively prohibited. All statements and actions about which there is a clear and certain judgment in the Qur'an, *mutawatir Sunnah* or *mashhur Sunnah* about their prohibition are considered *haram*. For instance, theft, gambling, fornication and murder are some of the prohibited actions, because their prohibition is clearly stated in the Qur'an.¹⁹ Eating predatory animals' meat is prohibited by the *Sunnah*.²⁰ Because performing such actions is prohibited, it is also prohibited to abandon obligatory actions such as performing prayer and fasting.

Committing prohibited actions is a sin and requires punishment, and those who abandon prohibited things gain spiritual rewards. Considering a *haram* thing as *halal* is forbidden by our religion.²¹

LET'S FIND

Indicate the rulings of the following actions and find similar examples.

- Gambling.
- Using someone else's property without permission.
-
-

Makruh (Reprehensible): These are the actions the performance of which is considered disliked. *Makruh* is divided into two types as *makruh tahriman* and *makruh tanzihan*.

¹⁹ Ma'idah, 5: 38, An'am, 6: 151.

²⁰ Bukhari, Zabaih, 29.

²¹ Nahl, 16: 116.

LET'S TALK

The following are some examples of *makruh tahriman* actions. Why do you think they are considered *makruh*? Discuss.

- Polluting water resources
- Black-marketeering
- Animal fight

Actions that are prohibited by our religion but not explicitly, like *haram*, are called *makruh tahriman**. For example, interrupting trade between two people while they are still bargaining about merchandise and offering to buy it instead; performing prayer at sunrise, midday and sunset; abandoning a necessary (*wajib*) act of worship without an excuse are regarded as *makruh tahriman* deeds. One should avoid *makruh tahriman* actions, because it is a sin to commit these actions.

Actions that are disliked by the religion but are not considered sin or punishable if they were to be committed are called *makruh tanzihan*** For example, using an excessive amount of water while performing ablution is regarded as *makruh tanzihan*.

Mufsid (Nullifiers): Actions or conducts that wholly or partially nullify an act of worship or invalidate a contract. If there is a deficiency in the fundamental elements of an action, it becomes totally void (*batil*). For instance, if obligatory parts of a ritual prayer such as bowing down (*ruku'*) or prostration (*sajdah*) are not performed during the prayer, it becomes completely void (*batil*) and viewed as if it had not been performed. The marriage of a person to someone with whom he/she has a certain degrees of kinship is also void.

Even when the fundamental elements of an act are complete, if there are some deficiencies in its qualities, it becomes legally defective (*fasid*). If the deficiency is amended, then the action becomes valid. For example, in a sale contract if the item is defective, then the contract is legally defective. When this defect is removed, the contract becomes valid. On the other hand, as the acts of worships cannot be amended retroactively, they must be re-performed.

LET'S SHARE

Why do you think that going to school or to the mosque after eating smelly foods that may annoy other people is considered *makruh* in Islam?

Share your opinions with your friends.

* These are the actions that are deemed reproachable and close to *haram* in ruling (T.N.).

** Unlike *makruh tahriman* actions, these are deemed reproachable but they are close to *halal* in ruling (T.N.).

From another aspect, legal judgments are divided into two categories: *azimah* and *rukhsah*. If a judgment is valid for everybody under normal circumstances, it is called “*azimah*”, whereas temporary and special rulings due to an excuse are called “*rukhsah*”.²² *Azimah* rulings constitute the essence of the religion, while *rukhsah* indicates permission and consent that are laid down by the principle of facilitation in religion. For example, every individual who has the necessary qualifications is obliged to fast during the month of Ramadan.²³ This is *azimah* ruling. Yet, people who have certain type of excuses such as those who are on a journey, are sick, or are nursing mothers have *rukhsah* to not fast.²⁴

LET'S FIND SOME EXAMPLES

Find some examples similar to the following rules of *rukhsah*.

- While performing major and minor ablution, one can wipe over bandages on a wound.
-
-
-

Likewise, another example of *azimah* and *rukhsah* is as follows: Under normal circumstances, eating the meat of an animal that was not slaughtered in accordance with the rules of Islamic law is prohibited.²⁵ The rule of prohibition is the basis and is normally valid for everybody. However, it is permissible for a person who is at risk of starving to death to eat from such meat just enough to survive.²⁶

3. Sources of Legal Judgment

What is referred to as the sources of Islamic legal judgments, are the evidences from which religious rulings are deduced. The main one is the Book (the Holy Qur'an), *Sunnah* (customs of Prophet Muhammad), *ijma* (consensus of the Muslim scholars), and *qiyas* (analogy).

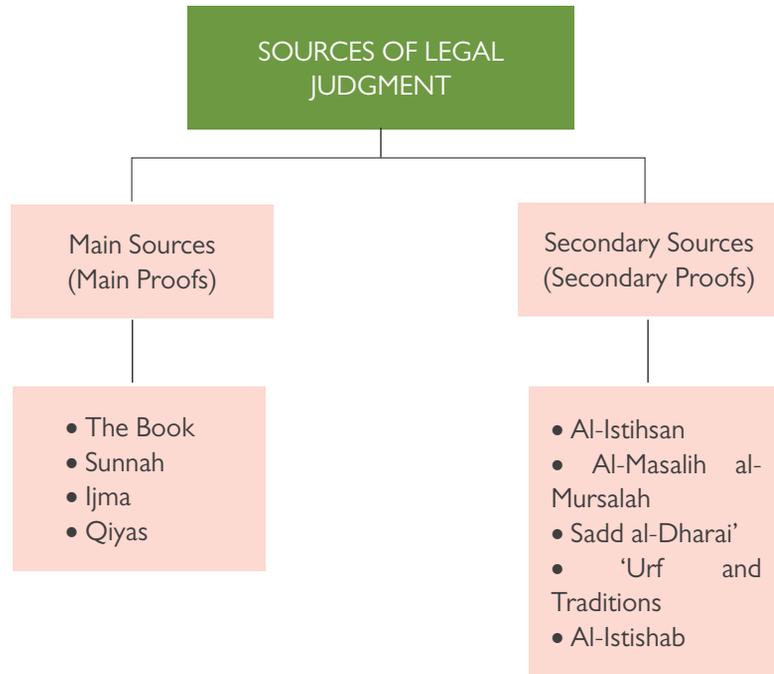
²² Halit Çalış, *İslam'da Kolaylaştırma İlkesi*, p.63, 72.

²³ See Surah al-Baqarah, 2:183.

²⁴ See Surah al-Baqarah, 2:184.

²⁵ Maidah, 5:3.

²⁶ Baqarah, 2:173; Nahl, 16:115.



The Qur'an is the main source of Islamic jurisprudence (*fiqh*). It contains the messages sent down by Allah and is known as “the Book” among the sources of legal judgments. The sayings, actions and tacit approvals of the Prophet, which is like the explanation of the Book, consists of the second source of jurisprudence, i.e. *Sunnah*. When the verses of the Qur'an or the *hadith* of the Prophet are used as the basis of legal judgments, they are called *nass* (the text). In addition to these two sources, other sources such as *ijma*, *qiyas*, *istihsan*, *masalih al-mursala*, *sadd al-dharai*, *'urf* and *istishab* are also among the sources of legal judgments. These sources, however, cannot be the evidences of legal judgments independently without being first based on the rules of the Book and *Sunnah*.²⁷

Jurists derive legal judgments based on these sources by taking the conditions of their time and needs of people into consideration.

3.1. The Book

When the term “the Book” is used in Islamic jurisprudence, it means the Holy Qur'an. The Qur'an was sent down to Prophet Muhammad in Arabic during approximately 23 years. It was written by the revelation scribes appointed by

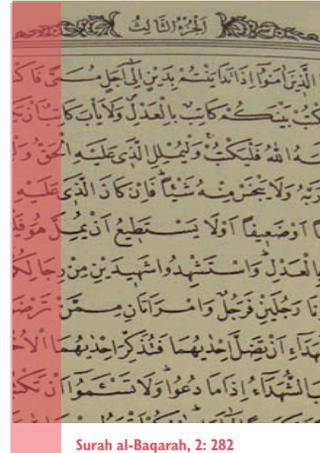
²⁷ Zakiyuddin Shaban, *Islam Hukum Ilminin Esasları*, p.41.

the Prophet himself, and memorized by the Companions. By way of *tawatur** it has been preserved until today written in *mushafs*** without any corruption and change.

In the Qur'an, there are also certain principles about legal judgments along with other issues. An important part of these principles are mainly in the form of abstract and general rules of law. These principles and rules embrace the entire aspects of life for all times and places. Intellect, knowledge, and humanity's common life experiences play an important role in the understanding and practicing of these principles and rules. For instance, equality in creation and having equal rights, carrying out justice, abiding by contracts, prohibition of enrichment by unjust means, consultation in administration, appointing competent people for every duty, prohibition of bribery, personal liability, the principle of innocence until proven guilty, and other similar principles are some of the general rules.

Some principles of the Qur'an are in the form of concrete legal rulings. Judgments about recording debts, producing a witness in order to protect rights, the number of witnesses, inheritance, marriage, and punishment for crimes of terror can be given as examples of these. Some of these legal judgments in the Qur'an are explained in detail. For example; inheritance shares, amounts of some types of punishment, rulings about marriage and divorce are explained in detail. Some judgments are indicated in a short and brief (*mujmal*) way, and explanation of these judgments are left to the Prophet. For instance; in the Qur'an, it is expressed ... "Take alms of their wealth..."²⁸ and the Prophet said "...one sheep (is due) for every forty sheep until one hundred and twenty, when it is more than that, then two sheep until two hundred, when it is more than that, then three sheep until three hundred sheep, when it is more than three hundred sheep, then a sheep on every hundred sheep..."²⁹ and explained the above mentioned verse in respect to the amounts of almsgiving in the case of sheep.

The revelation process of the Qur'an was completed with the death of the Prophet. Yet, because its message is universal, its rulings are valid until the Day of Judgment. Based on this fundamental source, *fiqh* will continue to exist by



Surah al-Baqarah, 2: 282

* The method of transmission by a group of people so numerous that it is not conceivable for them to have agreed upon an untruth.

** It literally means pages, but terminologically it refers to the book form of the Holy Qur'an. (I.N.)

²⁸ Tawbah, 9:103.

²⁹ Tirmidhi, Zakat, 4.

LET'S
INTERPRET

“Taking the inspiration directly from the Qur’an,

We should let the comprehension of the Age speak about Islam.”

Mehmet Akif Ersoy, *Safahat*, p. 402.

Interpret the couplet above in terms of the Qur’an’s being the main source of the religion.

renewing itself. Therefore, scholars of *fiqh* are required to understand and interpret the Qur’an in its integrity and in accordance with the object that *nass* signifies.

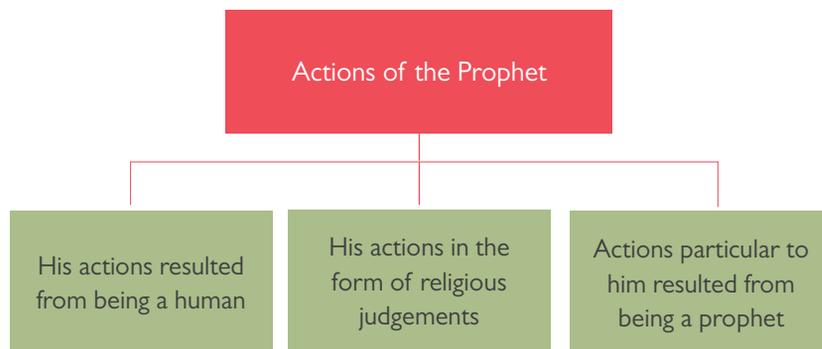
3.2. Sunnah

The term *Sunnah* means the Prophet’s actions, sayings and tacit approvals that were introduced in an effort of declaration, explanation, teaching and implementation of the Qur’an. In this sense, *Sunnah* is one of the sources of legal rulings. Allah the Almighty states:

... وَمَا أْتِيكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

“And whatsoever the messenger gives you, take it. And whatsoever he forbids, abstain (from it).”³⁰ and expresses that *Sunnah* is in the place of the second main source of legal judgments after the Qur’an. The Prophet draws attention to his *Sunnah* as being a source of law in his following hadith: “Whoever does not follow my tradition is not from me (not one of my followers).”³¹

The Prophet delivered, explained and practiced the judgments that God revealed to him. He wanted his Companions to carry out the responsibilities like he did, and thus the Companions took the Prophet as an example in their religious lives and adopted his life style.



The actions of the Prophet are divided into three types in terms of being a source of religious rulings.³²

³⁰ Hashr, 59:7.

³¹ Bukhari, Nikah, 1.

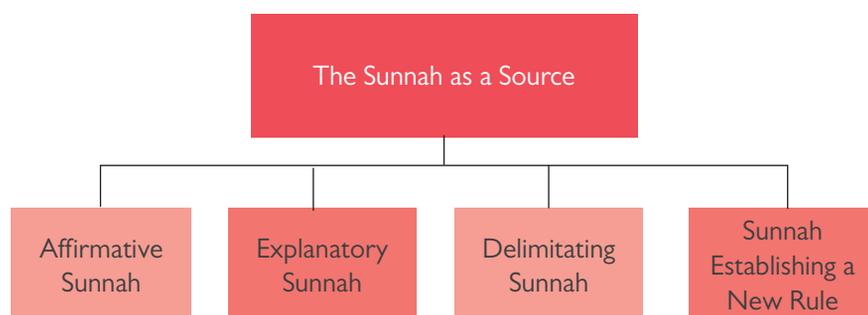
³² Zakiyuddin Shaban, *İslam Hukuk İlminin Esasları*, p. 100-102.

* A supererogatory prayer performed between midnight and predawn.

The first type is the actions of the Prophet that resulted from him being a human. His eating, drinking, dressing, sleeping, trading, and receiving treatment for an illness are just some of these actions. However, because they do not have any legal value, one is not required to follow and practice them. The Prophet also consulted his Companions on some issues. For instance, he got advice from his Companions about how to treat the captives of the Battle of Badr.

The second one is the Prophet's actions that originated from him being a prophet and are particular to him. For instance, it was obligatory for him to perform tahajjud' prayer; he fasted more than one day without breaking it (sawm al-wisal), which is not allowed for his followers. These actions are particular to the Prophet only; hence some of these actions are not required for the Muslims to perform these deeds and some others are even prohibited.

The third is the Prophet's actions that established religious rulings. These deeds are a source of judgment and have a binding character. Allah the Almighty states this issue in the Qur'an as follows: "**Verily in the Messenger of Allah you have an excellent exemplar...**"³³ There are many universal Sunnahs of the Prophet that explain the Qur'an. Included in this section are his actions that determine the duties of men toward Allah, and the rights and responsibilities toward other people, and explain what should be done to maintain morality. We should fulfill these actions, and take him as an example on these issues.



Functions of the *Sunnah* as a source of legal judgment are:³⁴

Affirmative Sunnah: It deals with the subjects of the Qur'an and reinforces them. For example, the rights of parents are expressed in the Qur'an, and the *Sunnah* also emphasizes the importance of these rights. It is expressed in the Qur'an: "**And your Lord has commanded that you shall not worship (any) but**

³³ Ahzab, 33: 21.

³⁴ Abdul Karim Zaidan, *al-Wajiz fi Usul Fiqh*, p. 176-177.

Him, and (that you show) kindness to your parents. If one of them or both of them reach old age with you, say not “Fie” unto them...”³⁵ where it is also ordered that children treat parents with kindness. The Prophet answers the question of a companion by asking, “To whom should I show most kindness?” as: “To your mother [he repeats this three times], then your father, then your nearest relatives.”³⁶

Explanatory Sunnah: Allah the Almighty entrusted His Prophet with the duty of explaining the messages of the Qur’an. “...and We have revealed unto you the Remembrance (the Qur’an) that you may explain to mankind that which has been revealed for them...”³⁷ There are many ambiguous and brief (*mujmal*) rulings in the Qur’an. Rulings related to the ritual prayer, fasting, almsgiving, pilgrimage and other fundamental acts of worships are expressed with general terms in the Qur’an. Their explanation and practice are done by the Prophet. For example, the verse “...keep up prayer”³⁸ is explained by the Prophet in a *hadith* as “...perform the prayers as you have seen from me.”³⁹

Sunnah that limits the general rulings of the Qur’an: Some issues are expressed in the Qur’an in general expressions. *Sunnah* delimitates some of these issues. For instance, it is remarked in the Qur’an that one can bequest to anyone he/she wishes without a limitation.⁴⁰ *Sunnah* limits this ruling by expressing that it is not permitted to bequest to legal inheritors.⁴¹

Sunnah that establishes ruling on issues that the Qur’an does not deal with: The *Sunnah* establishes rulings on some issues that the Qur’an does not mention. For example, prohibition of the consumption of domesticated donkey’s meat is established by the *Sunnah*.⁴²

INFORMATION BOX

Legal rulings can be deduced on some issues by taking the objective of the *Sunnah* into consideration. For instance, the Prophet used miswaq* and recommended its usage. His aim in this recommendation was hygiene of the mouth and teeth. Based on this objective, it can be deduced that such an act of hygiene can be carried out by using a toothbrush in addition to the miswaq.

³⁵ Isra, 17: 23.

³⁶ Muslim, Birr, 2.

³⁷ Nahl, 16: 44.

³⁸ Baqarah, 2: 43.

³⁹ Bukhari, Adhan, 18.

⁴⁰ Baqarah, 2: 180.

⁴¹ Tirmidhi, Wasaya, 5.

⁴² Bukhari, Zabaih, 28.

3.3. Ijma (Consensus)

The term *ijma* lexically means to persevere and to ally with. Terminologically it means the consensus of *mujtahids*, who lived after the death of the Prophet, on the ruling of a religious subject.

Ijma is classified into two types, namely *sarih ijma* and *suquti ijma*. *Sarih ijma* is realized when all scholars of Islamic law clearly express their opinions and achieve a consensus about an issue. For example, after the demise of the Prophet, the compilation of the Qur'an as a book was decided by consensus.

Suquti ijma, on the other hand, is achieved when no scholar objects to a common view, so they are considered to be indirectly accepting that common opinion. Therefore, legal views that have no known objections are considered *ijma*.

In order to achieve an *ijma* about an issue, it must be based on a ruling established by the Book or the *Sunnah* or at least on a ruling reached by *qiyas* and *ijtihad*, which are based on the former two.

Some verses and *hadiths* may indecisively indicate a ruling. The meanings of these open-ended scriptural texts become decisive by means of *ijma*. Although the word "*salat*" in the Qur'an lexically means invocation, according to consensus it means ritual prayer. Similarly, the word "*siyam*" lexically means keeping a secret, yet there is a consensus that it is used to mean fasting in the Qur'an. Thus, *ijma* shows us how to understand the scriptural texts. In the presence of a meaning established by consensus, it is not correct to search for new meanings.

"My nation does not unite on misguidance."

Ibn Majah, *Sunan*, Fitan, 8.

LET'S NOTE

Because the authority of issuing judgments belonged solely to the Prophet during the era of revelation, we cannot talk about the existence of *ijma* during that period.

* Sticks produced from the branches of a tree called *araq* and used for teeth cleaning

LET'S LEARN

Some examples of judgments that are established by consensus are given below.

- Recitation of two calls for Friday prayers (one outside and one inside the mosque).
- Prohibition of the marriage of a Muslim woman to a non-Muslim man.
- Prohibition of lard beside the pork.
- Inheritance of grandmother from her grandchildren in the rate of one-sixth.

3.4. Qiyas (Analogy)

Qiyas is the fourth source of Islamic law after the Book, *Sunnah* and *ijma*. The word *qiyas* means comparison, assessment and evaluation, and considering equal. Terminologically it means applying the judgment of a known case existing in the Book or *Sunnah* to a new case with an unknown ruling based on a similarity between the two cases.

An analogy is made as follows: There is a case (*asl* or the main case) the judgment of which is known by the scriptural text. And there arises a new case (*far'* or secondary case) the judgment of which we do not know. If a common ground (*illah*) can be established between those two cases, the judgment of *asl* becomes valid for *far'*. This process is called *qiyas*. For instance, Allah the Almighty prohibits consuming wine (*khamr*) in the following verse:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِنْ عَمَلِ
الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ ﴿٩٠﴾

“O, you who believe! Intoxicants and games of chance and (sacrificing to) stones set up and (dividing by) arrows are only an uncleanness, the work of Satan. So avoid it so that you may be successful.”⁴³

In later periods, people were seen consuming other intoxicants other than wine, such as anisette, and there arose the need for establishing the ruling for these drinks.

Mujtahid (a Muslim Jurist) first tries to find a connection between consuming wine and the ruling of its prohibition. For this, he investigates the relation

Umar says in his letter to Qadi Abu Musa al-Ashari:
“Have a good knowledge of similar things, and make analogy according to it.”
Sarakhsi, *Mabsut*, vol. 16, p. 62-63.

⁴³ Ma'idah, 5: 90.

between the ruling and all characteristics that can be an *illah*, or a reason for prohibition. He sorts out the ones that cannot be *illah*. He concludes that the consumption of wine and its prohibition are related because of the intoxicative feature of wine. Then, he investigates whether or not the other drinks such as anisette, whisky and vodka possess the feature of intoxication. And finally, he concludes that these drinks are prohibited because they also are intoxicants. Thus, the *mujtahid* does not establish a new rule; he/she just adapts an existing rule of the text to a new case.

One cannot inherit from a relative, if he/she killed that relative. In this regard, the Prophet says, “A murderer cannot be an inheritor.” Through analogy, the one who kills the person who bequeaths him/her also is deprived of the bequest. In both examples, the person commits a murder in order to obtain the property as soon as possible.

LET'S LEARN

The method of analogy is shown in the following chart. Analyze and learn the example.

SUBJECT	ILLAH	JUDGMENT	EVIDENCE
Asl: Embezzling the property of an orphan.	Injustice	Forbidden	“Those who swallow the property of the orphans unjustly, surely they only swallow fire into their bellies...” Nisa 4: 10
Far': Burning the property of an orphan.	Injustice	Forbidden	Qiyas or Analogy

Allah the Almighty mentions food and clothing when He refers to the responsibility of alimony.⁴⁴ Because the scholars of Islamic law consider medical treatment a need as basic as food and clothing, they include treatment expenses in alimony by way of analogy.

⁴⁴ Baqarah, 2: 233.

LET'S THINK

“O you who believe! When [the adhan] is called for the prayer on the day of Jumu’ah [Friday], then hasten to the remembrance of Allah and leave trading...”
Jumu’ah 62:9

The prohibition of trading, after the recitation of call for Friday prayer begins, for those who are obliged to perform Friday prayer is expressed in the above-mentioned verse.

Think about the ruling of being busy with other things at that same time.

LET'S NOTE

In order to establish a ruling by means of *istihsan*, it must be based either on textual evidence, *ijma*, a custom or a tradition, necessity, or public benefit.

LET'S DISCUSS

A student who is preparing to go to school gives money to a shopkeeper to get a suit made. However, the cloth he wants in exchange for the money does not exist yet. Discuss whether this transaction is valid or not. Take the method of *istihsan* into consideration.

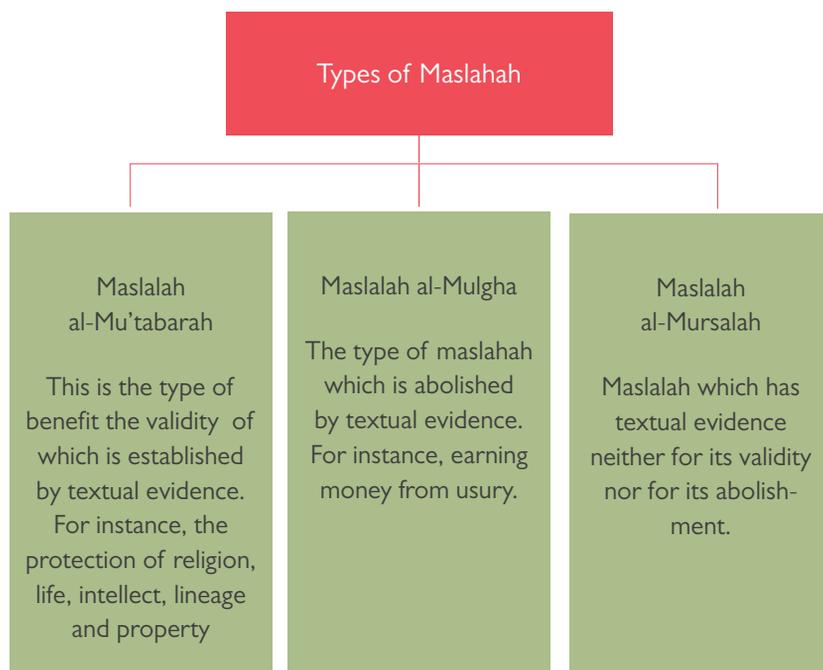
3.5. Other Sources

As mentioned before, the Book, *Sunnah*, *ijma* and *qiyas* are the main sources of legal rulings. Yet, there are some secondary sources such as *istihsan*, *masalih al-mursalah*, *sadd al-dharai*, *urf* or *adah*, and *istishab*.

***Istihsan* (equity):** *Istihsan*, which lexically means to admire and appreciate something, terminologically refers to preference of a solution that is contrary to the explicit analogical (*qiyas al-jali*) conclusions and the general rule. For example, according to the general rule, the sale of a nonexistent property is considered void (*batil*). According to this rule, the sale of non-existent goods such as three tons of nut, five tins of cheese, or 500 square meters of carpet, the price of which is given in advance to be delivered later, should be impermissible. Yet, after a short consideration, it can easily be understood that this ruling does not satisfy people’s needs and is not in accordance with the principle of ease. Hence, these judgments should be exceptions from the general rule, and should be connected with another ruling. Consequently, the sale of such items is accepted as permissible by means of the evidence of *istihsan*. In the same way, the order and signing of a work contract are similar transactions allowed based on *istihsan*.

***Masalih al-Mursalah* (Considerations of Public Interest):** *Maslahah*, which literally means interest, benefit or convenience, technically refers to the achievement of a benefit or to the removal of harm. *Masalih* is the plural form of *maslahah*. As for *masalih al-mursalah*, it is the type of *maslahah* that has no textual basis for its validity. In such cases, achieving a benefit or removing harm needs to be taken into account in order to accept that thing as lawful or

prohibited. After careful evaluation, if its benefit is more than its harm, it can be accepted as lawful, and if its harm is more, it is prohibited.



There is no statement in scriptural texts that commands or prohibits making copies of the Qur'an. However, with the expansion of the Muslim lands during the caliphate of Uthman, there arose the need to produce copies of the Qur'an. For this reason, copies of the Qur'an were produced in order to take care of the needs of Muslims. Later, vowelizing the text of the Qur'an and translating it to other languages were carried out because it was beneficial for Muslims.

Following the measures of preventive medicine, prohibition of things that are harmful for the health, smoking in closed public places, spitting on floors and walls, and littering the street are forbidden based on the principle of *maslahah*.

The purpose of all judgments that are laid down by the Qur'an and *Sunnah* is to command what is beneficial to humankind and to forbid what is harmful. In addition to this, if doing an action bears general and certain benefits for the public, then it can be done, and if there is harm in it, then it should be avoided.

LET'S INTERPRET

In a case of fire, is the destruction of the closest buildings permissible in order to prevent the spread of fire? Interpret by taking the principle of *maslahah* into consideration.

LET'S DISCUSS

Is there a difference between an owner of a building renting the building for a supermarket or renting it to be operated as a casino?

Discuss.

LET'S EVALUATE

Ahmad sees Ramadan is buying the mobile phone that he (Ahmad) wanted to buy. While Ramadan is bargaining, he intervenes and states that he also wants to buy that phone. Evaluate this case by taking the principle of *sadd al-dharai* into consideration.

LET'S NOTE

In order to be valid, custom (*'urf*) and tradition (*adah*) must not be in conflict with a *nass*. For example, if gambling and usury are a common custom in a place, this does not make them permissible.

LET'S FIND

Some articles of the Majallah about *maslahah* are given below. Find suitable examples of these articles.

- “Injury may not be met by injury” i.e. there is no injury and also no injury in response to injury. (*Majallah*, article 19)
For instance, one cannot break the window of his/her neighbor. Likewise, he she cannot break his/her neighbor’s window even if the neighbor broke his/her window. He/she must demand justice under the law.
- “Injury is removed” i.e. it is essential to remove the injury. (*Majallah*, article 20.)
For instance,.....
- “Severe injury is removed by a lesser injury.” (*Majallah*, article 27)
For instance,

***Sadd al-Dharai'* (Blocking the Means):** *Dharai'* is the plural form of “*dhari'a*,” which refers to a means or a path that leads to somewhere. Something that is not forbidden sometimes may result in the forbidden. In such cases, blocking the means that causes evil is called *sadd al-dharai'*.

Sadd al-Dharai establishes a judgment based on the general rule “removing harm takes precedence over the achievement of a benefit.” For example, intervening while two people are bargaining and canceling another’s transaction is prohibited, because it would cause hatred and enmity. In addition, keeping the production of plants and seeds used for making drugs under control also is deduced from this principle.

***'Urf* (Custom) and *Adah* (Tradition):** Things that are accepted as good by the conscience of the society are called *'urf*, and things that have been practiced by the society for a long time are called *adah* (tradition). Custom is about common habits, and may not always be good. For example, smoking may be a common custom in a society, but this does not mean smoking is good. In order to be a valid *'urf*, it must be accepted as good by the religion or by common sense. The terms *'urf* and *adah* are interchangeable.

'Urf and *adah* can be accepted as a source in certain matters that are not dealt with in the main sources of Islamic law. For instance, in cases of the settlement of disputes, clearing the uncertainties in contracts, and distribution of the rights and responsibilities in the society or in the family, customs and

traditions can sometimes be a source of law. For instance, while dealing with the responsibility of alimony, the Qur'an states that amounts of food and clothing should be determined based on the customs and traditions of the society.⁴⁵

If there is no condition expressed in a contract, such as which expenses of the rented house are upon the landlord and which ones are upon the tenant, it is determined based on *customs and traditions*.

Some rulings might be based on *'urf*. In such cases, those rulings change with the change of the related *'urf*. For instance, at the time of the Companions, trustworthiness of witnesses was not verified. Yet, in later periods, as a result of the change in moral values in the society, the investigation of witnesses was considered necessary.

***Istishab* (Presumption of Continuity):** Lexically it means to feel close to someone, and seek his/her companionship, whereas terminologically it means the presumption of continuity of the existing ruling. In other words, one is to decide on the continuation of a ruling that was established before as long as there is no contrary evidence.⁴⁶ Protection of vested interests is based on this principle. For instance, the property rights of a person from whom no news has been received for a long time are under protection, and his/her properties cannot be divided between his/her heirs.

Istishab aims to protect the vested rights of missing people after battles, earthquakes, fires or similar disasters. Rights of that person are protected until news of his/her death is heard, or the court decides on a verdict for his/her death. The person, however, cannot gain new rights during the period he/she was missing. For example, a missing person cannot be heir to his/her relative who dies after his/her disappearance.

The following maxims are related to the principle of *istishab*:

Permissibility is the original state of things (al-asl fi al-ashya' al-ibahah): Allah has created everything on earth for the benefit of humankind and bestowed them on people as sustenance.⁴⁷ Therefore, everything that does not have clear and conclusive evidence of prohibition is permissible and considered a blessing from God.

LET'S DISCUSS

Do *'urf* and *adah* have any significance for issues such as the responsibilities of the parties of an engagement ceremony or in determining who will bear the expenses during the wedding preparations?

Discuss with your friends.

⁴⁵ Baqarah, 2: 233.

⁴⁶ Zakiyuddin Shaban, *Islam Hukuk İlminin Esasları*, p. 217.

⁴⁷ See Ibrahim, 14: 32-34.

LET'S DISCUSS

Can a person eat the fruits he/she finds in a forest?

Discuss this question with your classmates.

Presumption of original freedom from liability (bara'ah al-dhimmah al-asliyyah): All babies are born without sin, guilt and debt. A defendant is accepted innocent until he/she is proven guilty. Nobody can be treated as if he/she were guilty until his/her guilt is proven.

Certainty may not be disproved by doubt (al-yaqin la yazul bi'l-shakk): If the existence of something is known decisively, it is accepted as existent, and it cannot be ruled as absent because of doubt. For instance, indebtedness of a debtor remains if there is no evidence for his/her payment.

LET'S SHARE

Why is blood revenge unacceptable in Islam? Share your opinions with your friends.

LET'S DISCUSS

Discuss the cases of a person who performs ablution but has doubts about whether it has been nullified or not, and a person who does not remember for sure whether he/she performed ablution or not.

LET'S EVALUATE THE CHAPTER

A. There are some words about the actions of a liable person and the sources of legal judgments hidden in the puzzle box below. Find these words.

H	I	H	I	S	F	J	A	A	D	C	I	S	K	S	F	Q	F	U	T	Z	T	Z
R	P	I	W	F	Y	M	R	K	J	U	T	U	V	C	Q	Y	Q	C	Q	L	N	X
R	I	R	T	J	W	P	F	H	S	I	Q	N	O	X	R	J	I	K	K	V	G	S
B	P	I	H	R	G	H	N	M	Y	A	I	N	X	X	F	W	Y	V	U	D	J	M
H	M	W	S	P	T	D	P	U	Z	D	A	A	I	Y	I	N	A	T	A	T	L	M
I	J	U	N	B	O	F	K	D	W	A	L	H	P	A	G	T	S	N	K	S	V	I
W	M	C	F	Z	V	F	M	D	G	H	N	W	Z	M	Q	R	I	T	B	P	F	S
P	W	C	M	S	S	Y	X	T	J	A	P	H	U	B	V	D	S	H	Y	U	A	A
W	J	W	U	L	I	V	I	S	T	I	S	H	A	B	W	D	T	C	M	R	R	D
N	P	X	B	C	D	D	L	X	S	V	N	X	M	C	V	W	I	R	U	F	D	D
E	T	G	A	K	J	O	O	E	V	M	R	W	P	J	Y	O	H	G	S	D	H	D
A	G	Y	H	C	M	X	X	W	B	S	S	H	E	Y	D	L	S	H	T	E	Q	H
A	L	M	A	S	A	L	I	H	A	L	M	U	R	S	A	L	A	H	A	X	U	A
T	J	M	I	C	G	E	P	D	G	Z	M	A	K	R	U	H	N	H	H	X	R	R
H	A	R	A	M	I	F	I	J	M	A	K	Q	A	Y	F	Y	F	R	A	E	A	A
X	I	Z	O	S	N	P	V	Q	V	O	K	I	T	W	A	J	I	B	B	P	N	I

Fardh	Wajib	Sunnah	Mustahab	Mubah	Haram
Makruh	Mufsid	Qur'an	Ijma	Qiyas	Istihsan
Istishab	al-Masalih al-Mursalah	Sadd Dharai	'Urf	Adah	

B. Answer the following open-ended questions.

1. Can a person be responsible for the issues about which he/she does not have any information/knowledge? Explain.
2. What does qiyas mean? And how is it done? Explain with an example.
3. What do the terms fardh and wajib mean? Express the differences between them.
4. What is the method of the Qur'an in explaining legal judgments? Indicate.
5. What are the functions of Sunnah from the point of being a source of legal ruling? Make a list.

C. Choose the correct answers to the following multiple-choice questions.

1. Which of the following terms is used for the ability to discern between good and bad, true and false, and useful and harmful?

- A) *Tamyiz* B) *Mukallafiyah* C) *Hukm*
 D) *Ahliyyah* E) *Qiyas*

2. Which one of the following terms is used for the source of legal judgments that means blocking the means leading to evil?

- A) *Qiyas* B) *Haram* C) *Istihsan*
 D) *Sadd al-Dharai* E) *Masalih al-Mursalah*

3. Which term do we use for the consensus of the Muslim jurists who lived in the same period following the demise of the prophet?

- A) Istihsan B) Istishab C) *Sunnah*
 D) Ijtihad E) Ijma

4. Which term do we use for the temporary and special rulings issued because of an excuse?

- A) Ruhsah B) Fardh C) Qada
 D) Azimah E) Mubah

5. Which one of the following is **not** one of the secondary sources (*far'* evidence) of legal judgments?

- A) Sadd al-Dharai
 B) Istishab
 C) *Sunnah*
 D) al-Masalih al-Mursalah
 E) 'Urf and Adah

D. Write "T" for true and "F" for false for the following sentences.

(...) Those who have reached the age of puberty have full capacity to act and are responsible for following the commands and prohibitions of the religion.

(...) The terms *halal* and *jaiz* can be used in the place of the term *mustahab*.

(...) Those who are responsible for following the religious rulings, in other words, the addressees of legal judgments, are called *mukallaf*.

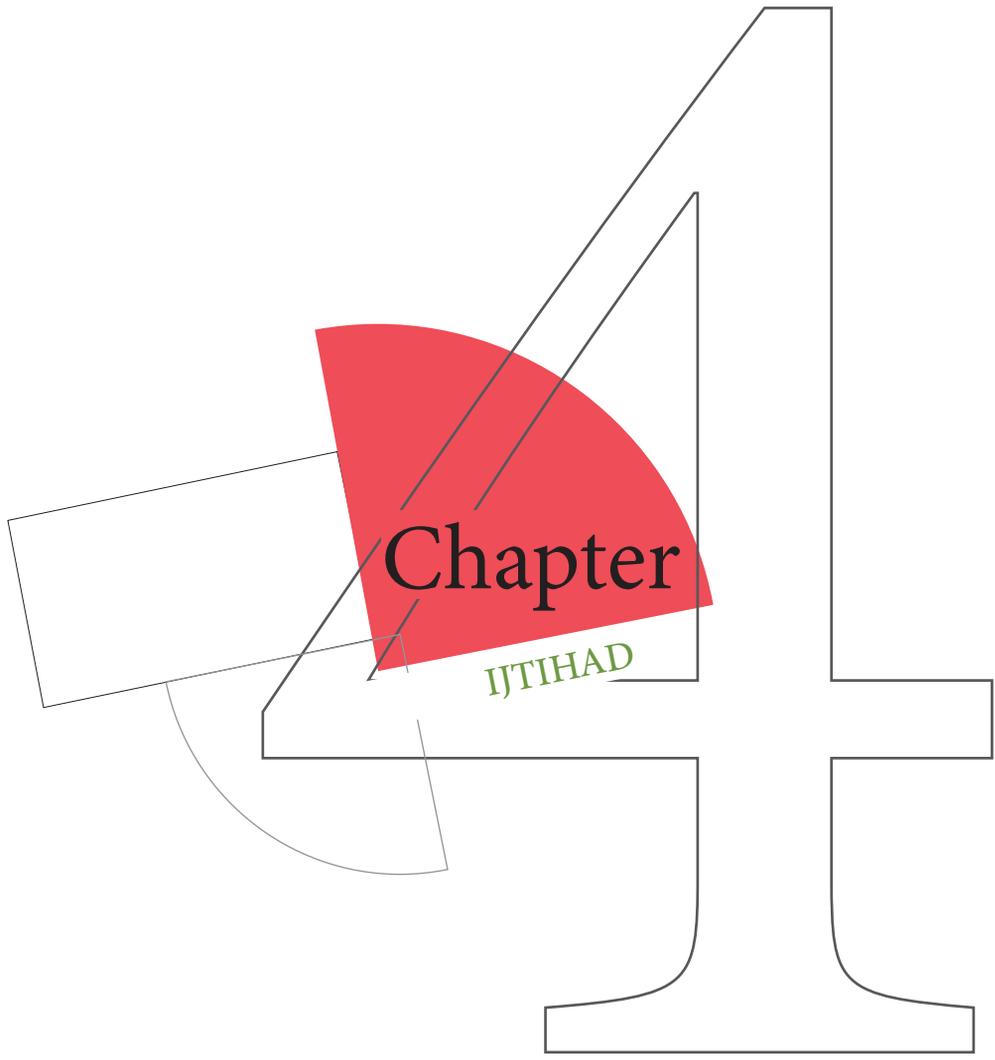
(...) Intoxication, being under threat, being in a desperate situation, and prodigality are called *awaridh samawi*.

(...) Recitation of the *adhan* and performing prayers in congregation are *Sunnah muakkad*.

E. Fill in the blanks in the following sentences with the most suitable word from the list below.

(*wajib, fardh al-kifayah, haram, mufsid, istishab, sadd al-dharai, makruh*)

1. Social obligations, the responsibilities of which are removed from the rest of the Muslims with the fulfillment of a group of Muslims, are called
2. Actions whose fulfillment commanded but not as definitive as obligatory actions are called
3. Actions that nullify an act of worship or invalidate a contract partially or as a whole are called
4. Actions whose fulfillment is considered inappropriate yet is not prohibited decisively by the verses or *hadiths* are called
5. If there is no contrary evidence, deciding on the existence of a ruling that previously established as existent is called



Chapter

IJTIHAD



IJTIHAD

LET'S GET READY FOR THE CHAPTER

1. Learn the meaning of the terms “ijtihad, mujtahid, taqlid, ta’assub.”
2. Write the names of two scholars of Islamic law.
3. Mention the basic sources of legal judgments.
4. Investigate the role of ijtihad in preventing taassub.

1. The Concept of Ijtihad

The word *ijtihad* lexically means to endeavor, to struggle, and to exert one’s utmost effort. It technically refers to all kinds of efforts in order to comprehend and implement the religion in daily life.¹ In other words, *ijtihad* means to deduce the rulings that Allah requires of us from the Qur’an and *Sunnah* in accordance with His will/for His sake. In the hadiths, the term *ijtihad* is used to mean “all the efforts of a judge and a ruler to reach the correct judgment.”² Those who are eligible to make *ijtihad* are called *mujtahid* (*faqih*).

Ijtihad means deducing conclusions by way of thinking over the verses and *ahadith*. That is why Allah the Almighty encourages Muslims to think and contemplate in the Qur’an by using phrases such as “Will you not reason?”³ and “Will you not consider?”⁴ In another verse He states, “We have explained our revelations in detail for the people who understand.”⁵

¹ Hayrettin Karaman, *İslam Hukukunda İctihad*, p. 21.

² Muslim, *Aqdiyyah*, 15; Abu Dawud, *Aqdiyyah*, 11; Tirmidhi, *Ahkam*, 3.

³ *Anbiya*, 21: 10.

⁴ *An’am*, 6: 50.

⁵ *An’am*, 6: 98.

Muslims are commanded in the Qur'an to refer to the Book and *Sunnah* regarding the issues they disagree upon.⁶ With these commands, Allah the Almighty asks Muslims to find solutions to their problems in the light of the verses and *ahadith*. This is possible just by the way of *ijtihad*. The Prophet (saw) encouraged *ijtihad* and drew attention to its importance by saying; **“If a mujtahid issues a ruling according to the best of his knowledge and his ruling is correct, he will receive a double reward, and if he issues a ruling according to the best of his knowledge and his ruling is wrong, even then he will get one reward.”**⁷

Ijtihad can be performed in two methods: The first, if there is no verse or *hadith* regarding an issue, the mujtahid tries to find a solution by using the methods of *qiyas* (analogy), *maslahah* (public interest), and others. For instance, the Prophet prohibited whispering in the company of others in his saying; **“When you are three, two should not converse (privately) at the exclusion of their companion, because that makes him sad.”**⁸ Such conversations may offend the third person and hurt his/her feelings. On the other hand, there is no ruling in verses and *ahadith* about changing the language of a conversation from one that the third person knows to a foreign language. By deducing through the use of analogy, the mujtahid reaches the conclusion that this case resembles the situation described in the *hadith* above. Thus, he concludes that two people's conversation in a foreign language when they can speak the language of the third person is prohibited.

The second is the efforts of the mujtahid to understand and interpret the two fundamental sources of the religion of Islam, the Qur'an and *Sunnah*, and to draw conclusions from them.⁹ For instance, mujtahids contemplated the meanings of the words “ease and difficulty” in this verse: **“So every one of you who is present during that month of Ramadan should spend it in fasting, and whosoever of you is sick or on a journey, (let him fast the same) number of other days. Allah desires ease for you, and He does not desire for you difficulty...”**¹⁰ Then the mujtahids concluded that people on a journey are free to choose what is easiest for them—they may fast if they want, and if they do not want to fast, they do not.¹¹

⁶ See Surah al-Nisa, 4: 59.

⁷ Bukhari, I'tisam, 21.

⁸ Ibn Majah, Adab, 50.

⁹ Hayrettin Karaman, *İslam Hukukunda İctihad*, p. 21.

¹⁰ Baqarah, 2: 185.

¹¹ Hayrettin Karaman, *İslam Hukukunda İctihad*, p. 90.

Problems faced in daily life are solved from religious aspects by means of *ijtihad*. The mujtahid tries to find solutions for religious problems he faces by using his abilities and knowledge. This intellectual struggle of the mujtahid is called *ijtihad*.

LET'S THINK

How is *ijtihad* done?

A mujtahid does *ijtihad* to find solutions to the problems he faces. At first, he consults the Qur'an and the *Sunnah*. He contemplates on these sources and finds out the evidence related to the issue he tries to solve. Then, he evaluates this evidence with the general objectives of the religion in mind, and he issues a ruling about the solution to the problem.

Think about the text above and strengthen your knowledge about the concept of *ijtihad*.

The ruling reached as a result of *ijtihad* cannot be accepted as the only and precise truth even though it is derived from the fundamental sources of the religion, because the judgment derived by using *ijtihad* reflects the opinion of one mujtahid alone on that issue. Another mujtahid may reach a different conclusion about the same issue. This situation resembles the case of a patient who is offered two different treatment methods by two different doctors. Moreover, as it is possible that the doctors may sometimes give a wrong diagnosis, it is also possible for mujtahids to deduce wrong judgments on an issue. This is why the rulings derived as a result of *ijtihad* are not regarded as definitive and binding for all Muslims.

The reason judgments derived by the way of *ijtihad* are not binding for everyone is because it is the personal opinion of the mujtahid. This is why judgments derived by *ijtihad* should be presented as the opinion of the mujtahid. They should not be evaluated as the judgments of God and His Messenger. Furthermore, differences in *ijtihad* led to the emergence of various schools of Islamic law. That is why the schools of Islamic law, which are the compilation of the opinions of a certain mujtahid derived by *ijtihad*, are known by the names of those mujtahids such as the Hanafi School of Law (madhhab), the Shafii School of Law (madhhab), and so on.

LET'S EVALUATE

Abu Hanifa says:

Our opinion, that we reached through *ijtihad*, is correct. Yet it is possible that it be wrong. Other opinions are wrong according to us, but it is possible that they be correct. Any judgment we derive is the most correct and best opinion according to us. We will accept the *ijtihad* of whoever can produce better than that.

Hayrettin Karaman, *İslam Hukukunda İctihad*, p. 149-150.

Evaluate the opinion of Abu Hanifa in consideration of the judgments derived by *ijtihad*.

2. The Importance of Ijtihad According to the Prophet

“If a mujtahid issues a ruling according to the best of his knowledge and his ruling is correct, he will receive a double reward, and if he issues a ruling according to the best of his knowledge and his ruling is wrong, even then he will get one reward.”

Bukhari, *l'tisam*, 21; Muslim, *Aqdiyya*, 15.

What is the main idea emphasized in the above mentioned hadith?

Prophet Muhammad delivered the religious rulings sent down by Allah by explaining and practicing them. Yet, it is a fact that there are too many problems to which not enough solutions can be found by just interpreting the verses and *ahadith*. *Ijtihad* is one of the important ways of evaluating the new circumstances and finding proper solutions for them. For this reason, the Prophet himself practiced *ijtihad*, and in his lifetime he also let his Companions do *ijtihad*. For example, the Prophet asked Muadh ibn Jabal, whom he sent to Yemen as governor, “What would you do if you could not find any judgment in the Qur’an and *Sunnah* about a problem you faced?” and Muadh answered, “I would make *ijtihad* if I cannot find a solution in the Book of God, and *Sunnah* of the Prophet.” The Prophet was pleased with this answer.¹² Likewise, when the Prophet heard that many solutions were developed by Companions for their problems, he approved them. And those solutions became a part of religious solutions under the title of *Sunnah Taqriri* (tacit approvals).

¹² Abu Dawud, *Aqdiyyah*, 11; Tirmidhi, *Ahqam*, 3.

There are verses in the Qur’an that state that some of the Prophet’s *ijtihad*s are not in accordance with divine consent. The treatment of captives at the Battle of Badr,¹³ and giving permission to men without any excuse to not attend the Battle of Tabuk,¹⁴ can be mentioned as some examples. This shows that people and especially the Prophet can make *ijtihad*, yet just as they can reach the correct ruling by means of *ijtihad*, they can also make some mistakes.

LET’S FIND

- A woman came to the Prophet and asked, “My mother made a vow that she would perform pilgrimage. Yet my mother died before performing it. Can I perform pilgrimage on behalf of her?” The Prophet replied, “Yes, you may perform pilgrimage on her behalf. If your mother had a debt, you would pay it, wouldn’t you?”
Hayrettin Karaman, *İslam Hukukunda İctihad*, p. 35
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Find some other examples of the *ijtihad*s done by the Prophet.

The Prophet sometimes asked his Companions to judge according to their personal opinions even when he was present. This way, he educated them and aimed to train them. For example, one day two claimants came to the Prophet. He ordered Uqba, a prominent Companion, to judge between them. When Uqba said “O Messenger of Allah, how can I judge while you are here?”, the Prophet ordered, “**Judge between them, if you give the correct verdict you will get ten spiritual rewards, and if you fail you will get one spiritual reward.**”¹⁵ Therefore, the Prophet not only gave permission to do *ijtihad*, but also encouraged it. He emphasized that the fear and concern about making mistakes should not prevent one from doing *ijtihad*.

LET’S DISCUSS

Discuss the question “What is the place and importance of *ijtihad* in the religion of Islam?”

Write down the conclusions you reach.

¹³ See Surah al-Anfal 8: 67.

¹⁴ See Surah al-Tawbah, 9: 43.

¹⁵ Daraqtuni, Sunan, V 4, p. 203. Ahmad ibn Hanbal, Musnad, V 4, p. 205.

3. Examples from the Ijtihads done by the Companions and Successors

Revelation ended with the death of the Prophet, and the Companions faced religious problems without the guidance of the Prophet and of new revelation. Yet, they comprehended the principles and aims of religion by means of their long-term companionship with the Prophet. They were the ones who knew best the fundamental sources of the religion, the Qur'an, and exemplary solutions of the Prophet. They also learned the necessity of doing *ijtihad* to overcome the new problems they faced with the Prophet himself.

LET'S NOTE

The following are the names of some *mujtahid* Companions:

Umar (May Allah be pleased with him)
 Ali (May Allah be pleased with him)
 Aisha (May Allah be pleased with her)
 Zaid ibn Thabit (May Allah be pleased with him)
 Abdullah ibn Masud (May Allah be pleased with him)
 Abdullah ibn Umar (May Allah be pleased with them)*
 Abdullah ibn Abbas (May Allah be pleased with them)**

Some of the Companions made *ijtihad* while the Prophet was still alive. For example, the sons of Qurayza, the last Jewish tribe in Madinah, violated the covenant during the Battle of the Trench, and betrayed the Muslims by collaborating with Muslims' enemy. Because of this, Muslims faced a very difficult situation. At the end of the Battle, the Prophet said, "None of you should perform the Asr (afternoon) prayer before reaching the land of Banu Qurayza."¹⁶ and he gave Muslims the order to set off. While the Companions were still on their way, a very short time remained in which to perform the afternoon (*asr*) prayer. So they had a disagreement and divided into two groups regarding whether to perform their afternoon prayer before reaching the Banu Qurayza tribe or not. A group performed the prayer in time during the journey thinking that "The Prophet's aim by his order was to encourage us to arrive there as soon as possible, not to postpone our prayers." Whereas

* Because both Abdullah and his father Umar were among the Companions, the prayer for their souls is said in the plural form (T.N.).

** See the previous footnote (T.N.).

¹⁶ Bukhari, Maghazi, 30.

the other group thought, “We were ordered not to perform the late-afternoon prayer before arriving there; even if the time of the prayer passes we will not perform it during the journey.” and acted according to the order. Later, they told the Prophet what had happened. He approved both opinions of the groups. As this example shows, *ijtihad* is needed at all times. Yet it is also possible to reach different conclusions when employing the method of *ijtihad*.

After the death of Prophet Muhammad, in the time of the Companions and afterward, the activities of *ijtihad* became widespread. When they were faced with a problem, mujtahid Companions consulted each other and tried to find solutions. This was called *ijtihad* of a committee. Most of the later consensuses were reached as a consequence of this process. Consultations and consensus achieved as a result became the means of uniting the Muslims.

The following are some examples of *ijtihad* that made important contributions to the development of the science of *fiqh*:

During the times of famine, people may fall into despair, and this may force them to commit burglary. For this reason, Umar (may Allah be pleased with him) did not implement the penalty for burglary during the times of famine. For, under such circumstances, it is accepted that crime is not committed in the full sense for it to warrant punishment. Umar took these conditions into account, evaluated the evidence, and reached a ruling by making *ijtihad*.

In the Qur’an, a group called *al-muallafah al-qulub* is mentioned among the people who might get a share from almsgiving.¹⁷ This term is used for the non-Muslims whose hearts are to be reconciled with Islam or in order to protect Islam from their rebellion. In the time of the Prophet, although they were non-believers, these people were given a share from the almsgiving fund to protect Muslims from harm and to prevent them from speaking against Islam and Muslims. During the caliphate of Abu Bakr, those people asked to be given the share that they had been given during the time of Prophet. Umar, however, said, “The Prophet wanted to soften your hearts when Muslims were few in numbers. Allah rescued Islam from being in need of you.” Then Umar stopped giving them a share of the alms.¹⁸ In this *ijtihad*, Umar realized that the conditions of that time had changed from the time of the Prophet, and he changed the rule accordingly. Even if it was a rule initially implemented by

LET'S RESEARCH

Research about one of the mujtahid Companions' contributions to the science of *fiqh*, and share the information you find with your classmates.

¹⁷ Tawbah, 9: 60.

¹⁸ Hayrettin Karaman, *İslam Hukuk Tarihi*, p. 117.

the Prophet himself, every judgment should be implemented according to the conditions of the time. The Companions were aware of this situation.

In the early days of Islam, *tarawih*^{19*} prayer was not performed in congregation, rather some believers used to perform it in their homes, and some others used to perform it in the mosque individually. Umar started the performance of *tarawih* prayer in congregation, and this practice gradually turned into a custom.

LET'S NOTE

Some of the mujtahid Successors are:

Said ibn al-Musayyab (Madinah)

Ata ibn Abi Rabah (Madinah)

Ibrahim al-Nakhai (Kufa)

The activities of *ijtihad* that had been started by the Companions were continued by the next generations, and in two centuries it made great progress through the formation of the major schools. The foundations of these schools that developed religious solutions to the problems of the Islamic world were established during that period, and many mujtahids were trained.

The activities of *ijtihad* of the Companions continued to grow in the time of the Successors, due to the expansion of the Muslim territories and the rise of new and different problems. When the Successors were faced with a problem, they first looked for a ruling in the Qur'an. If they could not find anything in it, they referred to the *Sunnah* and the *fatwas* of the Companions respectively. If they could not find any solution in them, they issued a judgment by means of consultation. Some examples of *ijtihad* produced in that period are as follows:

LET'S FIND

Find some examples for the *ijtihads* of the Companions and the Successors.

Fearing mistaking his traditions with the Qur'anic verses, the Prophet did not allow his Companions to write his sayings down, except for a few people in the early years of the revelation. Yet, because there was no such harm anymore in the era of the Successors, writing the *ahadith* was permitted.

Umar ibn Abduzaziz reserved a share from the state treasury to build inns for the wayfarers to stop by. However, there was no such practice either in the time of the Prophet or in the period of the Companions.

4. Prerequisites for exercising Ijtihad

In order to be accepted as a mujtahid, first one must know the fundamental sources of judgments. In addition to this, he/she should have the ability to derive judgment from these sources. Accordingly, the following conditions are required for someone to be a mujtahid:

¹⁹ * A supererogatory prayer performed after the night prayer during the month of Ramadan. (T.N.)

First of all, a mujtahid should know the fundamental sources of the religion, the Qur'an and the *Sunnah*. Each and every verse has distinctive language, style, and reasons for revelation and each and every *hadith* has reasons why they were said. A mujtahid should have the necessary knowledge and information regarding these matters. Moreover, a mujtahid also should know Arabic at a proficient level in order to understand the Qur'an and *Sunnah*.

A mujtahid should know the science of *fiqh* and its history, as it is a science that made great progress in both practical and conceptual aspects throughout its history. There was consensus developed on some issues. One should benefit from the historical heritage while making *ijtihad*.

A mujtahid should have enough information and knowledge in the science of *fiqh*. He should especially know the sources of *fiqh*, and the ways and methods of deriving judgment from these sources.

A mujtahid should know the general purposes of religion, because *ijtihad* should correspond with the general purposes of religion. While making *ijtihad*, the mujtahid should primarily consider the sake of God.

Ijtihad is not allowed in matters with decisive evidence from the sources of Islam. For instance, the fact that prayer and fasting are obligatory cannot be the subject of *ijtihad*. However, *ijtihad* can be carried out for the issues that have no decisive evidence. For example, the fact that the Friday prayer is obligatory cannot be the subject of *ijtihad*, but *ijtihad* can be done on some related issues such as what the conditions of Friday prayer are.

A mujtahid should be knowledgeable about the changing conditions and needs of life. He/she also should be knowledgeable about the customs of the society in which he/she lives. For customs and traditions of the society are among the evidence that is beneficial while deriving legal judgments.

5. Social Change and Necessity of Ijtihad

There are too many problems and issues, yet not enough judgments deduced by mujtahids who focus on verses and *hadith*. On the other hand, it is impossible to maintain at all times the validity of legal solutions presented by the earlier mujtahids. For this reason, *fiqh* should be renewed according to social changes and developments, and this can be made possible through *ijtihad*, because, *ijtihad* brings vitality and dynamism to *fiqh*. Thus, it ensures the continuity of *fiqh*. It produces religious solutions to new problems of daily life. For example,

INFORMATION BOX

Ijtihad can be done on the issues about which there is no verse or *hadith*.

Ijtihad also can be done in order to understand and interpret verses and *ahadith* that have more than one meaning.

LET'S TALK

Why it is important for a mujtahid to know the necessities of life and the age he/she lives in?

Talk with your friends.

LET'S DISCUSS

Can religious life be continued without *ijtihad*?

Discuss with your friends.

Umar did not reserve a share of almsgiving for *muallafa al-qulub* believing that the conditions of the time had changed from the time of the Prophet. Yet, Umar ibn Abdulaziz wanted to give a share to such people when he saw that the conditions of his time were different.²⁰

The solutions produced through *ijtihad* should satisfy the needs of the society. *Fiqh* also can be updated in parallel with the developments, otherwise it becomes stagnant.

The principle of “Permissibility is the original state of things (*al-asl fi al-ashya’ al-ibahah*).” is the foundation of the issues of permissible (*halal*) and unlawful (*haram*), and social relations (*muamalat*). As a consequence, the field of unlawfulness should be limited to that which is established by religious texts. Hence, solutions to new problems can be found more easily.

The development of science and technology has led to many problems. For instance, organ transplantation, artificial insemination, *in vitro* fertilization, cloning, and a lot of problems in the field of medicine are argued by the *fiqh* scholars of the contemporary world.²¹ Because the solutions to these problems require new judgments, religious rulings are expected to be issued by today’s jurists.

Today, a significant number of Muslims live in European countries and in the United States. They encounter peculiar problems. For example, Muslims in those countries cannot perform prayer on time and in proper places of worship with ease. For *fiqh*, these are some of the problems that need to be solved.

A lot of problems are waiting to be solved by *fiqh*. For these solutions, *fiqh* should actively accept *ijtihad*. Thus, religion regains a function that gives meaning to life. This can be possible with the training of new scholars who know the conditions of time, understand the religion in its integrity, and can produce solutions with new interpretations.

Problems brought by social change are multidimensional. For this reason, most of the problems are not of a type that the scholars of *fiqh* can solve by themselves. Therefore, there is a need for contributions to be made by experts on the subject. For instance, to give the verdict about the judgment of *in vitro*

LET'S SHARE

To be considered as *mujtahid* in today’s world, what features should one have?

Share your opinions with your friends.

²⁰ Hayrettin Karaman, *İslam Hukuk Tarihi*, p. 89.

²¹ Ahmet Eksi, *İslam Hukukunda Mağdurun Rızasının Hukuka Aykırılığa Etkisi*, p. 40.

fertilization, the opinions of doctors should be considered. With *ijtihad* made through such consultation, *fiqh* will gain vitality and keep its dynamism.

LET'S FIND

- There is a canal between the ears and throat. Yet, because the tympanic membrane blocks this canal, water or medicine does not reach to the throat. This is why eardrops do not invalidate the fast.

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Find some more examples from the internet for answers given to contemporary problems.

6. The Role of Ijtihad in Preventing Imitation (Taqlid) and Fanaticism (Taassub)

Ijtihad is a conscious activity carried out by the scholars of *fiqh*. *Taqlid* (imitation) means to follow someone in religious matters without evidence, and the transformation of this imitation into fanaticism is called *taassub*.

Continuation of *ijtihad* means to bring *fiqh* in accordance with and in parallel to life. Absence of *ijtihad* means to stop legal activities and to detach *fiqh* from social life. In order to progress in *fiqh*, *ijtihad* is inevitable. Imitation and fanaticism are to stop the mobilization of *fiqh*, along with life. Thus, just like standing water is obliged to freeze, *fiqh* becomes stagnant after a period and as a natural result of this, it will be irrelevant for life.

As long as *ijtihad* continues along with life, it can find answers to the problems of life by renewing itself all the time without sticking to the past. Thus, people can live their religion more easily.

The fact that there is a great number of mujtahids and that each one of them has different opinions, provides a richness and diversity of opinions. When we look at the history of the science of *fiqh*, we can see the emergence of schools of law after intensive *ijtihad* activities. Yet, adhering to a school and not caring about the opinions of other schools led to *madhhab* fanaticism. This caused a gradual decrease in the activities of *ijtihad*, and it sometimes even came to a complete stop.

LET'S DISCUSS

“Accepting or rejecting a view without knowledge is throwing a stone into the darkness.”

What does this statement mean?

Following the imams of the schools of law does not mean to imitate them blindly. On the contrary, it means to know their methods and to try to do what they had done. This is possible by just doing *ijtihad* and offering religious solutions to new problems like they did.

Islam advises one to read, investigate and think. It suggests that knowledge, free thought, and use of the mind prevent fanaticism.

After the Industrial revolution, many changes in the Islamic World began, and the social structure and demands began to differentiate. It can be seen that solutions produced previously by respected mujtahid imams for their own community are not totally sufficient for today's societies. Thus, there has emerged the problem that the schools of law are not able to satisfy some of the needs of the contemporary world in their current state.

It is also fanaticism to think that previous judgments produced at a certain time can be totally sufficient for today's needs, and not to comprehend the dynamicity of *ijtihad*. *Taassub*, which means to blindly adhere to something, prevents a critical approach. That is why our religion objects to *taassub*, and advises us to read, investigate, and think. It suggests that knowledge prevents *taassub* and points out the importance of using the mind to avoid *taassub*. Allah says in this regard:

قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ ۗ

“Say (unto them, O Muhammad): Are those who know equal to those who know not? Only men of understanding will pay heed.”²²

Without mujtahids, it is not possible for Islamic law to keep up with the progress of change and development. Then, today we need mujtahids and institutions for *ijtihad* that know our religion and time, produce solutions to new problems we face, and guide the believers. It is not possible to satisfy this need by imitating the past blindly.



From the Islamic Arts Museum

²² Zumar, 39: 9.

LET'S TALK

“It is not permissible for anyone to accept our opinions (our rulings in respect to religion) as long as he does not know from where (whence) we took these rulings.”

Abu Hanifa

“I am a human being. My judgment can be right or wrong. Then investigate the judgment I gave. Take my every word that is consistent with the Book and *Sunnah*, and abandon all my words that do not accord with them.”

Imam Malik

“The one who collects information without evidence is like the one who collects firewood at nightfall. He is not aware of the snake that will bite him while he is stacking the firewood.”

Imam Shafii

“Do not imitate me, or al-Malik, or al-Thawri, or al-Awzai blindly. Take the judgment and information from the very source from which they took their judgment.”

Ahmad ibn Hanbal

Hayrettin Karaman, *İslam Hukukunda İctihat*, p. 149-152.

Talk with your friends about the main idea emphasized in the statements above.

LET'S EVALUATE THE CHAPTER

A. Answer the following open-ended questions.

1. What is the meaning of *ijtihad*? Explain.
2. What is the Companions' and Successors' way of making *ijtihad*? Explain by giving examples.
3. Why is *ijtihad* needed at all times? Explain.
4. How does *ijtihad* contribute to the prevention of imitation and fanaticism? Remark.

B. Choose the correct answers to the following multiple-choice questions.

1. Which of the following contains *incorrect* information?
 - A) *Ijtihad* is an activity particular to the time of the Prophet.
 - B) *Ijtihad* is an activity of thinking done to derive legal judgments.
 - C) *Ijtihad* prevents *taassub*.
 - D) Unconscious imitation leads to fanaticism.
 - E) *Ijtihad* enables the continuation of *fiqh*.

2. Which of the following names is *not* one of the mujtahid Companions?
 - A) Umar
 - B) Ali
 - C) Imam Abu Hanifa
 - D) Abdullah ibn Masud
 - E) Zaid ibn Thabit

3. Which of the following is *not* one of the required features of mujtahids?
 - A) Knowing the Qur'an well.
 - B) Knowing the needs of the time and society he/she lives in.
 - C) Knowing the *Sunnah* of the Prophet.
 - D) Imitating the imams of the schools of Islamic law.
 - E) Having the ability to derive judgment from evidence.

4. Umar did not reserve a share from almsgiving for *muallafah al-qulub* because he judged that the conditions of the time had changed and were different from the time of the Prophet. Umar ibn Abdulaziz, however, wanted to give a share to such people when he saw that the conditions of his time were different.

What is the main idea emphasized in the example above?

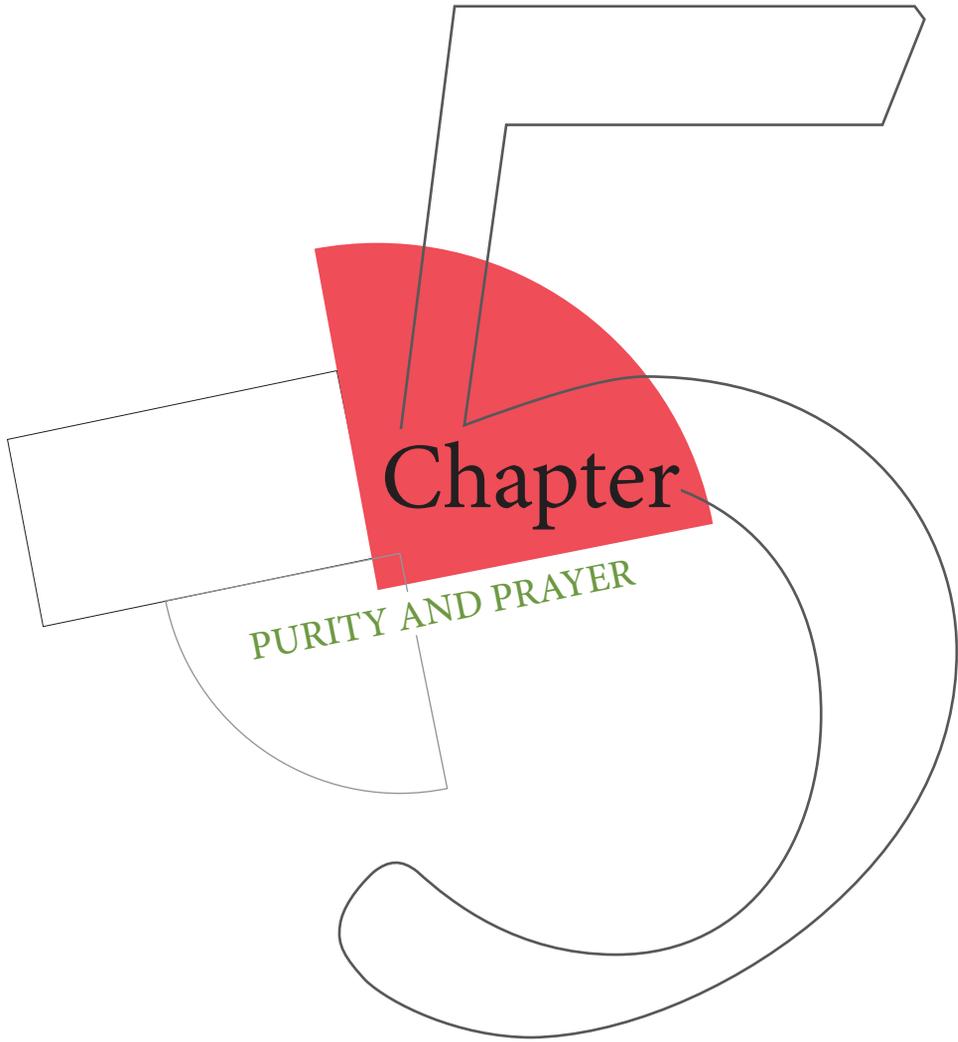
- A) *Muallafah al-qulub* are not given a share from almsgiving when the total amount of almsgiving is reduced.
- B) Judgments derived by way of *ijtihad* can be changed in accordance with the changing of the times and conditions.
- C) Umar ibn Abdulaziz asserted that the practice of Umar was wrong.
- D) Almsgiving can be given to non-Muslims.
- E) Umar ibn Abdulaziz was mistaken in his *ijtihad*.

C. Fill in the blanks in the following sentences with the most suitable word from the list below.

(consultation, scholar, mujtahids, *taassub*, *taqlid*, *ittiba*)

1. Those who have the capacity to do *ijtihad* are called
2. When they were faced with a problem, the mujtahid Companions tried to find a solution by means of....., and this is called the *ijtihad* of a committee.
3. means following someone in religious matters and turning this attachment into fanaticism is called





Chapter

PURITY AND PRAYER



PURITY AND PRAYER

LET'S GET READY FOR THE CHAPTER

1. What can you say about the importance of purity in Islam?
2. Find information from Islamic law books about situations that necessitate major ablution (*ghusl*).
3. Can a Muslim intentionally abandon the obligatory prayers to make them up later? Discuss.
4. Read articles on the terms “congregation, *muqtadi*, *munfarid*, *mudrik*, and *masbuq*” from encyclopedias of Islam.

1. Cleanliness and Its Importance

Cleanliness has a vital importance for the individual and for the society as a whole. According to Islam, it is necessary to clean oneself from both material impurities and false beliefs and thoughts.

The requirement of minor ablution to perform the prayer, to perform major ablution in order to purify oneself from *janabah* (major ritual impurity), to pay attention to washing hands before and after eating and such acts show the place of cleanliness in Islam.

Allah Almighty praises those who clean themselves from material and spiritual impurities:

“...Surely Allah loves those who turn to Him, and He loves those who keep themselves pure and clean.”¹

“...Allah loves those who purify themselves.”²

¹ Baqarah, 2: 222.

² Tawbah, 9: 108.

LET'S INTERPRET

“Cleanliness is half of faith.”

Muslim, *Taharat*, 1.

Interpret the above-mentioned hadith in terms of the relationship between purity and belief-worship.

And our Prophet (saw) states,

“Surely Allah is clean, and He loves cleanliness.”³



LET'S EXAMINE

Bring an Islamic law book to the classroom and examine the topics found within it.

2. Types of Cleanliness

Islam commands Muslims to avoid false beliefs, misdeeds, and sins that defile the heart and the soul, and to abstain from the behaviors that are against morality. In addition to the purity of clothes and the body, the purity of the heart and soul are also important.

Cleaning the material and spiritual impurities of one's personal sphere is substantial for performing the acts of worship. *Taharah*, in other words, cleansing oneself from material impurities called *najasah*, and cleansing oneself from spiritual impurities called *hadath* that prevent a person from performing the acts of worship are conditions of performing the prayer (salah) and some other acts of worship.

2.1. Purity of the Body

Purity of the body means removing all kinds of dirt and impurities from the body, and it is the most important factor in keeping human beings healthy. Cleaning and caring for one's hair, shaving the armpits and pubic hairs, clipping the nails, brushing the teeth, washing one's hands and mouth before and after meals, and taking a shower are all included in the concept of purity of the body.

Everyone knows how important dental hygiene was for the Prophet. He (saw) said, **“If I knew that I would not over-burden the believers, I would**

³ Tirmidhi, Adab, 2950.

have ordered them to use miswaq (i.e. a stick for brushing the teeth) before every prayer.”⁴

To perform the prayers and some other acts of worship, one must appear clean in front of Allah. In fact, the second command of Allah was “**purify your garments**”. In this verse, Allah Almighty commands the Prophet (saw) and all the Muslims to implement material and spiritual purity: “**And your garments do purify, and uncleanness do shun**”⁵

2.2. Environmental Cleanliness

Environmental cleanliness means keeping our houses, schools, offices, streets and all other places around us clean, and it means not polluting our water resources and our air. The Messenger of Allah (saw) appreciated those who took the responsibility of cleaning al-Masjid al-Nabawi, and he prayed to Allah to bless them for their goodness.

Allah Almighty has granted human beings a pleasant environment in order for them to live a happy life. Therefore, people are responsible for protecting the environment entrusted to them. It is stated in the Qur’an, “**And the heaven, He raised it high, and He made the balance, that you may not inordinate the measure.**”⁶, and people are commanded to avoid the actions that disturb the natural balance. Based upon this our Prophet (saw) commanded, “**Clean your environment.**”⁷. Therefore, protection of our environment is a religious duty upon us.

In addition to being a religious duty, environmental cleanliness is also closely linked to the term “right” because we share the environment in which we live with others. Therefore, it has been said that those who go to a mosque or a public place should avoid consuming certain foods such as garlic and onion for the reason that the smell may bother people around them. Moreover, it is important to grasp that polluting public places, streets, picnic areas, and water resources literally means violating other people’s rights.

⁴ Tirmidhi, Taharah, 23.

⁵ Muddaththir, 74: 4-5.

⁶ Rahman, 55: 7-8.

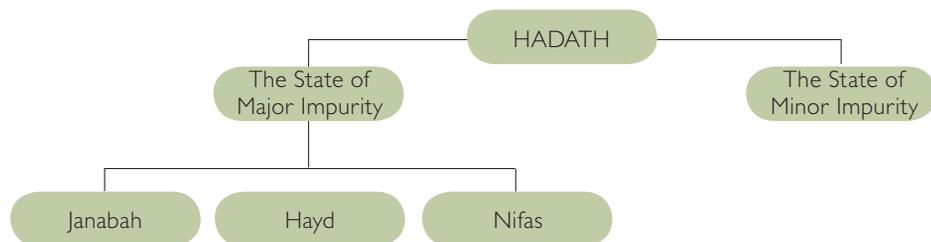
⁷ Tirmidhi, Adab, 41.

3. Purity Related to Worship

The human state that prevents the spiritual performance of the acts of worship and is considered a legal impurity is called **hadath**. It is divided into two categories as minor and major *hadath*:

1. Minor Hadath: It is the kind of *hadath* that comes into being when a situation nullifying the state of minor ablution takes place, and this type of *hadath* can be removed by performing minor ablution (*wudu*’).

2. Major Hadath: It is the type of *hadath* that comes into being when a situation nullifying the state of major ablution takes place such as emission of sexual discharge (*janabah*), menses (*hayd*) and post-natal bleeding (*nifas*)⁸. This hadath is removed by performing major ablution (*ghusl*).



3.1. Major Ablution (Ghusl)

Major ablution means washing the entire body without leaving any part dry with the intention of undertaking the major ablution.

Major ablution is important in terms of removing the conditions that prevent the performance of some acts of worship. Allah Almighty states in the Qur’an: **“O you who believe! If you are in a state of janabah (under an obligation to perform a major ablution), then purify yourselves...”**⁹

Situations that Necessitate Performing Major Ablution

1. *Janabah*
2. To end the state of menstruation and postnatal bleeding

Muslims are recommended to perform major ablution for Friday and festival prayers, before getting into the state of ihram for *hajj* and *umrah* (major and minor pilgrimage) and for the ritual standing (*waqfa*) on the day of Arafa.

⁸ Nifas is the postnatal bleeding after giving childbirth and it is designated as the state of hadath (judicial impurity) due to this bleeding . There is no minimum duration for postnatal bleeding, while the maximum duration is forty full days (sixty days according to the Shafi’i School of Law).

⁹ Maidah, 5: 6.

LET'S NOTE

According to the Hanafi School of Law there are three obligatory acts of major ablution:

1. Rinsing the mouth with plenty of water.
2. Drawing water to the nose and cleaning it.
3. Washing the entire body without leaving any part dry.

Note: According to the Shafi'i School of Law, intention for major ablution and washing the entire body are obligatory. If there is any material impurity on the body, it is necessary to clean it. It is sunnah to clean the mouth and nose, because mouth and nose are accepted as inner parts of the body by the Shafi'i School of Law.

Prohibited or Impermissible Actions for the One Who Needs to Perform Ghusl

Prohibited actions for the one who is in the state of *janabah*, *hayd*, and *nifas* are as follows:

1. Performing prayer and prostration of recitation (*sajdah al-tilawah*).
2. Entering a mosque, performing *itiqaf*, and circumambulation around the Ka'bah.
3. Touching the copy of the Qur'an or a verse from the copy of the Qur'an.
4. Reciting the Qur'an.

In addition to these, a woman who is having menstruation or postnatal bleeding cannot fast or have sexual intercourse with her husband.

It is not necessary to make up the prayers for the ones that could not be performed during menstruation and postnatal period. Yet, it is obligatory to make up the fasting for the days of Ramadan that could not be observed.

How to Perform Major Ablution in accordance with the Sunnah:

One who intends to perform the major ablution starts to perform it by saying *Audhu-Basmala*, and expresses the intention to perform major ablution in order to be cleansed from major impurity for the sake of Allah by saying "I intend to perform major ablution for the sake of Allah". This is followed by washing hands and private parts and removing the impurities of the body. Afterwards, minor ablution is performed. Water is drawn to the mouth and nose. Those who are fasting should be careful not to swallow any water.

After performing the minor ablution, water is poured down on the right and on the left shoulders and the body is rubbed every time water is poured down. Attention should be paid to wetting the hair roots, inner parts of the ear, the ear holes, umbilicus and other parts of the body and not to leave any part dry on the body.

Using excessive water or less than required, talking while performing the major ablution, reciting invocations, or getting assistance from another person without having any disability are reprehensible actions while performing the major ablution.

According to the Hanafi School of Law, major ablution takes the place of minor ablution as well.

3.2. Minor Ablution

Minor ablution means washing and wiping specific parts of the body with the intention to worship. In addition to being an act of worship in terms of performing the command of Allah, minor ablution is also a way of cleansing oneself physically.

Performing minor ablution assists the person gain spiritual rewards (*thawab*), and is conducive to receiving the forgiveness of certain sins. The Prophet (saw) expressed this point in his following sayings:

“He who performs minor ablution like me, his previous (minor) sins would be expiated.”¹⁰

“If a Muslim performs ablution and does it well and offers prayer, all his sins during the period from one prayer to another would be pardoned by Allah.”¹¹

Performing the minor ablution is a requirement for performing the prayers, prostration of recitation, circumambulating around the Ka’bah, and touching the copy of the Qur’an.

Bathroom Etiquette

¹⁰ Muslim, Taharah, 8.

¹¹ Muslim, Taharah, 6.

It is necessary to observe the material purification for the ablution to be valid and for the performance of the acts of worship that necessitate ablution.

- * One should be cautious to not splash urine around and be careful not to contaminate (*najasah*) their clothes. Therefore, it is recommended that one should urinate in a sitting position and avoid urinating standing up without a valid excuse.
- * It is reprehensible to urinate upwind, in still or running water, into insect nests, in places where people usually sit and at roads where people pass.
- * Cleaning the private parts of the body after urinating or defecating is called *istinja*.
- * Waiting for the urine to stop completely is called *istibra*. *Istibra* can be achieved by doing certain movements like a little walking, coughing etc.
- * The cleansing in *istinja* and *istibra* should be done by using the left hand.

Obligatory Acts (Fardhs) of Minor Ablution:

Obligatory acts of minor ablution are stated in the following verse of the Qur'an:

“O you who believe! When you rise up to (perform) prayer, wash your faces and your hands up to the elbows, and wipe your heads and (wash) your feet up to the ankles...”¹²

According to this verse, there are four obligatory acts of the minor ablution.

1. Washing the face once (from the hair of the forehead to the lower part of the chin, and across from one ear to the other).
2. Washing hands and arms from fingertips up to the elbows (including the elbows) once.
3. Wiping one fourth of the head.
4. Washing both feet up to the ankles once.

Recommended Acts (Sunnahs) of Minor Ablution:

¹² Ma'idah, 5: 6.

1. Making the intention for performing minor ablution. Intention is obligatory according to the Shafi'i School of Law.
2. Reciting *Audhu-Basmala* at the beginning of the ablution.
3. Washing the hands three times.
4. Rinsing the mouth three times (*madmada*).
5. Drawing water into the nostrils thrice (*istinshaq*).
6. Washing the face, arms, and feet thrice.
7. Wiping the whole head.
8. Wiping the ears once.
9. Observing the sequence of order in washing the limbs; this is obligatory according to the Shafi'i School of Law.

Acts That Nullify the Minor Ablution	Acts That Do Not Nullify the Minor Ablution
<ol style="list-style-type: none"> 1. Urinating or defecating, and breaking wind. 2. Emission of semen and preseminal fluid (<i>madhi</i>).* 3. Vomiting. 4. Spitting blood which accounts for more than the saliva. 5. The flow of blood, pus, and yellow matter etc. from any part of the body. (According to the Shafi'i School of Law, things that do not flow from genitalia or anus, and vomiting do not nullify minor ablution). 6. Getting intoxicated, fainting, losing sanity, or having an epileptic seizure. 7. Sleeping while lying down or leaning against something. 8. Laughing while performing prayer as loud as the person standing by may hear. (This does not nullify minor ablution according to Shafi'i School of Law.) 9. The end of the time prescribed for a particular prayer for those who have impediments, the end of the time limit for those who wear leather socks. 	<ol style="list-style-type: none"> 1. Blood or yellow matter that exits the wound but does not spread. 2. Sign of blood from the teeth on a bitten food such as an apple. 3. Weeping and shedding tears. 4. Expectorating or vomiting less than a mouthful. 5. The wetness of intertrigo between the fingers or eczema. 6. Sleeping while sitting and without losing consciousness. 7. Laughing while not performing the prayer.

or when the one who has performed dry ablution gets access to water.

* Semen is the white and thick fluid that squirts from genitals because of sexual orgasm. Performing major ablution is obligatory in case of emission of semen.

Madhi is the sticky whitish fluid that flows from genitals because of sexual stimulation and excitement without squirting. Emission of preseminal fluid does not require major ablution, but it nullifies minor ablution.

Minor Ablution of Those Who Have Impediments

Some people may have impediments that continuously nullify their state of minor ablution such as continuous bleeding, urinary incontinence, or the flowing of impure substance that comes from any limb because of a sickness.

- The one who has impediments should perform minor ablution for every prescribed time of prayers. He cannot perform two obligatory prayers with the same ablution. Yet, since he can perform obligatory prayer within its prescribed time, he can also perform other supererogatory prayers and recite the Qur'an with the one ablution. (According to the Shafi'i School of Law, he should perform minor ablution for each individual prayer.)
- The state of minor ablution of the one who has valid excuse is nullified by the end of the time of each daily prayer. For instance, when he performs the minor ablution for the dawn prayer, this ablution becomes nullified with the sunrise. If he performs the minor ablution to perform the late morning (*duha*) prayer, he can perform the noon prayer with this ablution because the time of an obligatory prayer has not ended yet.
- Minor ablution of the one who have impediments is not nullified when the impurity, which is the reason of impediment, comes out of the body or smudges on the cloth.
- The prohibitions for women, who have menses or in their postnatal bleeding period, are not prohibited for women who are *mustahada*, i.e. whose period or postnatal bleeding continue more than the regular duration.
- When the impediment comes into existence for the first time, it is *mustahab* (recommended) to wait until the end of the prescribed time and then perform the prayer towards the end of the prescribed time.
- Those who have impediments should not lead the prayer.

LET'S
RESEARCH

Research when those who have impediments should perform their minor ablution, and how many prayers they are allowed to perform with the same ablution.

3.3. Dry Ablution (Tayammum)

Tayammum is the type of ablution performed with clean earth or something similar to earth when there is no water available or when it is not possible to use water. It is performed by wiping the face and arms with the intention of cleansing oneself from *hadath*.

Tayammum is performed with clean earth or something similar to earth such as sand, plaster, brick, marble etc. It can also be performed by striking with one's palms of the hands on objects where the trace of dust is present. According to the Shafi'i School of Law it can only be performed with earth.

The Situations that make Tayammum Permissible:

1. When there is not enough water to perform the minor or the major ablution, or when the possibility exists that after using the available water for ablution no water will be left for vital parts of life, such as water for drinking and for livelihood.
2. When one cannot reach water.
3. When performing minor or major ablution with water carries risks for health.
4. When there is a risk of missing the funeral or festival prayer if major or minor ablution is performed with water.

Obligatory Acts for Performing Tayammum:

There are two obligatory acts to perform the dry ablution:

1. Stating the intention to perform dry ablution for the sake of Allah.
2. Striking both hands on pure earth, and then wiping the face and then the forearms with them.

LET'S NOTE

According to the Shafi'i School of Law, there are five obligatory acts of dry ablution: 1- Stating the intention 2- Wiping the face 3- Wiping the hands 4- Having the earth reach the limbs to be wiped 5- Following the order in performing the acts of *tayammum* (*tartib*).

Wiping over Leather Socks (Mast or Inner Boots) and Bandages

The articles of clothing (which are usually made from leather) that cover the feet and make walking in them possible are called **mast** or **khuff** in Arabic. The act of wiping with wet hands over the leather socks (**mast**), a limb, or over bandages covering a wound is called **mash**.

Our religion provides ease when there is hardship in performing an act of worship. Permission to perform dry ablution in the absence of water, or when water cannot be used for some reason and wiping over leather socks or over bandages covering wounds are some of the examples of such facilities provided by our religion. In order to perform *mash* over the *mast*, a person needs to first perform the minor ablution, and then the *mast* are worn before the state of the ablution is nullified. *Mast* must cover the parts of the feet which are obligated to be washed during the minor ablution. There must not be any hole or tear on the *mast* which is bigger than the size of a tear where three little toes can fit.

The maximum duration for the permissibility of wearing and wiping over a *mast* is one day and one night i.e. 24 hours for those who are *muqim* (those who reside in their hometown or in the town they are settled), and three days and three nights i.e. 72 hours for those who are *safari* (those who are on a journey or planning to stay in a city that they are visiting for less than 15 days).

INFORMATION BOX

Wiping Over Bandages

When there are bandages or plaster on one of the limbs required to be washed during minor or major ablution, and if it is harmful to undress those bandages and wash the wounded area, then it is allowed to wipe over the bandages instead of washing it.

- It is not necessary for the person to be in the state of minor purity before bandaging.
- It is sufficient to wipe over the bandage once.
- If it is harmful to wipe over an open wound, burn or a limb that has a disease such as the eyes, in this case wiping can be abandoned as well.
- The minor ablution is nullified if blood or pus leaks through the bandage.
- Undressing the bandage and examining the wound and covering it again do not nullify *mash*. Yet, if the wound heals and the bandage comes off, *mash* gets nullified and it becomes necessary to perform the minor ablution.
- There is no specific time limit for the permission of wiping over the bandages. One can continue to wipe over the bandage until the wound heals or gets well enough to be washed by water.

4. Prayer (Salat)

Prayer, which literally means invocation and supplication and is referred to with the word “*salat*” in the Qur’an, terminologically means showing servitude to Allah by means of certain acts. By performing the ritual prayer, people remember their Lord, express their love and respect to Him, and invoke and strive to express their gratitude to Him.

4.1. The Place and Importance of Prayer (Salat) in Islam

Prayer is obligatory upon every sane and pubescent Muslim. It is comprised of *takbir*, *tawhid* (expression of oneness of God), *tasbih* (glorification of Allah), *hamd* (expressing gratitude), *shukr* (praise), humbleness, supplication and invocation for all the believers, and sending blessings (*salawāt*) upon our Prophet (saw).

It is stated in the Qur’an, “**Recite that which has been revealed to you of the Book and keep up the prayer. Surely prayer keeps away indecency and evil.**”¹³

Prayer accustoms the person to gratitude, moves the human being closer to Allah, helps the believer gain *thawab*, and it is an avenue for redemption of minor sins. It is stated in a hadith: “**Five daily prayers and Friday prayer, from one Friday to the next, are expiation for the sins committed between them, so long as one does not commit any major sin.**”¹⁴

One day the Prophet (saw) asked his Companions, “**If there was a river at the door of anyone of your houses and he took a bath in it five times a day, would there remain any dirt?**” When they answered “No”, the Prophet (saw) stated, “**That is the example of the five daily prayers with which Allah blots out evil deeds.**”¹⁵

The closest moment of the servants to Allah in this world is the position of prostration during prayer. The peace and tranquility gained by performing prayer cannot be gained by any other worship.

¹³ Ankabut, 29: 45.

¹⁴ Muslim, Taharah, 14-15; Tirmidhi, Mawaqit, 46.

¹⁵ Bukhari, Mawaqit, 6; Nasai, Salat, 7.

4.2. Obligatory Acts of Prayer

Prayer consists of twelve obligatory acts. Six of them are called conditions of prayer (*shurut al-salat*) because they are required to be fulfilled before beginning to perform the prayer, which are: 1) *Taharah min al-Hadath* (Purification from spiritual impurities), 2) *Taharah min al-Najrasah* (Purification from material impurities) 3) *Satr al-Awrah* (Rules of Modesty), 4) *Istiqbal al-Qiblah* (Turning towards the direction of Mecca) 5) The Timing for the Prayer 6) Intention

The other six obligatory acts are called essential parts of the ritual prayer (*rukun al-salat*). These requirements must be fulfilled while performing the prayer. These are: 1) *Takbir al-Iftitah* (Opening Takbir) 2) *Qiyam* (Standing) 3) *Qira'ah* (Recitation of the Qur'an) 4) *Ruku* (Bowing Down) 5) *Sajdah* (Prostration) 6) *Qadah al-Akhirah* (The Final Sitting) ¹⁶

LET'S DISCUSS

Learn the essential parts of the prayer according to the schools of Islamic law besides that of the Hanafi School of Law, and discuss them in class. Indicate their common and different requirements.

1. *Taharah min al-Hadath (Purification from Spiritual Impurities)* : To perform prayer, it is necessary to be cleansed from legal impurities called "hadath", in other words, the state of major (*janabah*) or minor impurity (i.e. not being in the state of minor ablution). The Prophet (saw) states: **"The prayer of a person who breaks his minor ablution is not accepted till he performs the ablution."**¹⁷

2. *Taharah min al-Najrasah (Purification from Material Impurities)*: If the person who is intending to perform the prayer has material impurity on his body, on his clothes, or in the place of worship in a quantity that prevents the performance of the prayer then it is compulsory for him to purify that impurity.

Material impurities are categorized under two groups in terms of their influence to obstruct the ritual prayer:

1. *Strong or heavy najrasah (najrasah ghaliza)* is the material impurity that has conclusive religious evidence in the Qur'an or the Sunnah of the

¹⁶ Muslim, *Taharah*, 14-15; Tirmidhi, *Mawaqit*, 46.

¹⁷ Bukhari, *Wudu*, 2.

Prophet (saw) regarding its impurity. Human blood, urine, feces, and alcoholic drinks are the examples of such strong *najasah*. If the solid types of such impurities cover an area bigger than a watermelon seed (around 3 grams), and if the liquid ones cover an area bigger than the palm (around 12 cm²), then the prayer becomes invalid.

2. *Light najasah (najasah khafifa)* is the material impurity that does not have conclusive religious evidence in the Qur'an or the Sunnah of the Prophet (saw) about its impurity. Urine and feces of the animals whose meat is edible according to Islamic law such as sheep, cow and deer are accepted as light *najasah*. The performance of prayer is obstructed if the light *najasah* covers one fourth of the cloth or a limb.

3. ***Satr al-Awrah (Covering the Special Parts of the Body)***: it means covering the parts of the body that are required to be covered for the performance of the ritual prayer. According to this, it is obligatory for men to cover the area between the navel and the knees. The Prophet (saw) stated: **“Awrah of man is between his navel and his knees.”**¹⁸

It is recommended to wear tops that cover the shoulders.

Women are obliged to cover their entire body except their hands, face and feet. According to the Shafi'i School of law, women should cover their feet as well.

4. ***Istiqbal al-Qiblah (Turning towards the Direction of the Ka'bah)***: It means turning towards Mecca, which is the *qiblah* for the Muslims. If a person realizes that he faces towards the wrong direction while performing the ritual prayer and he immediately turns towards the *qiblah* and completes the ritual prayer making a mistake in the direction of only 45 degrees towards the right or towards the left then it is not considered a deflection from the *qiblah*.

5. ***Waqat (Time)***: It is necessary to perform each daily prayer in its prescribed time. Since performing a prayer before its prescribed time is not accepted, it is also a great sin to delay the prayer without a legitimate excuse after its appointed time. It is stated in the Qur'an, **“Verily, prayer is enjoined on the believers at fixed hours.”**¹⁹ It is more virtuous to perform prayers without delaying.

The prescribed time of the Dawn Prayer: It begins at dawn and continues until sunrise.

¹⁸ Ahmad ibn Hanbal, v. II, 187.

¹⁹ Nisa, 4: 103.

The time of the Noon and Friday prayer: It begins when the sun crosses the meridian and continues until the shadow of an object becomes twice as much as the length of its height.

The time of the Late Afternoon Prayer: It begins with the end of the time of the afternoon prayer, and continues until sunset.

The appointed time of the Evening Prayer: It begins with sunset and continues until the reddish afterglow on the western horizon disappears.

The time of the Night Prayer: It begins with the end of the evening prayer and continues until daybreak.

The time of Tarawih Prayer: This is a special prayer for the month of Ramadan, and its time begins after the performance of the Night Prayer and continues until dawn.

The time of Witr Prayer: It is performed after the night prayer, and its time continues until dawn. It is best to perform this prayer as the last prayer of the day after the *Tahajjud* Prayer in the middle of the night, and after the *Tarawih* Prayer in Ramadan.

The time of the Festival Prayers: It begins after the sun rises the length of one or two pikes (about 45 minutes after sunrise), and continues until the sun reaches the meridian.

There are three times of the day in which performing prayer is strongly reprehensible (*makruh tahriman*):

1- During sunrise: From the moment that sunrise begins until about 40 minutes have passed after it.

2- When the sun reaches at the meridian: The 30 minutes time span from the time that the sun is at the meridian to the beginning of the prescribed time of the Noon Prayer.

3- During the sunset: About 40 minutes time span before the sunset.²⁰

As the fardh, wajib, or supererogatory prayers cannot be performed during the above mentioned three times in a day, the make-up prayers of the ones that are not performed at its prescribed times cannot be performed in those times either. **“There were three times at which Allah’s Messenger forbade us to pray, or bury our dead: When the sun begins to rise till it is fully up, when the sun is at its height at midday till it passes over the meridian, and when the sun draws near to setting till it sets.”**²¹

²⁰ These times are valid for Turkey. In winter, and when getting closer to the equator, depending on the incidence degree of sunrays, these times can decrease as much as to 20 minutes.

²¹ Muslim, *Musafrun*, 293.

LET'S
DISCUSS

Discuss with your friends how to perform the five daily prayers at the poles and in vehicles.

INFORMATION BOX

It is not proper to perform supererogatory prayers in certain times of the day. The times during which performing supererogatory prayers is reprehensible can be listed as follows:

- a. After performing the obligatory cycles of the dawn prayer (During the time of the dawn prayer no supererogatory prayers can be performed other than Sunnah cycles of the dawn prayer).
 - b. After performing the obligatory cycles of the late afternoon prayer.
 - c. Before performing the obligatory cycles of the evening prayer (According to the Shafi'i School of Law it is mustahab to perform a two-cycle prayer before the obligatory cycles of the evening prayer).
 - d. Before performing the festival prayer on the festival day, neither at home before going to the mosque for festival prayer nor in the mosque (It is reprehensible to perform the supererogatory prayers in the mosque until the noon prayer).
 - e. If there is only enough time to perform the obligatory cycles of a prayer before its time ends.
 - f. While the muazzin recites the iqamah (the actual call for prayer) to perform the fardh prayer (except for the Sunnah cycles of the dawn prayer).
 - g. When the Imam delivers the Friday sermon and when the obligatory cycles of the Friday prayer are performed.
 - h. Between two obligatory prayers performed by combining them (jama' al-salatain) (According to the Hanafi School of Law prayers can only be combined in the plain of Arafat and Muzdalifah, and the Sunnah cycles are not performed at that time).
 - i. When a desired meal is ready.
 - j. When one needs to go to the toilet
- (The last two situations are applicable to all ritual prayers).

According to the Shafi'i School of Law, prayers which take place before the obligatory prayers such as the make-up prayers, and *tahiyat al-masjid* (the prayer to salute the mosque) can be performed during the reprehensible times.

6. Niyyah (Intention): Knowing which prayer is to be performed and wishing full heartedly to perform that worship for the sake of Allah. Stating the intention out loud is recommended. Intention cannot be made after reciting *takbir*. According to the Shafi'i School of Law intention is one of the essential parts of the prayer, not one of the conditions that have to be fulfilled before the prayer.

The Essential Parts of the Prayer (*Arkan al-Salat*):

1. Takbir al Iftitah (The Recitation of the Opening Takbir): Beginning the

prayer by saying “*Allahu Akbar*” which expresses honor and respect to Allah.

2. Qiyam (Standing): It means standing in the prayer. *Qiyam* i.e. standing is obligatory during the Sunnah cycles of the dawn prayer, and all obligatory (fardh) and necessary (wajib) prayers. It is stated in the verse: “**...and stand before Allah with devotion.**”²²

Those who cannot stay standing may perform the prayer by sitting or by gestures. Those who fall ill while performing prayer may continue the prayer by sitting.

3. Qiraah (The Recitation of the Qur’an): It is obligatory during the prayer to recite a section from the Qur’an with at least a lengthy one line verse. The Prophet (saw) stated, “**One is not credited with having observed the prayer without the recitation.**”²³

It is obligatory to recite the Qur’an during the standing in the first two cycles of the three-cycle and the four-cycle obligatory prayers, and in all the cycles of two-cycle obligatory prayers and during the necessary and the supererogatory prayers.

When the evening and the night prayers are performed in the congregation, the recitation is performed with a loud voice, and those who perform it individually can recite them with a light sound loud enough to hear oneself. The recitation in the obligatory cycles of the noon and the late afternoon prayers is not performed out loud.

It is not necessary to recite anything except the supplications for the person who performs prayer in the congregation behind an Imam. The Prophet (saw) said: “**Whoever has an Imam, the recitation of the Imam is his recitation.**”²⁴

4. Ruku (Bending Down): It means standing and bending one’s body forward by placing the hands upon the knees after *Qiyam*. Allah states in the Qur’an, “**O you who believe! Bow down and prostrate.**”²⁵

5. Sajdah (Prostration): It is obligatory to prostrate twice in each cycle of the prayer. The prostration is performed by placing seven limbs on the floor. The Prophet (saw) stated, “**I have been ordered to prostrate on seven bones. Those are on the forehead along with the tip of the nose and the Prophet (saw) pointed towards his nose, both hands, both knees and the toes of both feet.**”²⁶

²² Baqarah, 2: 238.

²³ Muslim, Salat, 42.

²⁴ Ibn Majah, Iqamah, 18.

²⁵ Hajj, 22: 77.

²⁶ Buhari, Adhan, 133.

Prostration can be prolonged in the supererogatory prayers. It is stated in a hadith: “**The nearest a servant comes to his Lord is when he is prostrating himself, so make supplication (in this state).**”²⁷

The one who performs such prayers on a mount performs the acts of bending down and prostration through gestures. It is important that he bends slightly more for prostration than he does for bowing down to differentiate between them.

6. *Qadah al-Akhirah (The Final Sitting)*: It means the sitting at the end of the prayer long enough to recite the supplication of *al-Tahiyyat*. The final sitting is obligatory to end the prayer.

LET'S NOTE

Tadil al-Arkan is not to rush during the acts of prayer and to perform them in a good way. For instance, one should stand upright after *ruku* and then prostrate.

4.3. Necessary (Wajib) and Recommended (Sunnah) Acts of the Prayer

Necessary Acts of Prayer:

1. Reciting *Surah al-Fatiha* in each cycle. (This is obligatory according to the Shafi'i School of Law. The Prophet (saw) said, “**There is no prayer for the one who does not recite *Surah al-Fatiha***”²⁸).

2. Reciting at least three verses or one verse equivalent to the length of the shortest three verses of the Qur'an after the recitation of *Surah al-Fatiha* in the first two cycles of obligatory prayers, and in every cycle of the *wajib* and the supererogatory prayers. Recitation of *Surah al-Fatiha* ahead any of these chapters or verses.

3. The loud recitation of *Surah al-Fatiha* by the imam in the first two cycles of the congregational dawn, evening, night, Friday, and the festival prayers and in each cycle of the *tarawih* and the *witr* prayers performed in Ramadan. Furthermore, the silent recitation of all the cycles of the noon and the late afternoon prayers, the third cycle of the evening prayer, and the last two cycles of the night prayer. Those who perform the prayer in congregation behind an imam should not recite it.

4. Observing “*Ta'dil al-Arkan*”.²⁹ *Ta'dil al-Arkan* means not to rush during the acts of prayer and to perform them in a proper way. For instance, one should stand upright after bowing, wait at least long enough to utter “*Subhanallah al-Azim*” and then prostrate. The person performing the prayer should also sit

²⁷ Muslim, Salat, 215.

²⁸ Tirmidhi, Mawaqit, 69.

²⁹ Observing “*Ta'dil al-Arkan*” is fardh according to Shafi'i, Maliki, and Hanbali Schools.

for a certain period just as mentioned above between the two prostrations.

5. Performing the two prostrations successively and placing the nose and forehead on the floor while prostrating.

6. Performing the prostration of recitation when one of the verses of prostration is recited.

7. Reciting *al-Tahiyyat* in each sitting.

8. Waiting long enough to recite *al-Tahiyyat* in the first sitting. In the three-cycle or the four-cycle prayers, after reciting *al-Tahiyyat* in the first sitting, standing up for the third cycle without delay.

9. Ending the prayer by saying *salam* in the final sitting.

10. Performing the prostration of forgetfulness (*sajdah al-sahw*) when a mistake occurs during the performance of prayers.

11. Saying *Takbir al-Intiqal (qunut)* and reciting the invocations of the *Qunut* in the *witr* prayer.

12. Reciting additional *takbirs* in the festival prayers.

Abandoning the necessary acts of the prayer intentionally nullifies the prayer. Yet, abandoning or delaying them unintentionally requires the performing of the prostration of forgetfulness.

Recommended (Sunnah) Acts of Prayer:

1. Reciting the *adhan* and the *iqamah* for the five daily prayers and the Friday prayer.

2. While saying the opening *takbir* raising the hands up to the level of the earlobes for men, and to the shoulder level for women, and turning the palms towards the *Qiblah*.

3. For men, gripping the left wrist with the thumb and the little finger of the right hand, and putting the other fingers on the left wrist, and holding the hand on the navel length; for women placing the right hand on the left hand in a similar way but holding them on the chest.

4. Saying “*amin*” with a low voice after Surah al-Fatiha. Recitation of the supplication of “*Subhanaka*”, the *Basmala* and *Amin* silently while performing the prayer in a loud voice.

5. Reciting a short chapter in the evening prayer and a longer chapter in the dawn and the noon prayers after the recitation of Surah al-Fatiha.

6. Reciting the transition *takbirs* between the pillars of the prayer.

7. During bowing down, for men to grip the knees, and for women to close the knees.

8. Repeating the invocations recited in *ruku* and *sajdah* three times.

9. During *ruku*, for men to not bend the knees and hold the shinbone straight while keeping the back flat, for women slightly bending the knees and keeping the back slightly slant.

10. When rising from *ruku*, saying “*Sami’ Allahu li man hamidah*”, transition *takbirs*, and *salam* at the end of the prayer out loudly by the imam; and when rising from *ruku* saying “*Rabbana wa laka al-Hamd*”, transition *takbirs* and *salam* silently by the congregation.

11. While going down to prostration, placing the knees, palms, and face on the ground respectively, and while standing back up from the prostration raising the face, palms, and knees respectively.

12. During the prostration, placing the face between two hands, keeping the hands at the level of the face, adducting the four fingers, directing the hands towards the *qiblah*, and placing the hands on the floor.

13. Raising the index finger of the right hand while uttering “*La ilaha*”, and putting it down while uttering “*illallah*” during *tashahhud*.

14. Reciting invocations of *Allahumma Salli* and *Allahumma Barik* after the invocation of *al-Tahiyyat* in the final sitting of every prayer, and in each sitting of the *mu’akkad Sunnah* and the supererogatory prayers, and reciting *dua of Rabbana* or similar invocation after that.

15. Turning the head first to the right and then to the left while performing the *salams* at the end of the prayer, and saying “*as-Salamu ‘alaykum wa Rahmatullah*”.

4.4. The Causes that Invalidate the Prayer

Just as neglecting the fardhs of prayer invalidates the prayer, certain actions also nullify it. Some of these actions are,

1. Neglecting an obligatory act of prayer

2. Saying something that is not related to the prayer or laughing
3. Doing something that is not a part of the prayer.
4. When reciting the Qur'an, making a mistake that is big enough to change the meaning.
5. While praying in congregation, performing an obligatory act before the imam.

4.5. Other Issues Related to the Prayer

4.5.1. The Prostration of Forgetfulness (*Sajdah al-Sahw*) and Recitation (*Sajdah al-Tilawah*)

The word *sahw* means forgetting, being mistaken and being careless. Delaying a fardh or neglecting or delaying a wajib of the prayer requires the performance of the prostration of forgetfulness.

It is necessary to re-perform the prayer if a fardh is neglected intentionally or unintentionally. Such a deficiency cannot be amended by performing the prostration of forgetfulness.

According to the Shafi'i School of Law, when the blessings to the Prophet (saw) and invocations of the *Qunut* are not recited in the first sitting of the ritual prayer, it is necessary to perform the prostration of forgetfulness.

If the Imam makes a mistake that requires the performance of the prostration of forgetfulness, he performs the prostration of forgetfulness together with the congregation. If the imam abandons the prostration of forgetfulness, the congregation also follows him and abandons it. If the congregation makes a mistake, it is necessary neither for the congregation nor for the imam to perform the prostration of forgetfulness.

If one forgets to perform the prostration of forgetfulness when it is required, it is not necessary to re-perform the prayer.

How to perform the prostration of forgetfulness: In the final sitting, after reciting the supplication of *al-Tahiyyat*, one performs straight away the finishing *salams*, and then it is followed by the performance of two prostrations. This is followed by the recitation of the supplications of *al-Tahiyyat* again, and then *Allahumma Salli*, *Allahumma Barik*, and *Rabbana* and concluded with the

finishing *salams*.

When it is necessary to perform the prostration of forgetfulness, the imam observes the *salam* to the right side only so as to not to confuse the congregation, whereas the one who performs the prayer individually observes the *salams* to both sides and then performs the prostration of forgetfulness.

Sajdah al-Tilawah (The Prostration of Recitation)

The word *tilawah* means recitation. It is the prostration that becomes compulsory with the recitation or hearing one of the fourteen verses of prostration mentioned in the Qur'an. The one who performs the prostration of recitation must be in the state of minor ablution, wear clean clothes, and cover the parts of his body (*awrah*) that is required for the performance of a prayer.

If the same verse of prostration is repeated more than once in the same assembly, performing one prostration would be sufficient. If one recites or hears the verse of prostration while not performing prayer, it is recommended to perform prostration immediately, and it is reprehensible to delay without any excuse.

The one who performs the prostration of recitation stands up, says "*Allahu Akbar*" while going down to prostration, then he says "*Subhana Rabbi al-'Ala*" three times in prostration, then stands up and recites the invocation "*Sami'na wa ata'na ghufuranaka Rabbana wa ilayka al-masir*" (We seek Your Forgiveness, our Lord, and to You is the return), and wipes his face with his hands.

If the person recites a verse of prostration during prayer, he should perform it immediately if he intends to continue reciting more than three more verses after the verse of prostration. After performing the prostration, he stands up once again and continues reciting. If he intends to recite three or less than three verses after the recitation of the verse of prostration, he does not need to do anything. When he performs *ruku* and *sajdah* of that cycle, the prostration of recitation would be performed as well. According to the Shafi'i School of Law, when the verse of prostration is recited during the prayer, the prostration must be performed immediately. It is not necessary to perform the prostration after finishing the prayer because of the prostration verse recited during the prayer.

4.5.2. Imamah (Leading the Prayer) and the Congregational Prayer

Jama'ah (congregation) means those who follow an Imam while performing the ritual prayer. The least number of people who can form a congregation is three, and there is no maximum limit. The word “**Imam**” has various meanings such as pioneer or a leader, and he is the one who is followed by the congregation while performing prayer.

Our religion attaches great importance to the congregational prayer. It is important for a believer to attend the congregation in the mosque. It is emphasized in a hadith that one of the seven group of people who will be sheltered under the divine shadow on the Day of Judgment, which will be a terrifying place where there will be no shadow, will be those whose hearts converge in the mosques.

It is narrated from Abu Said al-Khudri (may Allah be pleased with him), that the Prophet (saw) stated, “**If you see a man who comes to the mosque as a habit, then bear witness to his faith.**”³⁰

Believers who perform their ritual prayers in congregation gain more spiritual rewards than those who perform it individually. Our Beloved Prophet (saw) gave us the following glad tidings, “**The prayer in congregation is twenty seven times superior to the prayer offered by person alone.**”³¹

The Friday and the Festival prayers can only be performed in congregation. According to the Shafi'i School of Law, the Festival prayers can be performed individually, while there should be at least forty people to perform the Friday prayer. It is *Sunnah al-muakkad* to perform the five daily prayers and the funeral prayer in congregation. *Tarawih* prayer can be performed both individually and in congregation. The compulsory *witr* prayer can be performed in congregation only in the month of Ramadan.

How to Perform Prayer in Congregation

The imam reminds the congregation to line up properly and in close ranks, and turns towards the direction of Mecca. If he leads a congregation consisting of both men and women, he states his intention by saying “*ana imamun li man tabiani*” (I am an imam for those who follow me). All those who are

LET'S DISCUSS

Is it necessary to perform the prostration of recitation every time the verse of prostration is recited?

Discuss in class.

³⁰ Tirmidhi, Iman, 8; Ibn Majah, Masajid, 19.

³¹ Bukhari, Adhan, 30; Muslim, Masajid, 42.

in the congregation state their intention by saying “I intend to perform the obligatory cycles of today’s ... prayer and to follow the imam”. The invocation of *Subhanaka* (*wajjahtu* for Shafi’is) is recited. The imam recites *Audhu Basmala* silently and recites *Fatiha* and an additional chapter out loud during the evening, the night and the dawn prayers, and the congregation listens to him. The imam recites silently during the noon and the late afternoon prayers, and the congregation stays standing without any loud recitation because the recitation of the imam means the recitation of the congregation. The Shafi’i congregation recites *Fatiha* in each cycle.

Those Who Perform Prayer in Congregation behind an Imam

Those who follow an imam while performing prayer is called “*muqtadi*”, and there are three types:

1. *Mudrik*: The one who performs all the cycles of the prayer with the imam. It is important to note that the person who states his intention, says the opening *takbir*, and catches up with the imam while the imam is still in the position of *ruku* is considered to have performed that cycle of the prayer.

2. *Lahiq*: The one who begins performing prayer with the imam, but misses the performance of the prayer in congregation wholly or partially because of dozing, needing to go to toilet etc. is called *lahiq*.

3. *Masbuq*: The one who catches up with an imam at any time after the *ruku* of the first cycle is called *masbuq*. The *masbuq* stands up and completes the missing cycles of the prayer after the imam performs the finishing *salam* to the left.

When a person enters the mosque and sees that the congregation has already begun to perform the obligatory cycles of a prayer, he should not perform the *Sunnah* cycles of the prayer. He should immediately join the congregation and follow the Imam.

If the congregation consists of only one person, the *muqtadi* stands at the right side of the Imam. If the congregation consists of two or more then the *muqtadis* makes a row behind the Imam.

4.5.3. Invocation (Du’a)

The invocation is the essence of worship. Allah is close to those who express invocations heartily and He accepts their invocations. **“And when My servants ask you concerning Me, then surely I am very near, I answer the prayer of the suppliant when he calls on Me...”**³²

³² Baqarah, 2: 186.

A believer should know that his invocation will be accepted when he makes an effort for Allah. The Prophet (saw) states, **“Whoever wishes his prayers to be accepted, his worries and grief to be removed, should lend a hand to those in need.”**³³

The invocation is conducive for the human being to find their true value in the presence of Allah. This point is emphasized in a verse as follows: **“Say: My Lord would not care for you were it not for your prayer...”**³⁴

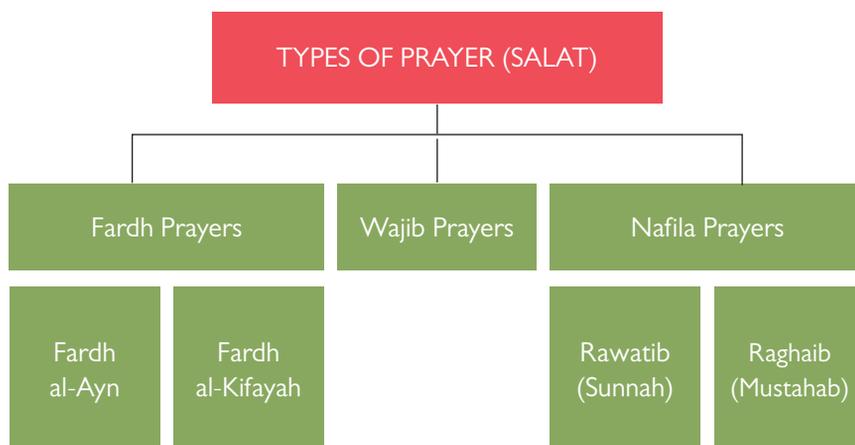
Allah commands the believers to pray and worship, **“And your Lord says: Call upon Me, I will answer you. Surely those who are too proud for My service shall soon enter hell disgraced.”**³⁵

It is the Sunnah of the Prophet (saw) to say invocations after performing prayers and under different circumstances. The Prophet (saw) said, **“Whoever performs an obligatory prayer with submission, one of his invocations after this prayer will be accepted.”**³⁶ One who finishes the performance of a prayer says the invocations of *tasbih*, raises his hands upwards, and asks from Allah whatever he wishes.

4.6. Types of Prayer and How to Perform Them

Prayers are classified under three categories as fardh, wajib, and nafila.

The obligatory cycles of the five daily prayers, the make-up prayers if the daily prayers are not performed in time, and the Friday prayer are *fardh al-ayn* (individually obligatory prayers). The Friday prayer is obligatory only upon men.



³³ Muslim, *Musaqat*, 32; Ahmad ibn Hanbal, v. III, 32.

³⁴ *Furqan*, 25: 77.

³⁵ *Ghafir*, 40: 60.

³⁶ Bukhari, *Jihad*, 180; Muslim, *Iman*, 39.

Performing the Funeral prayer is *fardh al-kifayah* (obligatory upon the Muslim community as a whole).

The Witr and the Festival prayers are compulsory prayers. Moreover, it is compulsory to make up the nullified supererogatory prayers and the votive prayers whereby vows of performance have been taken. There are no compulsory prayers according to the Shafi'i School of Law. The ritual prayers accepted as compulsory in the Hanafi School are regarded as strong Sunnah prayers according to the Shafi'is.

The supererogatory prayers are divided into two types; *Rawatib* (*Sunnah*) and *Raghaib* (*mustahab*).

The *Rawatib* prayers are also of two types; “*sunnah al-mu'akkad*” prayers which are the *Sunnah* cycles of the dawn, the noon, the evening prayers, and the last *Sunnah* cycles of the night prayer, and the *Tarawih* prayer, and “*sunnah ghayr al-mu'akkad*” prayers which are the first *Sunnah* cycles of the late afternoon prayers and the night prayers.

As for *Raghaib* prayers, they are colloquially known as *nafila* prayers. These are the *mustahab* prayers which are not attached to five daily prayers, and are performed in order to gain spiritual rewards at other times. *Tahiyyat al-masjid* (prayer for greeting the mosque), *duha* (prayer of late morning), *awwabin* (prayer of late evening), *tahajjud* (night prayer), *tawbah* (prayer for repentance), *istikhara* (prayer for seeking guidance), *hajah* (prayer for asking help from Allah in times of need), *kusuf* (prayer performed at the time of solar eclipse) and *khusuf* (prayer performed at the time of lunar eclipse) are some of the prayers recommended by our Prophet (saw). According to the Shafi'i School of Law, these prayers are in the status of *Sunnah* prayers not attached to the five daily prayers and it is more accurate to perform all the *Sunnah* prayers as two cycles.

4.6.1. Daily Prayers

Generally, all prayers have similarities in terms of how they are performed. An example of how a person should perform the dawn prayer according to the Hanafi School of Law is presented below.

How to perform the dawn prayer: Since the *Sunnah* cycles (*rakahs*) of the dawn prayer are performed before the obligatory cycles, the intention should be clearly expressed by saying “I intend to perform the *Sunnah* cycles of today’s

dawn prayer.” The intention that is sincerely expressed by heart can be uttered in any language.

Men raise their hands up to their ears, while women raise their hands up to their shoulder level. Then *takbir* is recited, and men place their right hand on their left hand and then clasp their hands on their abdomen. As for the women, they also place their right hand on their left hand but clasp them upon their chest. Men grip the left wrist with the thumb and the little finger of the right hand. One looks at the place of prostration while standing during the prayer. Feet should be kept in line with the shoulders and there should be around 10 cm space between the two feet.

After saying *takbir* and clasping the hands in *qiyam*, one recites *Subhanaka*, followed by the recitation of *Basmala* and *Fatiha*. Then he says “*Amin*” and continues by reciting another section from the Qur’an, which can be either a complete *surah* or three short verses or a long verse at least equal to a line from the Qur’an. This is called *damm al-surah* (additional chapter).

The person who is worshipping then bends down to *ruku* by saying “*Allahu Akbar*”, and properly grips the knees. Men keep their back straight during *ruku*, while women are not required to bend down so much. He then says “*Subhana Rabbi al-Azim*” at least three times while in the position of *ruku* and then stands up straight by saying “*Sami Allahu li man Hamidah*”. While standing he says “*Rabbana laka al-Hamd*” which is followed by the recitation of “*Allahu Akbar*” and the prostration (*sajdah*).

During the prostration, forehead, nose, hands, knees, and the toes must touch the floor. He places his head between his hands. He turns his hands and toes towards the *qiblah*. He says “*Subhana Rabbi al-'Ala*” three times while in the position of prostration. Then he says “*Allahu Akbar*” and stays seated for long enough to say “*Subhanallah*.” He turns his right toes towards the *qiblah*, keeps his right foot straight, and sits on his left foot during this sitting. He places his hands upon his knees. He says once again “*Allahu Akbar*” and prostrates for a second time. He says “*Subhana Rabbi al-'Ala*” three times and stands up by saying “*Allahu Akbar*”.

In the second cycle, the *Basmala* is recited while standing, which is followed by the recitation of *Fatiha* and an additional chapter from the Qur’an. Then he bows down by saying “*Allahu Akbar*”. He then performs *ruku* and prostrations

as in the first cycle. After the prostration, he sits in the same manner in which he does between the two prostrations. In this sitting, he recites *al-Tahiyyat*, and then the invocations of *Allahumma Salli*, *Allahumma Barik*, and *Rabbana Atina* follow. Finally he says *salam* first to his right and then to his left by saying “*as-Salamu ‘alaykum wa Rahmatullah*”. Thus, he completes the prayer.

According to the Shafi’i School of Law, the invocations of *Qunut* is recited while standing up from *ruku* in the second cycle.

The obligatory part of the dawn prayer consists of two cycles and is performed in the same way as the Sunnah cycles other than pronouncement of the *iqamah* which is recited before the beginning of the obligatory cycles of the prayer. It is a requirement that the intention for an obligatory prayer should be specifically stated. It is virtuous to perform the *Sunnah* cycles of the dawn prayer in brief, while keeping the obligatory cycles longer.

4.6.2. The Friday Prayer

The Friday prayer was declared obligatory during the migration of the Prophet (saw), when he was at the Valley of Ranuna near Madinah.

Islam always encourages Muslims to perform their prayers and acts of worship in a congregation.

The Friday prayer is obligatory for every male Muslim who fulfills the required conditions. When the *adhan* is recited, those who are obliged to perform the Friday prayer needs to leave whatever they are doing at the time and go to the mosque.

When the muazzin recites the Friday *adhan*, the Muslims submit themselves to the following command of Allah “**O you who believe! When the call is made for the prayer on Friday, then hasten to the remembrance of Allah and leave off trading. That is better for you, if you know.**”³⁷

The Prophet (saw) stated about those who perform the Friday prayer, “**He who performs ablution well, then comes to Friday prayer, listens to the sermon silently, his sins between that time and the next Friday would be forgiven with three days extra.**”³⁸

It is recommended to pay special attention to the Friday prayer, to take a shower, cut one’s nails, brush one’s teeth, wear fragrance, and dress up with clean and proper clothes.³⁹

³⁷ Jumu’ah, 62: 9.

³⁸ Muslim, Jumu’ah, 8.

³⁹ Bukhari, Jumuah, 4, 6; Muslim, Jumu’ah, 10, 26.

First, one performs the four-cycle Sunnah of the Friday prayer, and then waits for the sermon. After the sermon, the two-cycle obligatory Friday prayer is performed in congregation. The obligatory cycles of Friday prayer are followed by the performance of the last four-cycle *Sunnah* of the Friday prayer.

These Sunnah cycles of the Friday prayer are *Sunnah al-mu'akkad*.

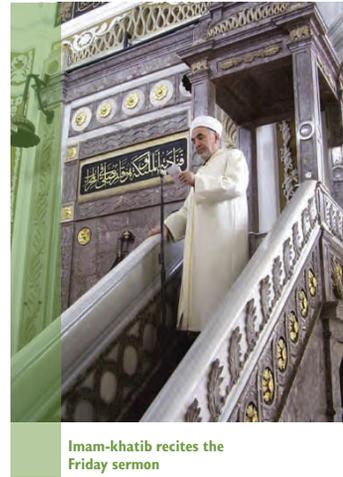
Conditions Required for the Friday Prayer to Become Obligatory

1. Being male. Friday prayer is not obligatory upon women, but if they perform their prayer, it is valid, and therefore they do not need to perform the noon prayer.
2. Being *muqim* (resident). The Friday prayer is not obligatory upon *safaris* (travelers).
3. Being free.
4. Not having a disability that prevents one from going to the mosque.
5. Safety.
6. Being healthy.

Those who cannot perform the Friday prayer perform the noon prayer.

Conditions Required for the Performance of the Friday Prayer

1. Time. The Friday prayer needs to be performed in the time of noon prayer.
2. Congregation. For the validity of the Friday prayer, there should be at least three males as a congregation in addition to the imam according to Abu Hanifa. According to Malikis there should be at least a congregation of twelve men, while according to Shafi'is, the number of congregation cannot be less than forty men.
3. Sermon. Before the obligatory cycles of Friday Prayer, the imam must deliver a sermon in the presence of the congregation, and the congregation must listen to him. According to the Hanafis, the congregation must keep silent as if they are performing prayer. They should not play with their phones, should not wipe their faces with their hands after an invocation, and should not sit placing their knees up. According to the Shafi'i School of Law, the sermon must be divided into two parts and the preacher must sit for a little while between the two sermons.



Imam-khatib recites the Friday sermon

4. City. The place where the Friday prayer is performed must be a place of settlement. Those who live in land that are scarcely populated must go to the nearest village.
5. Mosque. The mosque where the Friday prayer is performed must be open to everyone.
6. Permission. Friday prayer must be led by the head of the state or the one who is authorized by him.

4.6.3. The Festival Prayer

Performing the Ramadan and Sacrificial Festival prayers are compulsory (*wajib*) upon any Muslim who is required to perform the Friday prayer. It is recommended for women to attend the Festival prayers, and for those who cannot perform them to wait outside the mosque and participate in the joy of the Festivals. The sermon delivered after the Festival prayer is *Sunnah*.

How to Perform the Festival Prayer: Those who perform the Festival prayer state their intention to perform the Festival prayer for the sake of Allah, and utter the opening *takbir* and place their hands on their abdomen. They recite the invocation of *Subhanaka*. Together with the imam, the members of the congregation raise their hands up like the opening *takbir* and say “*Allahu Akbar*” twice, and leave their hands by their sides. After the third *takbir* they place their hands on their abdomen. The imam silently recites the *Basmala* and then recites *Fatiha* and *the damm surah* out loud followed by the performance of *ruku* and prostrations.

They stand up for the second cycle. The imam recites *Basmala* silently, while reciting *Fatiha* and *damm surah* out loud. Following the lead of the Imam, the congregation performs three additional *takbirs* like in the first cycle by raising their hands. With the fourth *takbir*, they bow down to *ruku* and then perform the prostrations, recite the invocations of the final sitting and complete the Festival prayer with the salams.

The different points of the Festival prayer in the Shafi'i School of Law are as follows:

- Uttering seven *takbirs* before *Fatiha* in the first cycle and five *takbirs* before *Fatiha* in the second cycle. *Takbirs* should be uttered out loud.
- Saying “*Subhanallahi wa al-hamdu lillahi wa la ilaha illallah*” between *takbirs*.
- The congregation is also required to recite *Surah al-Fatiha*.

LET'S WRITE

Write a poem or an essay about the importance of Friday and Friday prayer.

- During the sermon, uttering nine *takbirs* in the first sermon and seven *takbirs* in the second.

Takbirs of Tashriq

The *takbirs* pronounced after every obligatory prayers of certain days, beginning with the dawn prayer of the eve of the Sacrificial Festival (day of Arafah) until the late afternoon prayer of the fourth day of the festival are called *takbirs* of *tashriq*. The *takbirs* of *tashriq* are compulsory upon those who are required to perform the prayer because it is commanded in a verse, **“Remember Allah during the appointed days (by saying *takbirs* and reciting the invocation of *talbiya*).”**⁴⁰

INFORMATION BOX

Takbirs of tashriq are uttered as follows:

اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ لَا إِلَهَ إِلَّا اللَّهُ وَاللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ وَلِلَّهِ الْحَمْدُ.

“Allah is the Greatest. Allah is the Greatest. Allah is the Greatest. There is no god but Allah. Allah is the Greatest. Allah is the Greatest. All praise belongs to Allah.”

4.6.4. The Funeral Prayer

It is *fardh al-kifayah* to make the arrangements of the funeral ceremony and perform the funeral prayer when a Muslim passes away.

The funeral prayer is not performed for those who are non-Muslims or openly hypocrites.

The body of the deceased must be washed, enshrouded, and then placed in front of the congregation. To perform the funeral prayer, the whole body of the deceased or most of it or half of the body and the head must be present.

The funeral prayer can be performed any time of the day except the three reprehensible times for performing any ritual prayer.

The essential pillars of the funeral prayer are four *takbirs* and *qiyam* (standing). It is compulsory to observe the *salam*. The whole funeral prayer must be performed standing up. There is no ruku or sajdah in the funeral

LET'S DISCUSS

Do we perform the funeral prayer for the martyrs? Is it necessary to die in a war to become a martyr?

Discuss in class.

⁴⁰ Baqarah, 2: 203.

prayer. The congregation is not a requirement to perform the funeral prayer, even one woman or one man is sufficient to perform it.

Things that invalidate other prayers invalidate the funeral prayer as well.

How to Perform a Funeral Prayer and the Supplications of a Funeral Prayer

The body of the deceased is placed in front of the congregation. The imam stands close to the coffin and near the chest of the deceased person. The imam states in his intention the deceased person's gender, i.e. whether the deceased is a male or female; and by paying attention to the age of the deceased; i.e. whether he/she was an adult or a child.⁴¹ The congregation also states their intention in the same way and follows the Imam.

After raising the hands with the pronouncement of the first *takbir*, the hands are placed on the abdomen (for men). *Subhanaka* is silently recited. The second *takbir* is uttered without raising the hands. (Hands are raised according to the Shafi'i School of Law, and *Fatiha* is recited in place of *Subhanaka*). After the second *takbir*, the supplications of *Allahumma Salli* and *Allahumma Barik* are recited. The third *takbir* is uttered again without raising the hands, and the special funeral invocation is recited. Those who do not know this special invocation may recite invocations of *Qunut* or the invocations of *Rabbana atina*. Then the fourth *takbir* is pronounced and *salams* are uttered by turning the head to both sides.

After preparing, enshrouding the body of the deceased, and performing the funeral prayer, the body is buried. The task of burial should not be carried out at night unless there is a necessity.

4.6.5. The Tarawih Prayer

The word *tarawih* is the plural of "*tarwihatun*" which means relaxation. This prayer gets its name because one sits and rests after every four cycles for the duration of a time long enough to perform a four-cycle prayer.

Tarawih is a *Sunnah al-mu'akkad* prayer upon every male and female Muslim in the month of Ramadan. It can be performed individually at home or in congregation in a mosque.

⁴¹ If the deceased is a male the intention is made as "Let us join together to supplicate to Allah for this man"; if the deceased is a female, the intention is made as "Let us join together to supplicate to Allah for this woman"; if the deceased is a male child, the intention is made as "Let us join together to supplicate to Allah for this male child", and if the deceased is a female child the intention is made as "Let us join together to supplicate to Allah for this female child".

Tarawih is performed as twenty cycles.

The time of *Tarawih* prayer begins after the performance of last *Sunnah* cycles of the night prayer and continues until the beginning of the time of the Dawn Prayer. The *Witr* prayer can be performed before or after the *Tarawih* prayer, but it is more virtuous to perform it after the *Tarawih* prayer. The *Tarawih* is a *Sunnah* prayer particular to the month of Ramadan, and there is no make up for it when its time passes.

The *Tarawih* prayer can be performed by uttering *salam* at the end of every two or four cycles. According to Imam Shafi'i, it is performed by uttering *salam* at the end of every two cycles. It is not permissible to perform it in the form of four or more-cycle prayer.

If *salam* is uttered at the end of every two cycles, the prayer is performed just like the *Sunnah* cycles of the Dawn Prayer. If the *salam* is uttered at the end of every four cycles, then the prayer is performed as the *Sunnah* cycles of the late afternoon prayer.

4.6.6. Prayer under Special Circumstances

Being Safari (Traveler)

In Islamic legal terminology, being a *safari* means travelling for a certain distance. Islam considers the difficulties, distress, fatigue and wearing during the travel and provides some easiness for the travelers as follows:

1. The one who is a *safari* performs the four-cycle obligatory prayers as two cycles, while the three-cycle evening prayer and the *Witr* prayer are performed without shortening as they are. The safari person may abandon the *Sunnah* cycles of prayers.
2. The Friday prayer is not obligatory upon those who are in a journey.
3. The Festival prayers are not compulsory upon the *safaris*, but if they are performed, they are accepted as valid.
4. During the month of Ramadan, the traveler is allowed to postpone fasting to sometime after his/her journey. However, the traveler must make up those days later.
5. Instead of washing the feet during ablution, the traveler is allowed to wipe over the leather socks (*khuf*) he wears for as long as three days and three nights.

6. Offering a sacrificial animal is not compulsory upon travelers.

According to the Hanafi School of Law, performing four-cycle prayers as two cycles is *wajib* during travel. It is *makruh* to perform them as four cycles. According to the Shafi'i and the Hanbali Schools of Law, it is permissible to perform them as either two or four cycles, but performing them as two cycles is preferred.

If a traveler follows an imam who is not a traveler, he performs the prayer as four cycles by following the imam. The supererogatory prayers can be abandoned during the travel when the circumstances are not convenient.

The distance for being a *safari* is around 90 kilometers. Being a *safari* begins with leaving the last buildings in the person's *watan al-asliyya* (the hometown where he/she lives). The one who does not initially intend to go as far as 90 kilometers, but then actually goes to a distance equal or longer than 90 kilometers, is not considered a *safari*.

The place where the person intends to stay less than 15 days during his journey is called *watan al-sukna*, and the rules of being *safari* are applicable in *watan al-sukna*. The state of being a traveler ends with the intention of staying 15 or more days or when the place turns into the traveler's *watan al-asliyya*. According to Shafi'i School of Law, the duration for being a *safari* is three days in addition to the days spent during the journey.

Since the person who travels becomes a *safari* when he leaves the last buildings⁴² of the city, town or village he lives in, he is allowed to shorten the prayers after this point. In like manner, when returning from the journey, the special rules of journey end by passing by the last buildings of his city.

The one who is not a *safari* is called *muqim* (resident).

When a person is not able to perform a four-cycle prayer during a journey and needs to make it up later when his journey ends, he makes it up as two cycles just like the way he was supposed to perform it during the journey.

According to the Shafi'i School of Law, the noon and late afternoon prayers, as well as evening and night prayers can be combined and performed together in the same time (*jama' al-salatain*).

LET'S WRITE

Write your observations about *tarawih* prayer you performed or watched in the form of a diary.

⁴² Today, the borders of the residential area in a municipality are accepted as determining where the rules of travelling begin. Due to the modern city's great width, the borders of metropolitan cities and the borders of towns are accepted as the limits.

The Prayer of People that have Ailment

Ill people are allowed to perform their prayers in the forms explained below:

1. **Sitting:** People with ailments who are not able to stand may perform their prayer by bowing down to ruku and going to prostration while sitting. If they are not able to perform ruku and sajdah, they are allowed to perform them by gestures. In other words, those who cannot perform ruku and sajdah properly bend their head a little bit for ruku, and a little bit more for the sajdah. Those who cannot place their head to the floor during prostration are still not allowed to take something from the floor and perform sajdah on it.

Those who perform prayer while sitting can sit on their knees just like the sitting during prayer. If they are not able sit on their knees, they sit by stretching out their legs towards the direction of the qiblah.

2. **Reclining:** Those who are not able to perform prayer by sitting may perform their prayer while lying and moving their head as gestures for bowing and prostration as much as they can. It is appropriate for those who perform their prayer like this to put a pillow under their heads in order to turn their face towards the qibla.
3. **By gestures:** Those who are too old and weak to sit may lie on their side and turn their head towards the *qiblah* or to their right, and perform their prayers by moving their heads. According to the Hanafi School of Law, performing prayers only by eye movements is not acceptable. Those who are unable to turn towards the *qiblah* are allowed to perform the prayer by turning towards any direction they can.

Making up the Missing Prayers

Performing the prayer in its time is one of the most important matters in performing prayers. In fact, it is stated in the Qur'an, **"Surely prayer is a timed ordinance for the believers."**⁴³

When the Prophet (saw) was asked, **"Which deed is the dearest to Allah?"** He replied, **"To offer the prayers at their early stated fixed times."**⁴⁴

The one who misses a prayer because of forgetfulness or oversleeping needs

⁴³ Nisa, 4: 103.

⁴⁴ Bukhari, Mawaqit, 5.

to make that prayer up as soon as possible.

Performing a prayer in its time is called “*ada*”. Performing it after its due time because of a valid excuse is called “*qada*”. Prayers that could not be performed because of falling asleep, forgetting, or even without an excuse need to be made up as soon as possible.

1. It is fardh to make up the missing five daily prayers, and it is wajib to make up the *Witr* prayer.
2. The *Sunnah* and fardh cycles of the dawn prayer can be performed until the time of *istiwa* if they are performed in the same day.

According to the Hanafi School of Law, it is not appropriate to abandon *sunnah al-rawatib* prayers for the make-up prayers. According to the Shafi'i School of Law, those who need to make up the missing prayers should abandon performing *sunnah al-rawatib* cycles of prayers and make up the missing prayers instead.

LET'S EVALUATE THE CHAPTER

A. Answer the following open ended questions.

1. Give the definition of *hadath* and *najasah*.
2. Indicate the fardhs of minor ablution according to the Schools of Law.
3. Explain the points that are not permissible without the major ablution.
4. State the name of the individual daily prayers and the numbers of their cycles.
5. What does *safar* and being a *safari* mean? Explain what you know about this topic?
6. Explain the terminological meanings of the terms congregation, *muqtadi*, *munfarid*, *mudrik*, *masbuq* and *lahiq*.

B. Write “T” for true and “F” for false for the following sentences.

1. (...) Wiping the whole head is *Sunnah*.
2. (...) The time for wiping over bandages ends one day after covering the bandage.
3. (...) If those who are required to perform prayers have intensive responsibilities, they are not obliged to perform their prayers in their appointed times, and they are allowed to perform them when they are available.
4. (...) According to the Hanafi School of Law, the noon and the late afternoon, as well as the evening and the night prayers can be performed by combining them during a journey.
5. (...) The ill that are not able to turn towards the *qiblah* do not perform prayer at its time and instead make it up later.
6. (...) In the Friday prayer, the sermon is delivered after the two-cycle obligatory prayer.
7. (...) Laughing aloud during prayer to the extent that another person can hear it invalidates both the prayer and the minor ablution.
8. (...) Performing a prayer after its prescribed time is called “*qada*”.

C. Choose the correct answers to the following multiple choice questions.

1. Which of the following is not one of the situations that necessitate performing major ablution?
 - A) The continuation of menstrual bleeding
 - B) Intercourse
 - C) Converting to Islam
 - D) Emission of semen
 - E) The end of postnatal bleeding

2. Which of the following can be done by someone who is not in the state of minor ablution?
 - A) Touching the Qur'an
 - B) Circumambulation around the Ka'bah
 - C) Looking at the Qur'an
 - D) Touching a verse written in a book
 - E) Performing a prostration

3. Which of the following is **not** one of the *Sunnah al-mu'akkad* prayers?
 - A) The Sunnah cycles of the evening prayer
 - B) The Tarawih prayer
 - C) The Sunnah cycles of the noon prayer
 - D) The Sunnah cycles of the dawn prayer
 - E) The last Sunnah cycles of the Friday prayer

4. Which daily prayer's obligatory cycles can be performed during the reprehensible times?
 - A) The Dawn prayer
 - B) The Noon prayer
 - C) The Late Afternoon prayer
 - D) The Evening prayer
 - E) The Night Prayer

5. Which of the following is false?
 - A) All takbirs during the prayer are articulated through the phrase "Allahu Akbar".
 - B) All four-cycle obligatory prayers are performed in the same way.
 - C) All Sunnah ghayr al-mu'akkad prayers are performed in the same way.
 - D) Only the Tahiyat is recited in the first sitting of all prayers.
 - E) Fatiha is recited in every cycle of the prayers which are performed individually.

6. In which choice below are the pillars of funeral prayer stated correctly?
 - A) Qiyam and the invocation of funeral
 - B) Intention and blessings to the Prophet
 - C) The invocation of funeral and salam
 - D) The qiyam and four takbirs
 - E) The qiraah and the takbirs

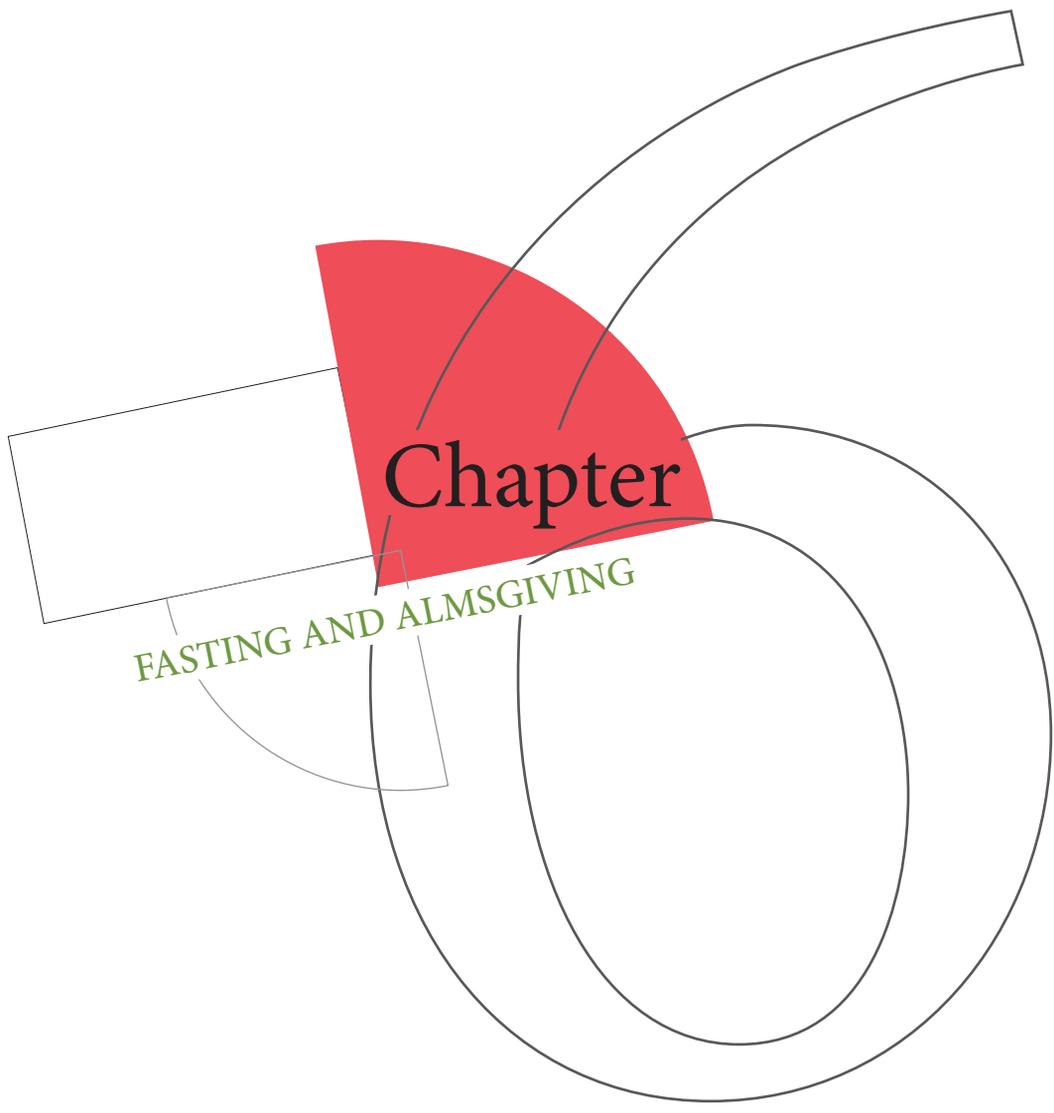
7. Which prayer cannot be shortened during a journey?
 - A) The Dawn prayer
 - B) The Noon prayer
 - C) The Late Afternoon prayer
 - D) The Night prayer
 - E) The four-cycle obligatory prayer

D. Fill in the blanks in the following sentences with the most suitable word from the list below.

(istibra, liquid najasah, istinja, minor hadath, solid najasah)

- 1) The types of najasah such as feces, animal droppings are called, and such as urine, alcoholic drinks are called.....
- 2) Cleaning the private parts of the body after urinating or defecating is called, and waiting for the urine to stop completely is called.....
- 3) The kind of hadath that comes into being when a situation nullifying the state of minor purity takes place is called.....





Chapter

FASTING AND ALMSGIVING



FASTING AND ALMSGIVING

LET'S GET READY FOR THE CHAPTER

1. Learn the meanings of the terms “iftar, sahur, imsak, nisab and kaffarah” from the dictionary.
2. Talk with your parents about the individualistic benefits of fasting, and write them in your notebook.
3. Research about the contributions of almsgiving and charity to collaboration and solidarity in society.
4. Visit a social aid organization and get information about its activities.

1. Fasting

Fasting is expressed in the Qur'an with the word “*sawm-siyam*” which means to avoid, to keep oneself away, and to prevent something.

In Islamic legal terminology, fasting refers to people keeping themselves away from some material desires such as eating, drinking, and sexual relations with the intention of worship from dawn to sunset.

Fasting that is performed every year during the month of Ramadan was prescribed as obligatory in the second year after the *Hijrah*. Allah the Almighty expresses in the Qur'an:

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ هُدًى لِّلنَّاسِ وَبَيِّنَاتٍ مِّنَ الْهُدَىٰ وَالْفُرْقَانِ فَمَن
شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ ...

“The month of Ramadan is that in which the Qur'an was revealed, a guidance to men and clear proofs of the guidance and the distinction between right and wrong. Therefore, whoever of you is present in the month, he shall fast

“... (Despite its difficulty) that you fast is better for you if you know.”

Baqarah, 2: 184.

LET'S
NOTE

According to the *hijri* calendar, there are 354 days in a year. For this reason, every year the month of Ramadan begins about 10 days earlier compared to the preceding year. Thus, the month of Ramadan turns around the year and is celebrated in every season.

“... Whoever fasts in the month of Ramadan out of sincere faith, and hoping for a reward from Allah, then all his previous sins will be forgiven.”

Bukhari, Sawm, 6.

therein...”¹ and He prescribes fasting as obligatory. The Prophet also stated that “Start fasting when you see the crescent of Ramadan...”² Muslims obey these orders and fast during the month of Ramadan.

1.1. The Place and Importance of Fasting in Islam

Fasting is an act of worship that should be performed to receive God’s pleasure. The following verse indicates that fasting has been obligatory in all divine religions:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ

“O you who believe! Fasting is prescribed for you, as it was prescribed for those before you, so that you may become righteous”³

Fasting is considered one of the pillars of Islam. The Prophet expresses this issue as follows: “Islam is based on (the following) five (principles): To testify that there is no god but Allah and Muhammad is His Messenger, to offer prayers, to pay almsgiving, to perform pilgrimage, and to observe the fast.”⁴

During the month of Ramadan, daytimes pass with fasting and reciting *muqabalah* (recitation of the entire Qur’an), while nights are spent by performing *tarawih* prayers after the night prayer. During this month, alms of *fitr* (*zakat al-fitr*) are given to the needy. During the last 10 days, *itiqaf* (seclusion in a mosque to worship) can be performed. Moreover, the Night of Qadr, which is a day during the month of Ramadan and which is regarded as more valuable than a thousand months, has special significance. By means of all these acts of worship, invocations and charities, a spiritual atmosphere is created during the month of Ramadan. A kind of spiritual peace and tranquility surround all Muslims and everybody feels that they are going through spiritual training.

Fasting should be performed just for the sake of Allah. He will reward fasting performed with this intention. The Prophet expresses in a *hadith al-qudsi* that Allah states, “Every (good) deed has a tenfold to seven hundredfold reward. With the exception of fasting, for it is done for Me and I will give the reward for it.”⁵

¹ Baqarah, 2: 285.

² Bukhari, Sawm, 11.

³ Baqarah, 2: 183.

⁴ Bukhari, Iman, 1.

⁵ Muslim, Siyam, 164.

Fasting means to consciously keep oneself away from the desires of *nafs* (the inner self). From this aspect, it is a good way of training one's willpower. From the aspect of bearing the hardship of hunger and thirst, it becomes a training of patience. The excessive actions and behavior that cause social disorder decrease through fasting. It prevents wishes and desires that lead to injustice.

Ambition for acquiring more property is one of the main reasons for fights and disagreements among people. Fasting is a way of restraining such desires and keeping them under control. Moreover, fasting protects the tongue from uttering inappropriate and evil words. It contributes to keeping actions and behavior under control. The Prophet stated, "Fasting is a shield. If one of you is fasting, he should avoid quarreling, and if somebody fights or quarrels with him, he should say, "I am fasting."⁶ This drew attention to the influence of fasting over human behavior.

Fasting leads to a better understanding of the situation of the poor and thus to efforts to solve their problems. The Prophet said, "Observe fasting, hence you will be healthy..."⁷ and remarked upon the benefits of fasting for health.

1.2. Terminology Related to Fasting

The most important terms about fasting are *sahur*, *imsaq*+ and *iftar*.

Muslims who perform fasting get up before dawn (*imsaq*) and eat. This period of having a meal is called the time of *sahur* (or *suhur*), and this meal is called the meal of *sahur*. The Prophet said, "Eat at the time of *sahur*, because there are blessings in the meal of *sahur*."⁸ and encouraged us to get up for *sahur*. He would also get up for *sahur*, eat something, and then use the rest of the *sahur* time to perform prayer and invocation, because the time of *sahur* is one of those in which invocations are accepted.

The word *imsaq* literally means to hold something, and terminologically it refers to the time that *sahur* ends and fasting begins. The time of *imsaq* begins with daybreak. The recitation of *adhan* for the dawn prayer indicates that it is the time for *imsaq*. Those who get up for *sahur* and have the *sahur* meal end their eating and drinking when it is the time of *imsaq*. After they brush their teeth, they state their intention by saying, "I intend to observe today's Ramadan fast." It is not necessary to say the intention verbally. Rather, getting

LET'S TALK

What are the personal and social benefits of fasting?

Discuss with your friends.

LET'S SHARE

Share with your friends what you feel when you get up for *sahur*.

⁶ Bukhari, Sawm, 9

⁷ Ajluni, *Kashf al-Khafa*, V. 1, p. 445.

⁸ Muslim, Siyam, 45.

up for *sahur* with the intention of getting ready for the fast also is accepted as an intention.

The term *iftar* refers to breaking the fast. Muslims who fast during the day break it at sunset when the *adhan* for evening prayer is recited. The time of breaking the fast is called the time of *iftar* and the meal is called the meal of *iftar*.

LET'S NOTE

As understood from the definition, the time of fasting is the period between dawn and sunset. At the poles or in the areas close to the poles, which have continuous daylight and experience nighttime for only six months, this period is determined according to the closest area that has normal day and night hours.

Vecdi Akyüz, *Mukayeseli Ibadetler Ilmihali*, V 2, p. 369.

Generally, people invite their relatives, neighbors, and poor people for *iftar*. It has become a custom in the Muslim world to host people for *iftar* during the month of Ramadan, which is based on the following saying of the Prophet: **“He who gives *iftar* to another fasting person shall earn reward equivalent to the fasting man without detracting from the reward of the latter.”**⁹ Believers wait for the *adhan* on the *iftar* table and they began to eat when the time comes. *Iftar* meals eaten together increase the love, tolerance, solidarity, and brotherhood among Muslims.

The Prophet says that **“The prayers of a fasting person until the time of *iftar* is not turned back.”**¹⁰ and attracts our attention to the importance of the time of *iftar*. While breaking the fast, Muslims say prayers and express their gratitude to Allah for His blessings. This invocation is called the invocation of *iftar*. It is a way of thanking Allah consciously by understanding the value of His blessings.

⁹ Tirmidhi, *Sawm*, 82.

¹⁰ Ibn Majah, *Siyam*, 17.

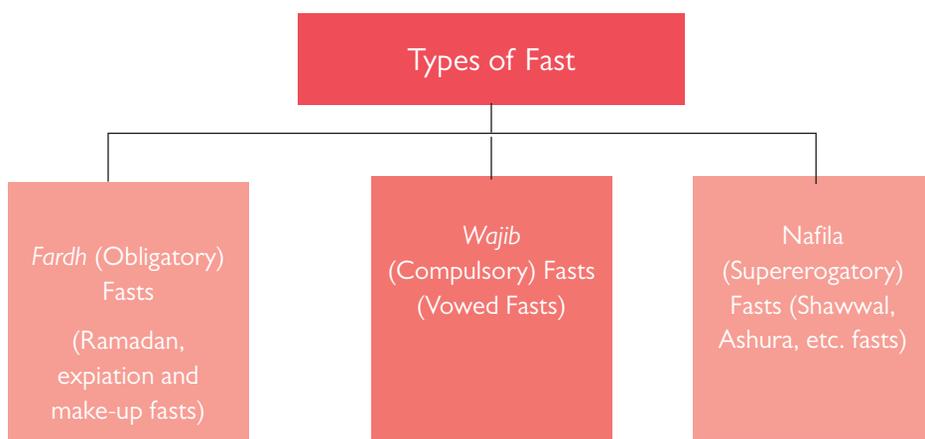
LET'S NOTE

THE INVOCATION OF IFTAR

اللَّهُمَّ لَكَ صُومْتُ وَبِكَ آمَنْتُ وَعَلَيْكَ تَوَكَّلْتُ وَعَلَى رِزْقِكَ أَفْطَرْتُ. وَصَوْمَ الْعَدِ مِنْ شَهْرِ
رَمَضَانَ نَوَيْتُ. فَاعْفِرْ لِي مَا قَدَّمْتُ وَمَا أَخَّرْتُ.

“O Allah! For You I have fasted. With Your provisions I have broken my fast. Upon You I relied. In You I believed. I have intended to observe tomorrow’s Ramadan fast. Forgive my past and future sins.”

1.3. Types of Fasting



1.3.1. The Ramadan Fast

The fast observed obligatorily for the whole month of Ramadan is called the Ramadan fast. The Prophet drew our attention to fasting during Ramadan by saying: “When you see the crescent (of the month of Ramadan), start fasting, and when you see the crescent (of the month of Shawwal), stop fasting; and if the sky is overcast (and you cannot see it) then regard the month of Ramadan as 30 days.”¹¹

Sane and pubescent Muslims are obliged to fast during the month of Ramadan. Moreover, those who are required to observe fasting should not have any excuses that might obstruct fasting such as travel, sickness or other

¹¹ Bukhari, Sawm, 5, 11.

LET'S NOTE

Fasting is prohibited on the first day of the Ramadan Festival, and on all four days of the Sacrificial Festival.

LET'S EVALUATE

“Whoever fasts during the month of Ramadan, then follows it with six days during the month of *shawwal*, it is as if they fasted the entire year.”

Abu Dawud, Sawm, 58.

Evaluate the *hadith* given above in relation to the importance of supererogatory fasting.

impediments. If Ramadan fasting is not observed for some reason, it is *fardh* to make it up sometime after the month of Ramadan. For those who intentionally break Ramadan fasting without a valid excuse, it is *fardh* to observe two consecutive months of expiatory fast.

1.3.2. Other Types of Fasting

There are some types of fasting other than the fasting observed during the month of Ramadan. Those are fasting as a votive offering (*nazhr*) and supererogatory fasts.

For those who vow to offer a fast, it is *wajib* to observe it. If the days of fasting are specified, fasting should be observed during those days. If they were not specified, one is allowed to observe them at any time of the year other than the month of Ramadan and the days in which fasting is not allowed.

If one begins to observe a supererogatory (*sunnah*) fast and then breaks it (intentionally or because of an excuse), it is also *wajib* to make it up.

The supererogatory fasts are those other than *fardh* and *wajib* fasts, yet spiritual reward is gained by observing it. The *shawwal* fast, *ashura* (the 10th day of the month of Muharram), fasting on the 13th, 14th, and 15th days of the lunar months, and fasting on Mondays and Thursdays can be given as examples of this type of fasting.

1.4. Rulings About Fasting

Fasting during the month of Ramadan is obligatory upon every Muslim who is legally responsible and is not excused from the fast. Taking the obligation of fasting during Ramadan lightly makes someone a *fasiq*, and completely denying it makes him/her a disbeliever. Those who do not observe the fast although they believe that it is obligatory commit a sin.

There are some other issues one should consider while fasting. Some of the most important related issues are things that break fasting and do not break it and how to make up a broken fast.

1.4.1. Things that Nullify the Fast

Eating, drinking (intentionally or by mistake), or having sexual intercourse nullify fasting. In addition, taking medicine, having an injection, smoking, and

anything considered nourishment taken into the body through normal channels nullify fasting. For this reason, one who is fasting should avoid such actions.

1.4.2. Things that do not Nullify the Fast

The following situations do not nullify fasting:

- Eating and drinking forgetfully,
- Using eye or ear drops,
- Tooth extraction,
- Having a blood sample taken,
- Ejaculating when sleeping,
- Having a shower,
- Smelling fragrances, perfumes, and other scents.

1.4.3. Making Up the Fasting and Expiation

In our religion, it is not correct to nullify or not to complete an act of worship that has already been started without a valid reason. That is why believers should be conscious about their worship and be careful about the things and actions that nullify fasting. Yet, a fast that has been nullified for any reason should be re-performed. This can be carried out in two ways, depending on how it was nullified: make up a fast (*qada*) and expiation (*kaffarah*).

Fasting that has both punishment and compensation aspects of a mistake is called expiation (*kaffarah*). Those who break their fasting intentionally or willingly without a valid excuse have to fast for 60 days continuously. Additionally, they also have to observe make-up fasting for as many days as were broken. We can mention that among other crimes that require expiation fasting are accidentally killing someone, which requires a continuous 60-day fast; getting a haircut while a person is in a state of *ihram* and before the completion of the requirements of a pilgrimage, which requires a 10-day fast; and breaking an oath, which requires a three-day fast as expiation. Observing the expiation fasting is also *fardh*.

Fasting is nullified in the following situations and requires a one-day make-up fast:

- Breaking a supererogatory fast for any reason.

LET'S NOTE

Someone who breaks the fast intentionally without a valid excuse for three days has to fast for 63 days, 60 days of which are expiation and three days of which are make-up.

- Continuing to eat and drink after daybreak, thinking that there was still time.

- Breaking the fast, thinking that it was the time of *iftar* while in fact it was not.

- Continuing to eat and drink after eating or drinking something out of forgetfulness and thinking that the fasting was nullified.

- Swallowing water by mistake while performing ablution.

- Breaking the fast as a result of threat or through force.

- Fasting that could not be observed because of travel or sickness.

1.4.4. The Fast of those who have an Excuse

Islam is the religion of ease. Allah has not burdened His servants with any difficulty that they could not bear. This also applies to fasting. Some of the easiness provided for fasting is stated in Surah al-Baqarah, verse 185 as follows: “Whosoever of you is sick or on a journey, (let him fast the same) number of other days. Allah desires for you ease, and He does not desire for you difficulty, and (He desires) that you should complete the number and that you should exalt the greatness of Allah for His having guided you and that you may give thanks.”

LET'S STATE

أَيَّامًا مَّعْدُودَاتٍ فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ وَعَلَىٰ
الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ فَمَنْ تَطَوَّعَ خَيْرًا فَهُوَ خَيْرٌ لَهُ وَأَنْ تَصُومُوا
خَيْرٌ لَكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ ﴿١٨٥﴾

“(Fasting is ordained as obligatory upon you) a limited number of days, but whoever among you is sick or on a journey, then an equal number of days (are to be made up); and those who are not able to do it may effect a redemption by feeding a poor man; so whoever does good spontaneously it is better for him; and that you fast is better for you if you knew.”

Baqarah 2: 184.

What kind of ease is provided for fasting in the verse above? State.

Being on a journey is one of the valid excuses for postponing the Ramadan fast. Those who travel to a place other than one's place of residence that is farther than 90 kilometers for less than 15 days are considered travelers.

Traveling is usually hard and troublesome. That is why travelers are free to choose to fast or not (they are given permission). It is better to observe fasting if the traveler does not feel any difficulty when traveling or does not experience any harm by fasting; because this way, he/she will be performing the worship of fasting on time.

LET'S MAKE A LIST

What are the excuses for abandoning fasting? Make a list.

- Being on a journey.
-
-
-

Sickness is another excuse that requires abandoning the fast. In this regard, those who are worried that their sickness will get worse or take longer to heal can choose not to fast. They can make up the days that they could not fast after they recover. Those whose condition will not improve pay a monetary compensation called *fidya* for each day they cannot fast.

Women's menstrual period and postnatal bleeding are considered similar to being in a state of sickness as regards the rules of worship. Women should make up the days they could not observe fasting during such periods at any time they want.¹²

Pregnant or nursing women can abandon fasting if they fear any harm to themselves or their children.

Elderly people who cannot observe fasting because of old age pay monetary compensation (*fidya*) equivalent to feed a poor person for each day that was missed. *Fidya* means feeding a poor person twice a day, or giving the value of two meals to him/her in money.

¹² Commission, *TDV İslam İlmihali*, vol. 1, p. 398.

1.4.5. Issues that should be taken into account while Fasting

The same as in every other act of worship, there are some points that should be considered regarding the worship of fasting. The Prophet gave some advice to make fasting easy. Eating something at *sahur* time can be considered the most important. By waking up for *sahur*, we not only prepare ourselves for fasting but also fulfill a *sunnah*. In relation to this issue the Prophet said: **“Gain strength by eating the *sahur* meal for your fast during the day, and by taking a nap at midday prepares you for *tahajjud* prayer.”**¹³ Therefore, getting up for *sahur* even for just a drink of water, and delaying the *sahur* meal to a later time of the night would be a proper action.

The Prophet also advised us to get up for *sahur* and says: **“Eat at *sahur* time, because there are blessings in the meal of *sahur*.”**¹⁴

As the Prophet encourages us to get up for *sahur*, he also advises us to break the fast as soon as the time of *iftar* comes. Thus, he aims to ease the act of worship for the believers. It is *sunnah* to say prayers at the time of *iftar*. Everyone can express gratitude for Allah’s blessings and ask for His help as they wish.

Offering *iftar* meals, especially to the poor, is a noble act on the part of the wealthy. The Prophet stated: **“He who gives *iftar* to another fasting person shall earn reward equivalent to the fasting man without detracting from the reward of the latter.”**¹⁵ However, turning *iftar* invitations into a competition should be avoided. Wealthy people also give more charity in the month of Ramadan by comparison to other months. They pay almsgiving, charity, and *fitra*. As a result, social solidarity and unity increase more during this month.

Fasting strengthens the spiritual ties between the servant and his Lord. It trains one to be patient and makes the willpower stronger. Those who fast become mindful of their words and actions. They protect their tongue from bad and harsh words. The Prophet points out this aspect of fasting in his following saying, **“Whoever does not give up forged speech and evil actions, Allah is not in need of his leaving his food and drink.”**¹⁶

¹³ Ibn Majah, Siyam, 22.

¹⁴ Bukhari, Sawm, 20; Muslim, Siyam, 45.

¹⁵ Tirmidhi, Sawm, 82.

¹⁶ Bukhari, Sawm, 8.

In order to feel the spiritual atmosphere of Ramadan, believers should increase the recitation of the Qur’an during this month. They also should learn its meaning and interpretation in order to follow the path it shows.

Actions that are not in accordance with the meaning and aim of fasting are accepted as *makruh*, because such actions can lead people to nullify their fasting. For example, tasting or chewing something is *makruh*, because there is a possibility that it will be swallowed.

There is no harm to take a shower while fasting. Yet it is considered *makruh* to bathe to freshen up. Using fragrances or smelling are not regarded as *makruh*.¹⁷

LET’S MAKE A LIST

Make a list of *makruh* actions while fasting.

- Using too much water while rinsing the mouth and sniffing water into the nose.
-
-
-

2. Almsgiving (Zakat)

Lexically the word *zakat* means to increase, to grow, to purify, and also can refer to blessings. Terminologically, it means that Muslims who are considered wealthy (who possess wealth above the required minimum amount) give a certain amount of their wealth to those who are specified by Allah for His sake.

Almsgiving is an act of worship performed financially. It was prescribed as obligatory in the second year of the Hijrah. There are several verses in the Qur’an indicating that almsgiving is an act of worship that must be performed. In one of these verses, Allah the Most High commands:

¹⁷ Commission, *TDV İslam İlmihali*, V. 1, p. 406.

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَمَا تُقَدِّمُوا لِأَنفُسِكُمْ مِنْ خَيْرٍ تَجِدُوهُ عِنْدَ اللَّهِ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

LET'S DISCUSS

What is the meaning of the phrase “Almsgiving is the bridge of Islam”?

Discuss.

“And establish prayer and give almsgiving, and whatever good you put forward for yourselves, you will find it with Allah. Indeed, Allah sees what you do.”¹⁸

Almsgiving is a blessing and it increases wealth. Allah states in the following verse that He will give more reward in return to those who give alms: “The example of those who spend their wealth for Allah’s cause is like a seed [of grain] which grows seven spikes; in each spike are a hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is All-Embracing and All-Knowing.”¹⁹

2.1. The Place and Importance of Almsgiving in Islam

Almsgiving is one of the pillars of the religion of Islam. The Prophet (saw) says in this regard that: “Islam is based on (the following) five (principles): To testify that there is no god but Allah and that Muhammad is Allah’s Messenger, to offer the prayers, to pay almsgiving, to perform pilgrimage, to observe the fast.”²⁰

Almsgiving is generally cited in the Qur’an and the sunnah of the Prophet together with prayer. In the following verse, Allah commands

“الَّذِينَ يُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَهُمْ بِالْآخِرَةِ هُمْ يُوقِنُونَ” “Those who establish prayer and give almsgiving, and they are certain of the Hereafter.”²¹

Almsgiving contributes to closing the gap between the poor and the wealthy, decreasing poverty, and strengthening social justice and solidarity. That is why it is said, “Almsgiving is the bridge of Islam.”

The religion of Islam gives great importance to social unity, cohesion and solidarity. The objective of this act of worship is to spread compassion and assistance, to protect the poor, and to achieve social balance in society.

By giving alms, we not only fulfill Allah’s command but also show our gratitude to Him. Allah expresses that He will reward those who act in such a way in the following verse: “Establish prayer and give zakat, and lend unto Allah a goodly loan. Whatever good you send before you for your souls,



The upper (giving) hand is better than the lower (receiving) hand.

¹⁸ Baqarah, 2: 110.

¹⁹ Baqarah, 2: 261.

²⁰ Bukhari, Iman, 1.

²¹ Luqman, 31: 4.

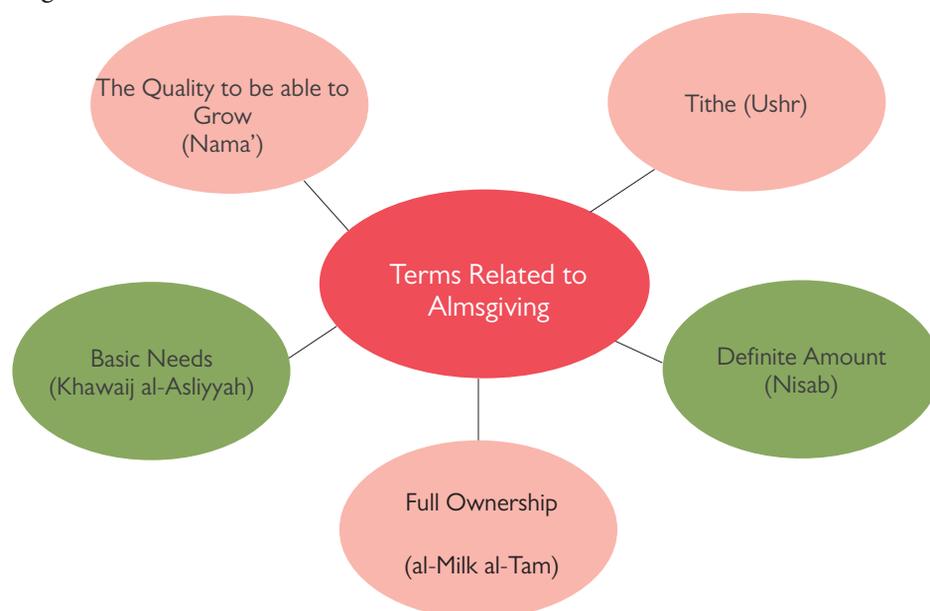
you will find it with Allah; that is best and the greatest in reward; and ask forgiveness of Allah; surely Allah is Forgiving, and Merciful.”²²

When giving *zakat*, wealthy people should be very careful not to hurt the feelings of the poor. The Qur’an praises those who behave in such manners: “Those who spend their wealth for Allah’s cause and then do not follow up what they have spent with reproach or injury will have their reward from their Lord, and there will be no fear concerning them, nor will they grieve.”²³

As in every other act of worship, one should avoid feeling pride and showing off when giving alms. Allah the Almighty states in the Qur’an, “O you who believe! Do not make your charity worthless by reproach and injury, like him who spends his wealth only to be seen by the people and does not believe in Allah and the last day...”²⁴ and emphasizes that alms should be given with sincerity and only for Allah’s sake.

2.2. Terms Related to Almsgiving

There are some terms that must be known in order to properly fulfill the worship of *zakat*. The most important of these terms are full ownership, ability to grow (*nama'*), basic needs, *nisab* and *ushr*.



LET'S RESEARCH

Find verses, hadiths and visual material about almsgiving and write it on the board in class.

²² Muzzammil, 73: 20.

²³ Baqarah, 2: 262.

²⁴ Baqarah, 2: 264.

Full ownership means the possession by the owner of both the property itself and its profit. Moreover, there must be no right of others on that property.

Nama means the growth/increase of a property through agriculture, trade, or birth. For instance, agricultural products increase through farming, merchandise increases through commerce, and animals multiply through birth. Gold and silver in their essence possess growth.

Hawaij al-asliyyah (basic or essential needs) refer to the essential needs of someone and his relatives for whom he/she is responsible. Basic needs include food, drink, clothes, shelter, healthcare, education and transportation.

A Muslim must be rich in order to be under an obligation to give alms. And in order to be regarded as rich in our religion, one must have a certain amount of property or money above and beyond basic needs. This certain amount is called *nisab*. In addition to owning the *nisab* level of property, in order to have to pay almsgiving out of it, one year should have passed since taking the ownership of the property that is subject to almsgiving. The Prophet said, “There is no almsgiving on a property until one year has passed.”²⁵

The amount of almsgiving on agricultural products is called *ushr* (tithe). The Prophet stated: “On a land irrigated by rain water or by river water *ushr* (i.e. one-tenth) is compulsory; and on the land irrigated by labor and expense, half of an *ushr* (i.e. one-20th) is compulsory.”²⁶ and thus expressed the amount of almsgiving on agricultural products.

2.3. Who Pays Zakat?

For giving *zakat*, one must be Muslim, sane, pubescent, free, and be considered rich according to the conditions laid down by religious law. Those who have at least 85 grams of gold or equal property or money above and beyond the basic needs have to pay *zakat*. The property or money that is subject to almsgiving should be possessed fully by its owner for at least one year. Moreover, while calculating almsgiving, debts are deducted from the total amount of property. If the remainder meets the level of *nisab*, then *zakat* must be paid.

²⁵ Ibn Majah, Zakat, 5.

²⁶ Bukhari, Zakat, 55.

2.4. Who can be the Recipient of Almsgiving?

The aim of almsgiving is to provide social justice, solidarity and unity in the society, and to remove the problems of the poor people. Those who can receive almsgiving are expressed in the Qur'an as follows:

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ
وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَأَبْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ ﴿٩٠﴾

“The alms are only for the poor and the needy, and the officials appointed to collect them, and those whose hearts are to be reconciled, and to free the captives and those in debts, and for the cause of Allah, and (for) the wayfarer; a duty imposed by Allah. Allah is Knowing and Wise.”²⁷

Almsgiving should be given for the sake of Allah with the intention of worship. However, it is better to give priority to relatives and neighbors.

2.5. Which Properties are Subject to Almsgiving?

In order to be subject to *zakat*, the property must have the feature of growth and at least one year must have passed since the time it came into the owner's full possession. The properties subject to almsgiving can be listed as follows:

- a) Gold, silver, cash and stocks
- b) Merchandise
- c) Agricultural products
- d) Ovine such as sheep and goats, and bovine such as cattle, buffalo, and camels.
- e) Minerals
- f) The income generated from immovable properties such as rented land or buildings.

INFORMATION BOX

One cannot give his/her *zakat* to his/her spouse, children, grandchildren, parents and grandparents whom he/she is obliged to look after, because he/she already is responsible for meeting their needs.

²⁷ Tawbah, 9: 60.

Who Pays Zakat?	Out of What?	In What Amount?	To Whom?
Every rich, sane and pubescent Muslim	- Gold, silver, cash money and stocks - Merchandise	1/40 or 2.5 %	Zakat can be given to: - The poor - The needy - Debtor - Those who strive for Allah's cause - Wayfarers - Captives - Those whose hearts are to be reconciled - The officials appointed for the collection of zakat
	Sheep and goats	A sheep or goat for every 40-120	
	Cattle and buffalo	A two-year-old calf for every 30-40	
	Camels	A sheep or goat for every five camels	
	Agricultural Products	1/10	
	Minerals	1/5	

LET'S DISCUSS

“Charity does not decrease the property...”

Muslim, Birr, 69.

Discuss the main idea in the *hadith* above.

3. Charity (Sadaqah)

All kinds of charity and goodness that one voluntarily does just for the sake of Allah are called *sadaqah* (charity). There is no limit for the amount or designated time for charity. People can give charity whenever they want and whatever amount they wish. Moreover, it is not necessary to be rich to give charity. For this reason, the term charity (*sadaqah*) is more comprehensive than almsgiving (*zakat*).

Allah advises people to let others benefit from the blessings that Allah has bestowed upon them. By sharing the means given by Allah with others, one shows one's gratitude to Allah as well. Moreover, Allah states, **إِنَّ الْمُسْتَضِئِينَ وَالْمُضِدِّقَاتِ وَأَقْرَضُوا اللَّهَ قَرْضًا حَسَنًا يُضَاعَفْ لَهُمْ وَلَهُمْ أَجْرٌ كَرِيمٌ** “Indeed, the men who practice charity and the women who practice charity and (those who) lend unto Allah a goodly loan, it will be doubled for them, and they will have a noble reward.”²⁸ and informs us that He will replace such good deeds by multiple rewards.

LET'S SHARE

Find some idioms and proverbs about charity, and share them with your classmates.

²⁸ Hadid, 57: 18

3.1. The Place and Importance of Charity in Islam

The religion of Islam advises us to protect the poor and the needy. It encourages its followers to help others and share the means they have with others. Allah commands in the Qur’an on this issue: “...For those who have believed among you and spent (for the sake of Allah), there will be a great reward.”²⁹

LET’S SHARE

“The upper (giving) hand is better than the lower (receiving) hand...”
 Bukhari, *Zakat*, 18.

Share with your friend the message given in the *hadith* above.

LET’S FIND

Find the similarities and differences between almsgiving and charity.

	Differences	Similarities
Almsgiving	Fardh	Both of them are an act of worship.
Charity	Optional	

Covering the expenses of one’s relatives is considered as charity. This point is mentioned in the following verse: “Show kindness to parents, relatives,

²⁹ Hadid, 57: 7

orphans, the needy, close neighbors, distant neighbors, close friends, the traveler, and (the slaves) whom your right hands possess.”³⁰

Our religion gives great importance to social solidarity and unity. The Prophet confirmed the importance of solidarity as follows: “...Whoever helps and fulfills the needs of his Muslim brother, Allah will fulfill his needs; whoever brought his (Muslim) brother out of a discomfort, Allah will bring him out of the discomforts on the Day of Resurrection...”³¹ This glad tidings of the Prophet has led Muslims to social solidarity. Then, that financial assistance became institutionalized in time. Our ancestors strived to fulfill this religious command. They opened soup kitchens to feed the poor, hospitals (*dar al-shifa*) to treat the sick, nursing homes (*dar al-ajaza*) to protect the old. Likewise, they established endowments that provided multipurpose service such as those that helped students, arranged dowry payments for orphans, contributed to scientific research, and even provided food for animals in extreme weather conditions.

A Muslim should think about the needy and help them. For instance, Madinan Muslims accepted and treated Meccan immigrants as their own siblings and shared their food and drink with them.

3.2. Types of Charity

The religion of Islam commands solidarity and unity in society, and charity is one of the ways to achieve this. Charity has a wide scope. As financial support is considered a type of charity, establishing charitable organizations for the benefit of people and behaving in a friendly manner toward people also are considered charity.

Establishing or contributing to the establishment of charitable foundations for the benefit of the public, such as mosques, schools, dorms, and hospitals are types of charity. This type of charity that is done for public welfare is called continuous charity (*sadaqah al-jariyyah*), in other words, its spiritual rewards continue even after death. The Prophet states on this issue: “When a man dies, his acts come to an end except for three: *sadaqah al-jariyyah* (continuous charity), knowledge from which people benefit, and a pious child who prays for him.”³²

³⁰ Nisa, 4: 36.

³¹ Bukhari, Mazalim, 5; Muslim, Birr, 58.

³² Muslim, Wasiyya, 14.

Charity is not only carried out by financial means. Sharing one’s knowledge and experiences with other people is also charity. Because meeting the financial, nutritional and medical needs of the poor is charity, all good and beneficial actions are also charity. Visiting a sick or old person, greeting a person one meets with a smile, and speaking to people kindly are all charity. In relation to this issue, the Prophet said, “**Meeting your brother with a cheerful countenance is also charity.**”³³ Moreover, it is also charity to share people’s sorrow and to comfort them.

Sadaqah al-fitr is a type of almsgiving that should be paid in the month of Ramadan before the festival prayer. This charity is colloquially known as *zakat al-fitr* or *fitra*. Every rich Muslim is obliged to pay *fitra*. Yet, because it is not a big amount of money, those who are not rich also can pay it. For this reason, *fitra* accustoms people to generosity.

Sadaqah al-fitr is paid for every family member. A family elder can pay the *fitra* for each and every one of the members of their family. Its amount alters depending on the economical level and financial conditions of the person. The amount of *sadaqah al-fitr* is equal to that person’s daily expenses in food. *Sadaqah al-fitr* can be given to the recipients of almsgiving.

LET’S MAKE A LIST

“Administering justice between two men is charity. Assisting a man to mount his beast or helping him load his luggage on it is charity. A good word is charity. Every step that you take (toward the Masjid) for prayer is charity. Removing harmful things from the road is charity.”

Bukhari, Siyar, 128.

Make a list of acts similar to the ones mentioned in the *hadith* above that can be considered charity.

4. The Importance of Almsgiving and Charity in the Life of the Individual and Society

People are social beings by their nature. They cannot live alone and have to continue their lives in society. This fact makes them responsible and gives them some duties.

LET’S SHARE

“A small amount of charity removes a huge amount of trouble.”

Share with your classmates what you understand from this statement.

³³ Muslim, Birr, 144.

In order to live a peaceful life, it is necessary to create justice, balance, and peace in society. The religion of Islam has established several principles to actualize this goal. For example, almsgiving and charity are from the principles that procure social solidarity and unity.

Those who give *zakat* and charity fulfill their duty of servitude toward Allah. Thus, they obtain the pleasure and gratification of Allah. Those who give a part of their property for the sake of Allah receive the reward of what they do from Allah. This is expressed in verse 261 of Surah al-Baqarah as follows: “**The example of those who spend their wealth for Allah’s cause is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah multiplies [His reward] for whom He wills. And Allah is All-Embracing and All-Knowing.**”

Almsgiving and charity purify people from bad attributes such as stinginess, jealousy and selfishness. Almsgiving and charity help them to become accustomed to generosity. The Prophet speaks about generous people as follows: “**Generosity is close to Allah, close to paradise, close to people, but far from hell...**”³⁴ Moreover, almsgiving and charity purify the property of the rich, because the poor and needy have a right over the property of rich. Regarding this issue, Allah commands the following:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا ...

“**Take from their wealth charity (almsgiving) by which you purify and cleanse them...**”³⁵

Almsgiving and charity increase the compassion and mercy of the rich. By means of charity, poor people begin to love and respect rich people and not feel jealousy over their property and possessions. The poor do not want to be permanently the receiving hand. Rather, they want to improve their financial situation and become the giving hand. Thus, it creates a social balance in society and strengthens feelings of unity, solidarity and brotherhood.

The money that the poor people receive from *zakat* increases the quality of labor. With increased purchasing power, the marketplace booms. Moreover, Allah protects and blesses the property of those who pay their *zakat* and

³⁴ Tirmidhi, *Birr wa Sila*, 40.

³⁵ Tawbah, 9:103.

charity.³⁶ Allah commands in a verse, “Allah gives increase for deeds of charity. For He does not love any ungrateful sinner.”³⁷

As long as people who are aware of their responsibilities fulfill their duties of justice, honesty, generosity, benevolence, righteousness and sensibility, such feelings will continue to exist in society. Peace and happiness shall prevail.

LET'S WRITE

“Charity is for the poor who are confined in the way of Allah and they cannot go about in the land. The ignorant man thinks, because of their modesty, that they are free from want. You can recognize them by their mark; they do not beg from men importunately. And whatever good thing you spend, surely Allah knows it.”

Surah al-Baqarah, 2: 273.

Write about the main idea emphasized in this verse.

LET'S DISCUSS

TAKE THE WATER TO HIM!

Abu Jahm ibn Huzayfa, who was one of the prominent members of the tribe of Quraysh and embraced Islam after the Conquest of Mecca, narrated the following account:

It was the day of the Battle of Yarmuk. I was looking for my cousin in the battle-field. I was carrying a water can and telling myself, “If I can find him before he passes away, I will help him drink this water and wash his face.” When I found my cousin, he was about to die. I asked him, “Would you like to drink some water?” He made a gesture in the meaning of yes. Just then a voice was heard: “Ah!” My cousin made a gesture to me to take the water to him. I went to him, and I saw that he was Hisham ibn al-Ass from the Companions, the brother of Amr ibn al-Ass. I asked him, “Would you like to drink some water?” and another voice was heard: “Ah!” Hisham made a sign to me to take the water to him. When I reached that man, he had already passed away. I immediately returned back to Hisham, and he was also dead. I ran to my cousin, and he was also dead.

Ibn Asakir, *Tarih al-Medina al-Dimashq*, vol. 38, p. 180.

Discuss the main idea in the text above.

³⁶ See Surah al-Fatir, 35: 29-30.

³⁷ Baqarah, 2: 276.

LET'S EVALUATE THE CHAPTER

A. Answer the following open-ended questions.

1. For whom is fasting *fardh*? Remark.
2. What are the nullifiers of fasting? List them.
3. What does *fitra* mean? Explain.
4. What is the importance of almsgiving and charity in social life? Explain with examples.

B. Choose the correct answers to the following multiple-choice questions.

1. Which one of the following nullifies the fast?
 - A) Smelling fragrance
 - B) Giving blood
 - C) Eating forgetfully
 - D) Taking a shower
 - E) Breaking the fast thinking that it is time for *iftar*

2. To which of the following group of people can *zakat* not be paid to?
 - A) The poor
 - B) Travelers
 - C) Grandfathers
 - D) The debtor
 - E) Brothers and sisters

3. Out of which one of the following is *zakat* paid?
 - A) Furniture
 - B) Personal transport
 - C) Artisan tools
 - D) Cash
 - E) The house that is a place of residence

4. Which of the following is not a kind of charity?

- A) Helping an old person
- B) Feeding a hungry animal
- C) Building a school
- D) Getting paid for a job
- E) Donating blood

C. Write “T” for true and “F” for false for the following sentences.

(...) Old people who are not able to fast give *fidya* for the number of days they could not observe fasting.

(...) Everybody can give *zakat* to whomever they want.

(...) Almsgiving and charity increase stinginess and selfishness. Moreover, it decreases the wealth of the rich.

(...) The one who observes fasting protects his/her tongue from bad, harsh and vain words.

D. Fill in the blanks in the following sentences with the most suitable word from the list below.

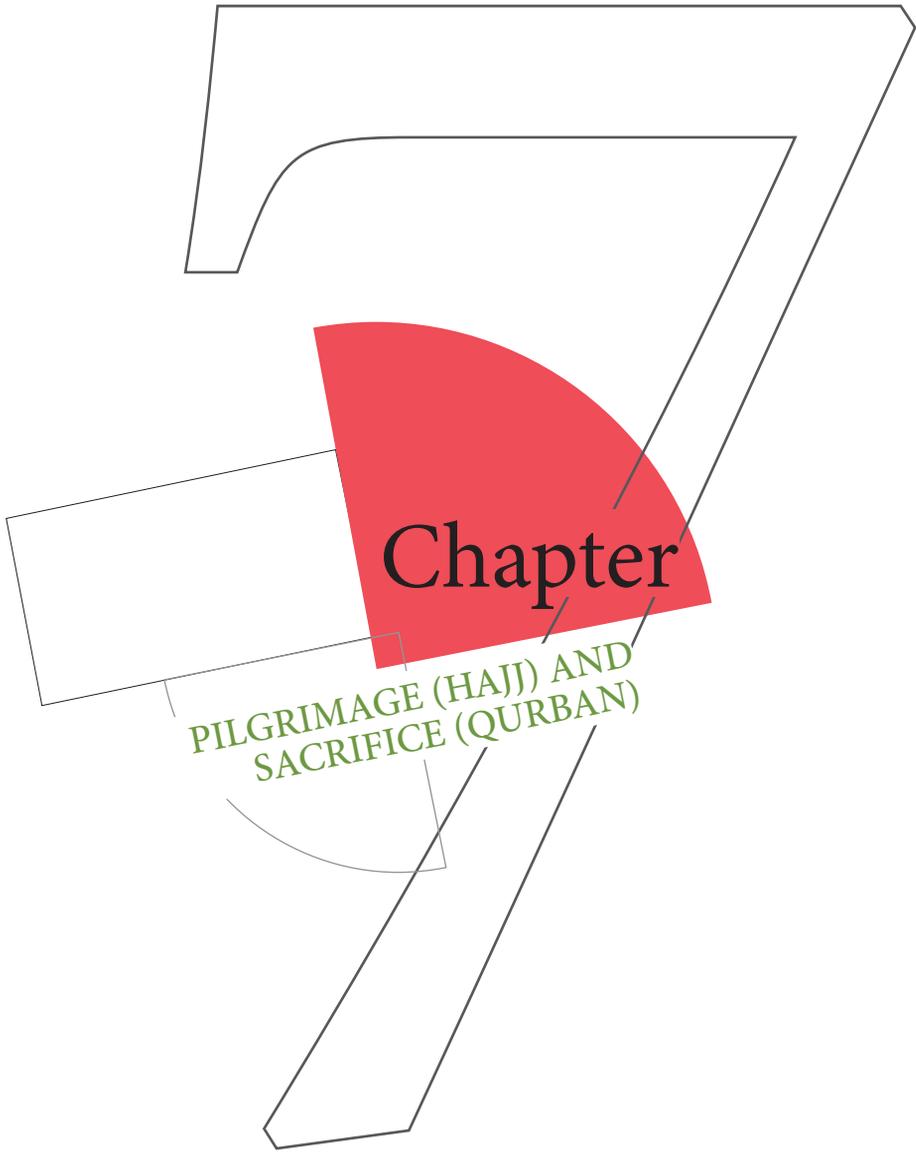
(sahur, sadaqah, nisab, fasting, sahur meal, basic needs, ushr, sadaqah al-fitr)

1. Avoiding certain material desires such as eating, drinking, and sexual relations with the intention of worship from daybreak to sunset is called

2. Muslims who observe fasting wake up before *imsaq* and eat something. This time for eating is called time, and the meal that is eaten is called

3. Somebody’s personal needs and the needs of the relatives for whom he/she is responsible in terms of food, drink, clothing, shelter, healthcare, education and transportation is called





Chapter

PILGRIMAGE (HAJJ) AND
SACRIFICE (QURBAN)



PILGRIMAGE (HAJJ) AND SACRIFICE (QURBAN)

LET'S GET READY FOR THE CHAPTER

1. Learn the meaning of the terms “haram, miqat, ihram and adaq.”
2. Find information about the Ka’bah and Masjid al-Nabi from the encyclopedia.
3. Talk with your elders about the contributions of sacrifice as a kind of worship to social solidarity and unity.
4. Research about the types of sacrifice.

1. Pilgrimage (Hajj)

The term *hajj* linguistically means to refer, to incline, and to visit. In legal terminology, it means to visit the Ka’bah, Arafat and their surroundings, which are accepted as sacred in our religion, in specific times of the year and in due form, and to fulfill certain religious duties there. Pilgrimage is an act of worship that is performed both financially and physically.

Pilgrimage, which is one of the five essential pillars of the religion of Islam, was prescribed as obligatory in the ninth year after the Hijrah. It is performed by wearing *ihram* and visiting Arafat and the Ka’bah in Mecca in the ninth and tenth days of the month of Dhul Hijjah of the lunar calendar. The fact that the pilgrimage must be performed in a specific time of the year is pointed out in

“Islam is based on (the following) five (principles): To testify that there is no god but Allah and that Muhammad is Allah’s Messenger, to offer prayers, to pay almsgiving, to perform pilgrimage, to observe fast.”

Bukhari, Iman, 1.

Which aspect of pilgrimage is emphasized in the *hadith* above?

the Qur'an as follows: ... الْحَجُّ أَشْهُرٌ مَّعْلُومَاتٌ “The pilgrimage is (performed in) the well-known months...”¹

Pilgrimage is obligatory upon every Muslim who is legally responsible. That is why those who fulfill the necessary conditions are obliged to perform pilgrimage once in their lifetimes. This is expressed in the following verse: ... وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا... “...And pilgrimage to the House (Ka’bah) is a duty unto Allah for mankind, for him who is able to undertake the journey to it...”² and The Prophet said, “O people! Allah has made pilgrimage obligatory for you, so perform pilgrimage.”³ For this reason, those who are able, for example, those who have the financial means and health enough to perform pilgrimage, are obliged to perform pilgrimage once in their lifetime. After Muslims become able to fulfill the required conditions, they should perform pilgrimage as soon as possible without a delay.

INFORMATION BOX

For whom pilgrimage is obligatory?

- Sane and pubescent Muslims.
- Those who are in a good financial situation, such as those who possess enough wealth to meet their own needs and the needs of their dependents throughout the pilgrimage season.
- Those who are not in danger of infectious disease, injury, or other life-threatening dangers during the journey.
- Those who have no obstacle to prevent them from setting out on a journey, such as having a travel ban imposed on them or being in jail.
- Hajj is obligatory upon those who are healthy enough to perform the pilgrimage. Yet, if any persons have any sickness or disability that prevents them from doing so, they should send an agent or bequeath the responsibility to another.

¹ Baqarah, 2: 197.

² Al-i Imran, 3:97.

³ Muslim, Hajj, 412.

1.1. The Place and Importance of Pilgrimage in Islam

LET'S DISCUSS

You called me O my Lord, and I came to you eagerly.
 You are One, you have no partner, I came to you exultingly.
 Praise is to You; blessings are Yours, everything is Yours.
 You have no partner; I came to You passing over the mountains.
 Hayrettin Karaman, *Dert Söyletir*, p. 36.

Discuss the main idea in the poem above with your classmate.

The concept of sacred time and place is common in every religion. In the religion of Islam, this concept of sacred time and place reveals itself more clearly with the pilgrimage.

The pilgrimage gathers together people of different colors and nationalities from all over the world. They practice the principle of Islam “**All believers are brothers...**”⁴ This bond of brotherhood establishes a strong unity between people.

By performing pilgrimage, believers feel the pleasure of fulfilling one of Allah’s commands. They express their gratitude to Allah for the blessings of health and richness that He bestowed on them. They invoke Allah and repent with sincerity. Thus, they purify themselves from spiritual impurities. The Prophet says on this issue: “**Whoever performs Hajj for Allah’s pleasure and does not do evil or sins, then he will return (after Hajj free from all sins) as if he were born anew.**”⁵

The worship of pilgrimage bears the traces from the acts of prayer, fasting and almsgiving. The believers who go on pilgrimage visit the Ka’bah that they turn toward during prayer. Thus, they begin to feel the consciousness of being in the presence of Allah during prayers. Avoiding certain desires while wearing *ihram* reminds us of the worship of fasting. Social integration, cohesion, solidarity and unity are realized in a more comprehensive way.

People from different ranks and economical classes come together as equals and worship together; this reminds us of the resurrection in the Hereafter and coming into the presence of the Creator. Therefore, the worship of pilgrimage helps to develop such consciousness.

LET'S MAKE AN INTERVIEW

Interview a person who has already performed the pilgrimage.

Then share the impressions you acquire from this interview with your friends.

⁴ Hujurat, 49: 10.

⁵ Bukhari, Hajj, 4; Muslim, Hajj, 438.

Those who perform pilgrimage visit the sacred lands where the Prophet was born and grew up, and from where the religion of Islam emerged and spread. They both cherish the Prophet's memory and live the excitement of seeing the sacred lands.

1.2. Terms Related to the Pilgrimage

There are certain actions that must be performed during the pilgrimage. These are expressed by the terms *ihram*, *tawaf*, *sa'y* and *waqfa*.

THE INVOCATION OF TALBIYAH

The invocation of talbiyah is recited before the beginning of pilgrimage when entering a state of *ihram*.

لَبَّيْكَ اللَّهُمَّ لَبَّيْكَ، لَبَّيْكَ لَا شَرِيكَ لَكَ لَبَّيْكَ، إِنَّ الْحَمْدَ وَالنِّعْمَةَ لَكَ وَالْمُلْكَ لِأَشْرِيكَ لَكَ.

Here I am at Your service O Lord, here I am.

Here I am at Your service and You have no partners.

Yours alone is All Praise and All Bounty, and Yours alone is The Sovereignty.

You have no partners.

Ihram means to prohibit and avoid. It means to avoid some actions, which are normally permissible, during the pilgrimage in the *miqat* areas. The clothing that is worn during the pilgrimage is called *ihram* in colloquial language. Those who wear *ihram* make the required intention and recite the invocation of *talbiyah*.

The violation of the prohibitions of *ihram* results in various punishments. These punishments might be sacrificing an animal, or giving charity, or fasting.⁶ At the end of the acts of pilgrimage, one comes out of the state of *ihram* by shaving, at which point some of prohibitions of *ihram* are lifted.

⁶ Baqarah, 2: 196.

INFORMATION BOX

Some actions are prohibited for those who are in a state of ihram until they exit it. These are called “prohibitions of *ihram*”, which can be classified as follows:

Prohibitions Related to the Body

- Shaving
- Cutting the nails
- Coloring the hair, beard, and moustache, applying hair gel, using nail polish and lipstick
- Using fragrance or perfume, and using scented soap

Prohibitions Related to Clothing and Clothes

- Covering the head and face
- Wearing gloves, socks, or shoes that cover the heels
- Wearing sewed clothing or underwear (i.e. with stiches)
- Prohibitions about clothing just apply to men. Women wear their daily clothes; they just do not cover their faces while they are in a state of *ihram*.

Other Prohibitions

- Having sexual relations.
- Hunting land animals.
- Cutting or picking plants.
- Fighting or arguing.

Waqfa means staying somewhere in the plain of Arafat on the day of Arafat (the day before the sacrificial festival) from noon until the morning of day of the festival. Arafat is the name of a plain about 25 kilometers (three miles) to the southeast of Mecca, outside the borders of the Haram. During *waqfa*, one performs acts of worship and says invocations. The *waqfa* of Arafat is one of the fardhs of pilgrimage. The pilgrimage of those who are not on the plain of Arafat at the specified times is not valid for that year. The Prophet states on this issue: “The pilgrimage is Arafat...”⁷ After performing *waqfa* on Arafat, pilgrims go to Muzdalifah. On the morning of the festival, they perform another *waqfa* at Muzdalifah.

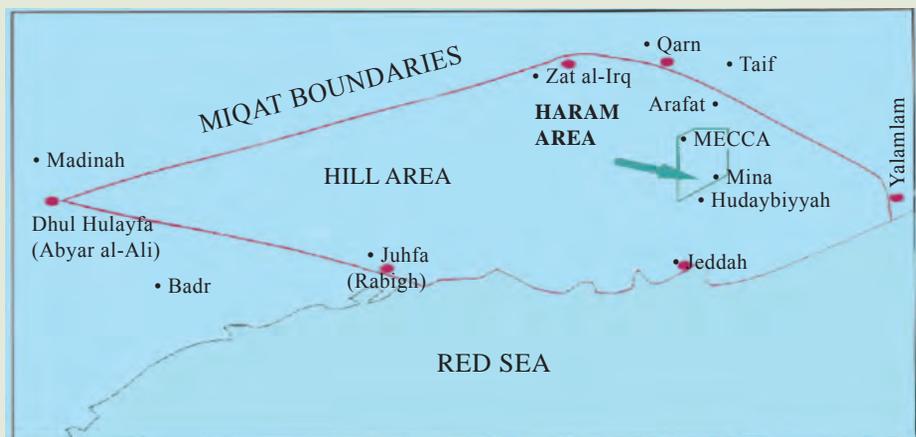
Tawaf: is the act of circumambulation around the Ka’bah by keeping the Ka’bah on the left. *Tawaf* is formed from seven circumambulations around the Ka’bah beginning from the corner of the Ka’bah where the Hajar al-Aswad (The

⁷ Tirmidhi, Tafsir, 3; Abu Dawud, Manasik, 57.

Black Stone) is placed. Each circumambulation is called a *shawt*. There are three types of *tawaf*: “*Qudum*”, “*Ziyarah*” and “*Wada*”. Only the circumambulation of *ziyarah* (*ifada*) is one of the fardhs of pilgrimage. Obligatory *tawaf* can be performed at the beginning from the first day of the Sacrificial Festival until the end of one’s lifetime. Before *tawaf*, pilgrims perform minor ablution and state their intention. Then, they greet the Black Stone and begin *tawaf*. During the circumambulation, they say prayers for themselves, for their family and for the whole of humanity. After *tawaf*, if it is possible, they perform two rakahs of *tawaf* prayer somewhere behind “Maqam Ibrahim.” And if it is not possible, they perform it in any place in the masjid.

LET’S EXAMINE

Examine the map and learn the “miqat sites” and “haram area”.



The sites of *miqat* are the specified places around Mecca that cannot be passed without wearing *ihram* by those who are on the journey of major (*hajj*) or minor pilgrimage (*umrah*). These places are:

Dhul Hulayfa is the *miqat* place for those who come to Mecca from Madinah.

Juhfa (Rabigh) is the *miqat* place for those who come from the direction of Egypt and Syria.

Zat al-Irq is the *miqat* place for those who come from the direction of Iraq.

Sa'y, which lexically means to run, to struggle, is to come and go between the hills of Safa and Marwah seven times. Pilgrims go from Safa to Marwah four times and from Marwah to Safa three times. The distance between Safa and Marwah where *Sa'y* is performed is 350 meters and is called “*mas'á*” (the place of *sa'y*). *Sa'y* is one of the *wajib* parts of the pilgrimage. It is performed to commemorate Hajar's running between Safa and Marwah in order to find water for her son.⁸

Stoning the Devil: When pilgrims are at the *waqfa* in Muzdalifah on the first day of the festival after the dawn prayer, they collect pebbles from there. Then they go to Mina, which is a place between Muzdalifah and Mecca within the borders of the Haram. Animal sacrifice and symbolic stoning of the devil is performed there. Pilgrims throw pebbles at three walls called the small *jamrah*, the middle *jamrah* and the *jamrah* of *aqaba*. Stoning the devil is a compulsory act of pilgrimage. Stoning the devil is performed between the first and the fourth day of the festival until sunset. On the first day of the festival, seven pebbles are thrown at the *jamrah* of *aqaba* only. The other two *jamrahs* are not stoned on the first day. On the second, third and fourth days of the festival, pilgrims throw a total of 63 stones, 21 stones for each day, seven at each one of the three *jamrahs* respectively, beginning from the small *jamrah*. Each pebble is thrown by saying “Bismillahi Allahu Akbar”.

Visiting Madinah and the Masjid al-Nabi: Madinah is the city to which the Prophet migrated. The Prophet Muhammad settled in Madinah after the Hijrah. He lived the last 10 years of his life there and passed away there. He is buried next to the Masjid al-Nabi, which is the first mosque he built after he arrived in Madinah.

Seeing the places where the Prophet lived, visiting the graves of his Companions and commemorating them are longed for by every Muslim. For the Prophet states: “Whoever visits me after my demise is like he visits me during my lifetime.”⁹ That is why Muslims go to Madinah before or after performing the pilgrimage in Mecca. They first visit to the Masjid al-Nabi and the grave of Prophet Muhammad (saw).

While in Madinah, pilgrims visit Jannat al-Baqi cemetery, where the Companions of the Prophet are buried; Masjid Quba, which is the first

LET'S PREPARE A BOARD

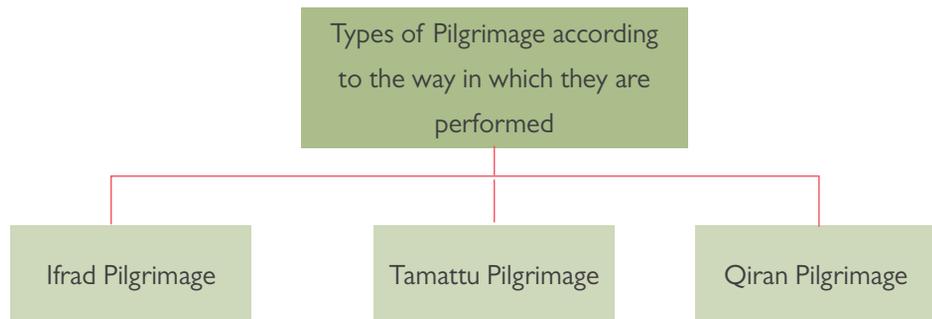
Find written and visual materials about important places in Mecca and Madinah and prepare a board.

⁸ Bukhari, *Anbiya*, 9.

⁹ Daraqutni, *Sunan*, vol. 2, p. 278.

mosque built in Islamic history; Masjid al-Qiblatain, in which the verse was revealed that changed the direction of the prayer to the Ka'bah from al-Quds (Jerusalem), toward which the Prophet had been performing a prayer when the verse was revealed, and other important places.

1.3. Types of Pilgrimage and How they are Performed



Pilgrimage is categorized into three types, according to whether or not a minor pilgrimage (*umrah*) is performed during the months of pilgrimage. If a minor pilgrimage is performed, a second classification is made according to whether or not the major and minor pilgrimages are performed together in the same state of *ihram* or separately. If a pilgrim only performs the major pilgrimage without a minor one, it is called *ifrad*; if the pilgrim performs both the major and minor pilgrimages together in a same state of *ihram*, it is called *qiran*; and finally, if both types of pilgrimages are performed but in two separate states of *ihram*, it is called *tamattu*.

LET'S NOTE

Those who will perform pilgrimage state their intention by saying, "O God, I want to perform pilgrimage for Your sake. Please make it easy for me and accept it from me!"

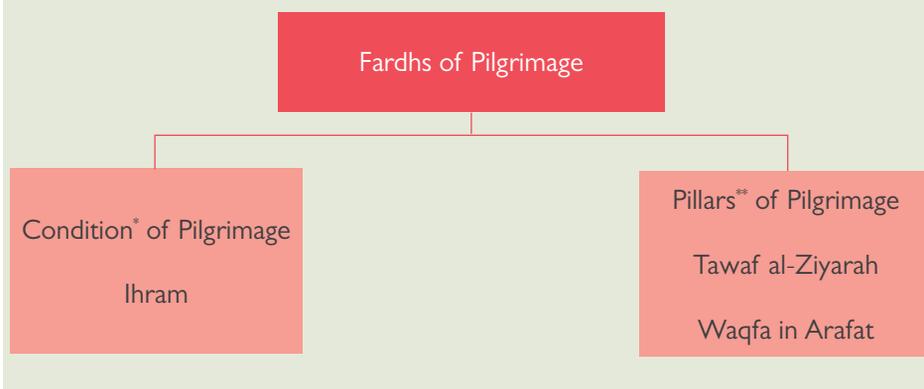
The one who performs pilgrimage first wears *ihram* at the sites of *miqat*. Before wearing *ihram*, pilgrims cleanse themselves from all kinds of physical impurities. They perform major ablution if possible, and if not, they just perform minor ablution. After performing two *rakahs* of the recommended *ihram* prayer, they state their intention for whichever pilgrimage they are about to start. For example, in order to perform the pilgrimage of *ifrad* and wear *ihram*, the invocation of *talbiyah* is recited.

Those who wear *ihram* for the *ifrad* pilgrimage go to the Masjid al-Haram, and first perform *tawaf* (*qudum*) and *sa'y*. After *sa'y*, they stay in Mecca in a state of *ihram* until going to Arafat. They perform *tawaf* whenever they find

a chance, and try to perform their prayers in congregation in the Masjid al-Haram.

On the eighth day of the month of Dhul al-Hijjah, pilgrims leave Mecca to go to the plain of Arafat. They spend the following day, i.e. the day of Arafah, in Arafat. There they perform the noon and afternoon prayers jointly at the time of noon prayer (which is called *jam al-taqdim*). They perform *waqfa* after the prayer, and they spend their time by saying supplications, reciting the Qur'an, and repenting. After sunset, they go to Muzdalifah from Arafat without performing the evening prayer. They perform evening and night prayers together at the time of night prayer (which is called *jam al-ta'hir*) in Muzdalifah. They spend the night of the festival day there by performing acts of worship and resting. On the morning of the festival, after the dawn prayer they perform the *waqfa* of Muzdalifah and go to Mina.

INFORMATION BOX



On the first day of the festival, pilgrims throw pebbles at the largest *jamrah* (*jamrah* of *aqaba*) at Mina. Then, those who want to sacrifice an animal do so. Those who perform the pilgrimage of *ifrad* get their heads shaved after stoning the devil, and come out of the state of *ihram*.

After coming out of the state of *ihram*, pilgrims go to the Ka'bah and perform the *tawaf* of *ziyarah* and *sa'y*. In the second, third and fourth days of the festival, they throw 21 pebbles in total, seven at each one of the three *jamrahs* respectively, beginning from the smallest one.

LET'S LEARN

Watch a movie about the pilgrimage and learn about how it is performed.

* Condition (shart) refers to a requirement that needs to be fulfilled before an act of worship is initiated.

** Pillar (rukn) refers to a requirement that needs to be performed during an act of worship.

Those who complete the duty of stoning the devil come to Mecca and circumambulate Ka'bah for the last time (*tawaf* of *wada*). They perform two rakahs of *tawaf* prayer and complete the act of pilgrimage worship.

INFORMATION BOX

Tamattu Pilgrimage	Qiran Pilgrimage
Those who perform <i>tamattu</i> pilgrimage first state their intention for <i>umrah</i> and wear <i>ihram</i> . After completing the acts of <i>umrah</i> , they come out of <i>ihram</i> . Then they make intention for the major pilgrimage and wear <i>ihram</i> again and perform the pilgrimage just like the pilgrimage of <i>ifrad</i> .	Those who perform the <i>qiran</i> pilgrimage make a joint intention for pilgrimage and <i>umrah</i> together and wear <i>ihram</i> . Without coming out of <i>ihram</i> , they first fulfill the requirements of <i>umrah</i> and then the pilgrimage.
It is compulsory to sacrifice an animal at Mina for those who perform the tamattu and qiran pilgrimages.	

1.4. Umrah and How it is Performed

Umrah is visiting the sacred places in Mecca just like in pilgrimage. The following is mentioned about *umrah* in Surah al-Baqarah verse 196: وَأَتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ “Perform the pilgrimage and umrah for Allah...”

Umrah consists of wearing *ihram* and performing *tawaf* and *sa'y*. It is *sunnah* to perform *umrah* for those who have the means. There are two fardhs of *umrah*: *ihram* and *tawaf*. *Ihram* is the condition of *umrah*, and *tawaf* is its pillar. There is no specified time for *umrah*. Pilgrims can perform *umrah* whenever they want, and as many times as they want.

Those who will perform *umrah* wear *ihram* at one of the sites of *miqat*. When they arrive at the Masjid al-Haram, they state their intention by saying, “O Allah, I want to perform *tawaf* for *umrah* for the sake of You. Please make it easy for me and accept it from me.” and perform *tawaf* for *umrah*. After performing a two-rakah *tawaf* prayer, they make intention saying, “O Allah, I want to perform *sa'y* for *umrah* for the sake of You. Please make it easy for me and accept it from me.” and perform *sa'y* of *umrah*. After completing *sa'y*, they get a haircut and come out of the state of *ihram*. Thus, they fulfill the worship of *umrah*.

LET'S FIND

Find the differences between pilgrimage and umrah.

Pilgrimage is: A fardh worship.	Umrah is: A sunnah worship.
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Those who perform pilgrimage or *umrah* feel the happiness of acquiring the pleasure of Allah. They offer their thanks to God for the blessings of health and richness. They praise God with sincere invocations and repent for their mistakes. Thus they purify themselves from spiritual impurities.

In the pilgrimage and *umrah*, coming together for the same purpose and acting together consolidates the brotherhood between Muslims from different nationalities, languages and cultures. They find a chance to know each other better, and to share happiness and sorrow. Besides, pilgrimage and *umrah* trains people how to act in an environment that brings together people from different understandings.

With *ihram* that is worn during the pilgrimage and *umrah*, people's differences in terms of position, rank and status disappear. It provides people with an unimposing appearance. It makes everyone equal. The prohibitions of *ihram* get people to adopt the habit of being patient. It strengthens the will and teaches one to act without anger even in the hardest of situations.

Tawaf is a symbolic expression of the unity of all Muslims. Moreover, people show their devotion during the circumambulation. As for *waqfa*, it reminds us of waiting in the presence of Allah in the Hereafter.

Sa'y is done to commemorate the struggle of Hajar, the wife of Abraham, for his son Ishmael. Hajar did not give up hope in Allah during her trial in a desert, where it was almost impossible to find water, and continued to look for water. She believed that nothing is impossible for Allah. Finally, Allah

bestowed on Hajar and her son *zamzam* water. Those who show the belief, hope, patience, submission, and determination of Hajar when in difficulty acquire Allah’s assistance.

During the act of stoning the devil, the obstacles preventing one from being a good person and doing good deeds are remembered. Moreover, the promise to struggle to overcome such obstacles is given. Thus, by stoning the devil, people demonstrate a symbolic reaction to the tricks, solitudes, evil, and enmity of the devil. They manifest with determination that they will keep away from all kinds of evil.

Pilgrimage is an important chance for the believers to renew their spiritual world. Those who perform the pilgrimage purify themselves from all kinds of evil feelings and thoughts. They begin a new and fresh life. In addition, the journey of pilgrimage increases people’s knowledge and etiquette. It decreases their dependency on material things and improves the feelings of mercy and empathy toward poor people.

LET’S WRITE

Write the influence of the pilgrimage and umrah upon the individual and society.

<p>Influence upon individual:</p> <ul style="list-style-type: none"> • It helps one acquire patience. <p>.....</p> <p>.....</p> <p>.....</p>	<p>Influence upon society:</p> <ul style="list-style-type: none"> • It strengthens feelings of brotherhood. <p>.....</p> <p>.....</p> <p>.....</p>
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2. Animal Sacrifice (Qurban)

“Say. Surely my prayer and my sacrifice and my life and my death are (all) for Allah, the Lord of the worlds. No associate has He; and this am I commanded, and I am the first of the Muslims.”

An'am, 6: 162-163.

What is the main idea emphasized in the verse above?

Sacrifice lexically means to come close and the thing that provides closeness to God. Terminologically, it means to slaughter an animal with specific qualifications in a specified time with the aim of gaining closeness to Allah, and to acquire His pleasure. The animal slaughtered is also called a sacrificial animal (*qurban*).

Throughout the history of humanity, almost all religions accept sacrifice as an act of worship. Yet there are some differences in terms of their methods and aims. The Qur'an mentions the two sons of Adam who offered sacrifice to Allah.¹¹ This concept is pointed out in the following verse:

وَلِكُلِّ أُمَّةٍ جَعَلْنَا مَنْسَكًا لِيَذْكُرُوا اسْمَ اللَّهِ عَلَىٰ مَا رَزَقَهُمْ مِنْ بَهِيمَةِ الْأَنْعَامِ فَإِلَهُكُمْ
إِلَهُ وَاحِدٌ فَلَهُ أَسْلِمُوا وَبَشِّرِ الْمُخْبِتِينَ ﴿١٠٧﴾

“And for every religion have We appointed a ritual (sacrifice), that they may mention the name of Allah over the beast of cattle that He has given them for food; and your god is One God, therefore to Him you should submit. And give good tidings to the humble.”¹²

In Islam, the origins of sacrifice go back to Prophet Abraham. Abraham, who had no children for a long time, prayed to Allah to be given a child. He promised that if he had a child, he would spend his most valuable possession for Allah's cause. After a while, his son Ishmael was born. As a result, Abraham gave charity to the poor from his own animals and food. When Ishmael reached at a certain age, Allah reminded Abraham about his promise in a dream, and wanted him to fulfill it. The verse in the Qur'an about this incident

LET'S DISCUSS

Discuss with your classmates how the worship of sacrifice is performed in other religions.

¹¹ Ma'idah, 5: 27.

¹² Hajj, 22: 34.

reads as follows: “My Lord, grant me (a child) from among the righteous. So We gave him the good news of a boy, possessing forbearance. And when (his son) was old enough to walk with him, (Abraham) said: ‘O my dear son, I have seen in a dream that I must sacrifice thee. So look, what you think?’ He said: ‘O my father! Do as you are commanded. You will find me, if Allah wills, of the steadfast.’ And when they had both submitted and he put him down upon his forehead, We called to him, ‘O Abraham, You have fulfilled the vision.’ Indeed, We thus reward the doers of good. Indeed, this was the clear trial. And We ransomed him with a great sacrifice, and We left for him (the salutation) among later generations: Peace be upon Abraham. Indeed, We thus reward the doers of good.”¹³ Muslims who continue practicing sacrifice as an Abrahamic custom try to gain Allah’s pleasure.

2.1. The Place and Importance of Sacrifice in Islam

Sacrifice is an act of worship that is performed by financial means. It is an act of worship which has benefits at both an individual and social level. According to the Hanafi School of law, animal sacrifice (*qurban*) is *wajib* upon those who possess the necessary qualities. Sane, pubescent and rich Muslims who are required to pay *zakat* are also responsible for sacrificing an animal. This responsibility is expressed in the Qur’an as follows: فَصَلِّ لِرَبِّكَ وَأَنْحِرْ “So pray to your Lord and sacrifice.”¹⁴ The Prophet also stated the necessity of sacrificing by saying, “Whoever can afford to but does not offer sacrifice, let him not come near our mosque.”¹⁵

Those who sacrifice an animal by obeying the commands of the religion feel closer to Allah and their obedience increases. Thus, they acquire Allah’s pleasure and gratification. This fact is indicated in the Qur’an as follows: “Neither their flesh nor their blood will reach Allah, but what reaches Him is piety from you...”¹⁶

Sacrifice keeps the spirit of brotherhood, solidarity and unity in society alive, because, for instance, there are many people in society who have no financial means to buy meat. By means of sacrifice, the needs of such people are satisfied to a degree. This subject is expressed in the Qur’an as follows: “Eat from

¹³ Saffat, 37: 100-110.

¹⁴ Kawthar, 108: 3.

¹⁵ Ibn Majah, Adahi, 2.

¹⁶ Hajj, 22: 37.

them, and feed the needy and the beggar...”¹⁷ Thus, the worship of sacrifice contributes to the achievement of social justice.

Sacrifice helps rich people adopt the habit of sharing their possessions with others for the sake of Allah. It relieves the believers’ of sicknesses of the heart such as selfishness, stinginess and passion for worldly possessions, and encourages them to be generous. The poor become happy with the aid they receive from the sacrifice and give thanks to Allah. They start to love and respect those who help them. Thus, the bonds of sharing, helping and solidarity are strengthened.

Through a symbolic action, those who sacrifice an animal show that they are ready to obey Allah’s commands just like Abraham and Ishmael did. Moreover, sacrifice is to give up beloved things for Allah’s sake. For this reason, those who sacrifice animals acquire Allah’s contentment.

LET’S WRITE

What are the benefits of sacrifice as an act of worship to individuals and society?

<p>Benefits to the individual:</p> <ul style="list-style-type: none"> Improves the consciousness of being Allah’s servant. <p>.....</p> <p>.....</p> <p>.....</p>	<p>Benefits to society:</p> <ul style="list-style-type: none"> Provides solidarity and unity. <p>.....</p> <p>.....</p> <p>.....</p>
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Sacrifice must be slaughtered with the intention of performing an act of worship. It is expressed in the Qur’an that neither the flesh or blood of the sacrificed animals will reach God, but intention, piety and obedience of Muslims will.¹⁸ In principle, this is the distinction between sacrificing and just slaughtering animals. The important thing about the intention is that it be

¹⁷ Hajj, 22: 36.

¹⁸ Hajj, 22: 37.

made by the heart, and it is not necessary to pronounce it with the tongue. Moreover, if an animal is sacrificed by a group of believers, those who have a share in the sacrifice must perform the act with the intention of worship.

Sacrificial Animals	For how many people it can be slaughtered	Age of the Sacrificial Animal
Sheep and goats	It can be sacrificed for only one person.	At least one year old.
Cattle and buffalo	It can be sacrificed in a group for one to seven people.	At least two years old.
Camels	It can be sacrificed in a group for one to seven people.	At least five years old.

The animal must not have any deficiencies that prevent it to be a sacrificial animal. The sacrificial animal must be fleshy and healthy, and it must not have any missing or broken limbs. It must not be so sick, thin, or disabled that it cannot walk. Animals that have some missing organs cannot be sacrificed. For example, an animal cannot be sacrificed if it is blind in one or both eyes; its ears or horns are cut from the bottom; if its tongue is cut or most of its teeth are lost; more than one-third of its tail is cut; or its udder is cut. Yet, being hornless, squint, crippled by birth, or having a hole or tear in its ear hole are not problems to be offered as sacrifice.

Sacrifice can be offered at any time during the festival days. The one who slaughters the animal should be good at this job, and so an agent can be appointed in one's place. Moreover, the sacrificial animal should not be mistreated.

INFORMATION BOX

While laying the sacrificial animal down to the ground, the following verses can be recited:

إِنِّي وَجَّهْتُ وَجْهِيَ لِلَّذِي فَطَرَ السَّمَوَاتِ وَالْأَرْضَ حَنِيفًا وَمَا أَنَا مِنَ الْمُشْرِكِينَ

“Indeed, I have turned my face toward Him Who created the heavens and the earth, inclining toward truth, and I am not of those who associate others with Allah.”

An’am 6: 79.

قُلْ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ

“Say. Surely my prayer and my sacrifice and my life and my death are (all) for Allah, the Lord of the worlds. He has no partner. This am I commanded, and I am first of the Muslims.”

An’am 6: 162-163.

After that, one invokes Allah saying, “O Allah, accept this from me as You accepted his offer from your friend Abraham and Your lover Muhammad.” and then the takbir is recited.

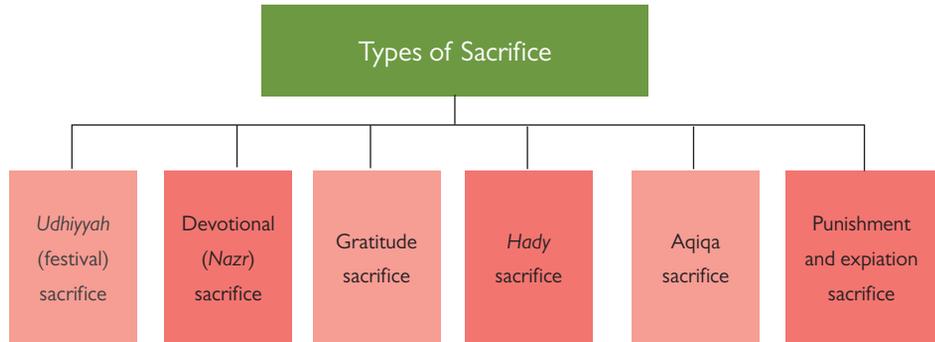
Those who slaughter an animal should be careful not to torture the animal, and should not let the animal see the knife. The knife should be sharp. The animal should be laid down toward the *qiblah* on its left side and slaughtered by saying, “Bismillahi Allahu Akbar.” If the sacrifice is slaughtered by an agent and the owner is also present, then the latter should also recite the *Basmalah*. While offering the sacrifice, one also should pay attention to environmental cleanliness and the rules of hygiene.

The meat from the sacrifice can be divided into three parts. A part of it can be kept for the needy, a part for the household, and a part for serving the guests. The hide from the sacrifice can be donated to a charitable organization or directly to the poor. One also can donate all of the meat if he/she prefers.

LET'S SHARE

Share with your classmates your solutions and suggestions about wrong practices used when slaughtering the sacrificial animal.

2.2. Types of Sacrifice



There are some other types of sacrifice offered with the intention of worship apart from the *udhiyyah* sacrifice offered on the day of the Sacrificial Festival. The devotional (*nazhr*) sacrifice is one of these sacrifices. The devotional sacrifice is the one promised to Allah upon the realization of some wishes and is the right of the poor. Those who offer the sacrifice and those who are under the financial responsibility of the one who offered it cannot eat from the meat of this sacrifice. However, if they do, they have to donate its monetary value to the poor.

If believers wish, they can offer a sacrifice when they hear good news or buy a new house or a car for the purpose of showing their gratitude to Allah. This is called the “gratitude sacrifice”. Moreover, parents can offer a sacrifice when they have a baby as a show of gratitude to Allah. Sacrifices that are offered with this intention are called the “*aqiqa* sacrifice”. The owners and their relatives can eat from the meat of gratitude and *aqiqa* sacrifices.

The *hady* means the sacrifice that is offered as a gift for the Ka’bah and Haram area.¹⁹ Offering a *hady* sacrifice is wajib upon those who perform *tamattu* and *qiran* pilgrimages. The owners and their relatives can eat from the meat of the *hady* sacrifice.

Those who perform one of the necessary parts of the pilgrimage in a deficient way or violate one of the prohibitions of ihram have to offer a sacrifice in the Haram area. This type of sacrifice is called the punishment or expiation sacrifice. All the meat of such sacrifices is distributed among the poor as it is considered a devotional sacrifice.

Regardless of the reasons, sacrifice is offered just for the sake of Allah, because those who offer sacrifice aim to get close to Allah, and acquire His pleasure.

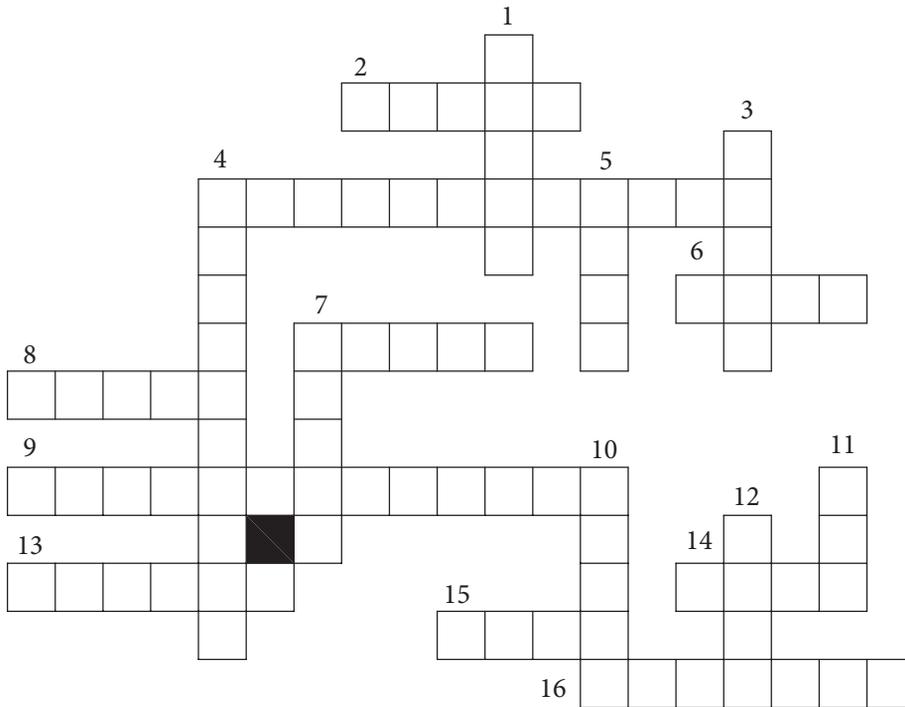
LET'S WRITE

Write your opinions about the place and importance of sacrifice in social life. Read your essay in the class.

¹⁹ Heyet, *Ilmihal*, V 1, p. 556.

LET'S EVALUATE THE CHAPTER

A. Solve the puzzle below.



Across

- 2. The worship that is performed by visiting the Ka'bah in a year other than the time of the major pilgrimage.
- 4. The mosque in Medina that is constructed by the Prophet.
- 6. Visiting the sacred places of our religion such as the Ka'bah and Arafat at certain times of the year with the intention of worship.
- 7. Clothing that means making some permissible things prohibited and is worn during the pilgrimage.
- 8. Waiting in the plain of Arafat for a while, which is one of the pillars of pilgrimage.
- 9. The mosque that includes the Ka'bah

13. The place where the obligatory *waqfa* is performed.
14. The sacrifice that the pilgrims who perform *tamattu* and *qiran* pilgrimage have to offer in the area of the Haram.
15. The place where the devil is stoned.
16. The type of pilgrimage that includes both the major and minor pilgrimages but is performed in two separate *ihrams*.

Down

1. The act that is one of the obligations of pilgrimage and performed by circling around the Ka'bah seven times.
3. The type of pilgrimage that takes place by performing pilgrimage and *umrah* together without coming out of the state of *ihram*.
4. The place in which pilgrims come together in the morning of the festival and perform *waqfa* and collect pebbles for stoning the devil.
5. The sacrifice that is offered to Allah when a wish is realized.
7. The type of pilgrimage that is performed without performing *umrah*.
10. The borders that constitute the places for wearing *ihram*.
11. Worship that is performed by walking to and from the Safa and Marwa hills seven times.
12. The hill where the worship of *sa'y* begins.

B. Answer the following open-ended questions.

1. What is the importance of pilgrimage for Muslim societies? Explain.
2. How do *haji* and *umrah* affect people's behavior? Give some examples.
3. How many types of pilgrimage are there in terms of the different ways they are performed? List them by indicating the differences between them.
4. How does sacrifice as an act of worship contribute to social solidarity and unity? Explain.
5. To what should one pay attention while slaughtering a sacrificial animal? Remark.

C. Choose the correct answers to the following multiple-choice questions.

1. Which of the following answers give the *wrong* information about the meat of Udhiyyah sacrifice (the one slaughtered in the Sacrificial Festival)?
 - A) A part of it can be given to the poor.
 - B) A part of it can be served to the guests.
 - C) A part can be sold.
 - D) A part can be kept for members of the household.
 - E) It all can be donated to the poor.

2. Which of the following contains *wrong* information about sacrificial animals?
 - A) Sheep and goats must be at least one year old.
 - B) Buffalo must be at least two years old.
 - C) Sheep can be sacrificed by a maximum of two people.
 - D) Cattle and camels can be sacrificed by a group of seven people.

3. Which one of the following is **not** one of the differences between *hajj* and *umrah*?
 - A) *Hajj* is a fardh act of worship, whereas *umrah* is sunnah.
 - B) Pilgrimage is performed during specified months of the year, whereas *umrah* can be performed at any time during the rest of the year.
 - C) There is no *waqfa* in *umrah*.
 - D) One can perform more than one *umrah* in a year.
 - E) One should stone the devil after performing *tawaf* at *umrah*.

4. Which of the following is not one of the types of sacrifice?
 - A) *Aqiqah* sacrifice
 - B) *Ifrad* sacrifice
 - C) *Hady* sacrifice
 - D) Devotional (*nazr*) sacrifice
 - E) Gratitude (*shukr*) sacrifice

D. Write “T” for true and “F” for false for the following sentences.

- (...) Pilgrimage can be performed at any time of the year.
- (...) Performing pilgrimage once in a lifetime is *fardh* upon every Muslim who fulfills the proper conditions.
- (...) The pilgrimage of those who do not perform *waqfa* at Arafat during the pilgrimage is not valid.
- (...) Sacrificing an animal during pilgrimage is compulsory upon every pilgrim.

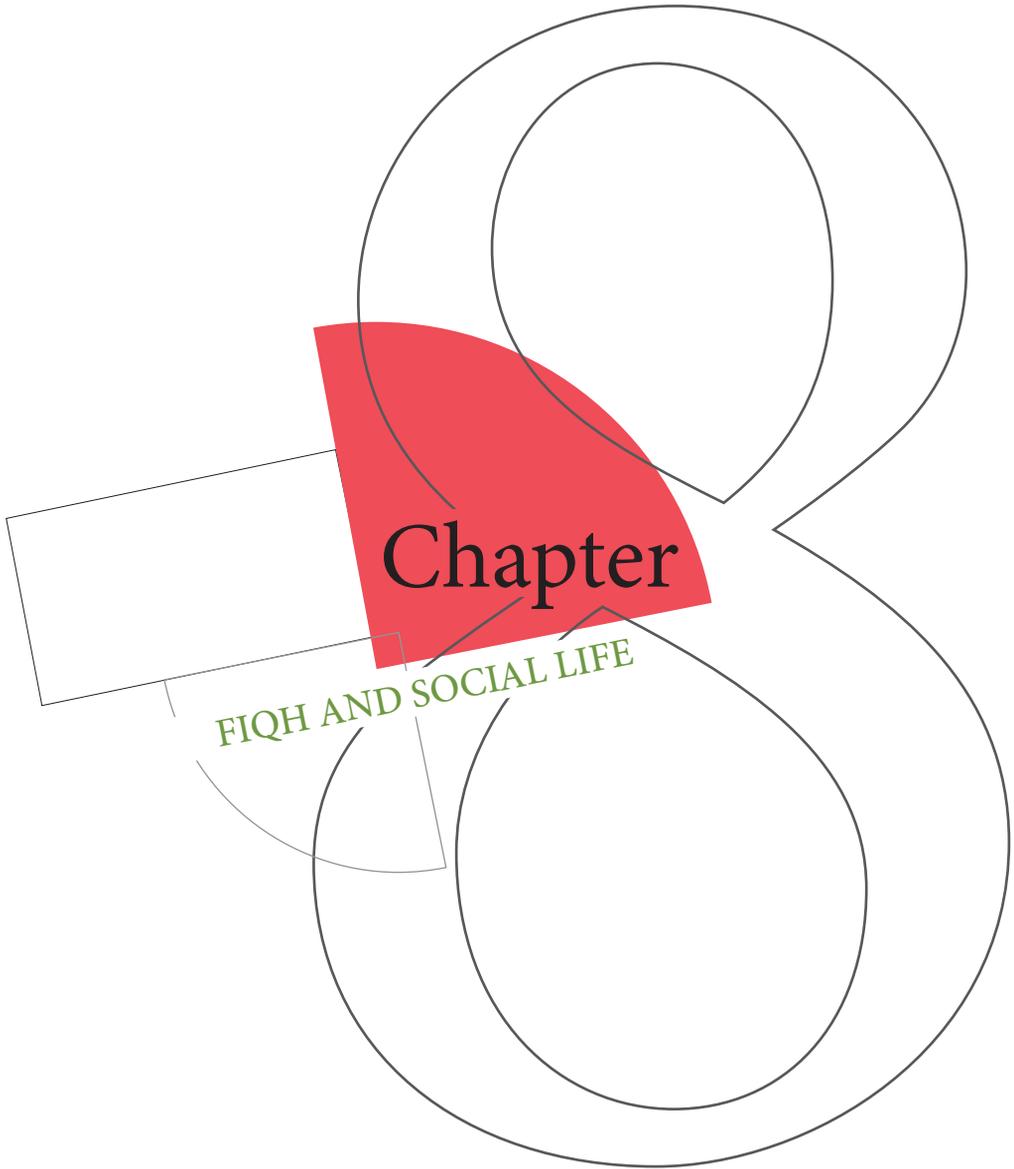
E. Match the following information correctly and write the numbers in the boxes as in the sample.

1	Tawaf		Madinah
2	Sa'y		Mina
3	Waqfa	1	Ka'bah
4	Stoning the Devil		Miqat
5	Visiting Masjid al-Nabi		Safa and Marwa
6	Wearing <i>ihram</i>		Arafat

F. Fill in the blanks in the following sentences with the most suitable word from the list below.

(Bismillahi Allahu Akbar, O Allah, *umrah*, intention, *talbiyah*, Hajar al-Aswad, Ka'bah)

1. The sacrificial animal is laid down in the direction of the *qibla* and then is slaughtered by saying “
2. is an act of worship that is performed by visiting the sacred places in any time of the year other than the specific months of the major pilgrimage.
3. The one who wears *ihram* makes for pilgrimage, and recites the invocation of
4. *Tawaf* begins by greeting the.....



Chapter

FIQH AND SOCIAL LIFE

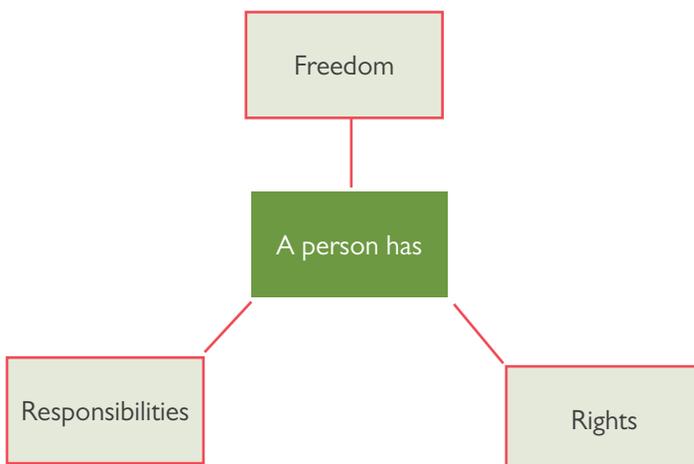
FIQH AND SOCIAL LIFE

LET'S GET READY FOR THE CHAPTER

1. Learn the meanings of the terms “ownership, martyr, veteran”.
2. Research the importance of fundamental rights and liberties for the individual and society.
3. Find a translation of a verse that expresses the importance of freedom of belief in Islam.
4. Research the reasons why people have different beliefs and thoughts.

1. Fundamental Rights and Liberties

Haqq (pl. *huquq*) lexically means right, justice, what is required by justice, or a person's share, property, possession, etc. Terminologically, *haqq* is the right, authority or responsibility of a person recognized by law. For example, law gives a person the authority of disposition over his/her possessions.



INFORMATION BOX

Fundamental human rights (*ad-dharuriyat al-khamsa*) that Islam protects:

- Right to live (immunity of life)
- Freedom of belief and worship (immunity of religion)
- Freedom of thought (immunity of mind)
- Protection of progeny (immunity of decency and chastity)
- Right of ownership (immunity of property)

Hurriyyah or liberty, which lexically means freedom and independence, is one's freedom to use one's rights without harming oneself or others. People can use their rights and liberties provided that it would not cause any harm to others' rights and liberties.

Protecting rights is a fundamental principle in Islam. The Prophet expressed this principle in His saying: **“You should give the rights of all those who have a right over you.”** Violation of rights is considered a grave sin. It is reported that those who violate the rights of others will be punished both in this world and in the Hereafter. The Prophet says in this regard that: **“The claimants would get their claims on the Day of Resurrection so much so that the hornless sheep would get its claim from the horned sheep.”** That is why we should be mindful of the protection of rights and give every individual his/her due right.

Rights are categorized into three types in terms of their relation to *mukallaf* as the rights of Allah, the rights of men, and mixed (common) rights.

LET'S INTERPRET

The Prophet asked, “Do you know who is bankrupt?” The Companions of the Prophet replied, “A bankrupt man amongst us is one who has neither a dirham with him nor wealth.” Thereupon, the Prophet said: “The poor of my Ummah would be he who would come on the Day of Resurrection with prayers and fasts and Zakat but since he hurled abuses upon others, brought calumny against others, unlawfully consumed the wealth of others, shed the blood of others and beat others. His virtues would be credited to the accounts of others (who suffered at his hands). And if his good deeds fall short of clearing the account, then the other's sins will be entered in (his account) and he will be thrown in the Fire of Hell.”

Muslim, Birr, 59.

Interpret the *hadith* above in terms of the importance of rights and responsibilities.

The rights of Allah (*huququ'llah*): These are the rights that are intended to achieve belief, worship and other social (public) benefits. Prayer, fasting, pilgrimage, almsgiving, enjoining the good and forbidding the wrong, protecting public property and benefits, and similar actions and worship are accepted as the rights of Allah.

The rights of man (*huququ'l-ibad*): These are the rights that are especially intended to protect the benefits and goodness of the individual. The rights of man may have a general or particular aspect. For instance, people's protection of their health, their children, and property are among their general rights. People's claim over property they sell, a divorced mother's right of custody over her children, and the right of guardianship of a father over his children are certain forms of the rights of man.

People can dispose of the rights they own within the limits of the authority given to them. Actions that violate others' rights require punishment.

Common (*mixed*) rights: Rights that contain both aspects of the rights of Allah and of man are called common rights. Protection of human life, mind, health and property are among the common rights. These rights encompass both the rights of man and the rights of Allah (public interest). For example, we can see both of these rights in the punishment of the killer and thief, because when such people are punished, both the rights of the victim are protected and the security of life and property of the society, which are considered the rights of Allah, is provided.

Fundamental rights are also called essential benefits (*dharuriyyat*). If these rights are not protected, then the order of social life is destroyed, and the interests of the individual and society are harmed.

As there are some conditions for the acquirement of these rights, there are also some sanctions for their protection.

LET'S EVALUATE

It may not be possible to prove some rights in court. In such situations, people are responsible in the presence of Allah and their own consciences. The Prophet mentions this issue as follows: "I am also a human being. You bring to me, for (judgment) your disputes, some of you perhaps being more eloquent in their plea than others, so I give judgment on their behalf according to what I hear from them. (Bear in mind, in my judgment) if I slice off anything for him from the right of his brother, he should not accept that, for I sliced off for him a portion from Hell."

Muslim, Aqdiyah, 5.

Evaluate the above mentioned *hadith* in terms of the protection of rights.

1.1. Right to Live

The right to live is one of the most fundamental rights that Islam is required to protect. Every human being has the right to live beginning from the embryonic phase. The right of the protection of the living is commanded in the Qur'an as follows: “وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا” **“And do not kill your children for fear of poverty. We give them sustenance and yourselves (too). Surely to kill them is a great sin.”**

Allah wants everybody's right to live protected. For this reason all actions that remove the right to live are prohibited. It is commanded in the 151st verse of Surah al-An'am: ... “وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ” **“Do not kill the soul which Allah has forbidden except for the requirements of justice...”** In another verse, Allah Almighty commands, **“And whoever kills a believer intentionally, his punishment is hell, and he shall abide in it, and Allah will send His wrath upon him and curse him and prepare for him a painful chastisement.”**, and declares that the attempt against life is a great sin. The Prophet warns about attempting against life: “The destruction of the entire world is less significant before Allah than killing a believer.”

Since one has no right to kill another person, one also has no right to take his/her own life. The verse **“Do not kill yourselves...”**¹ prohibits people from taking their own lives. In the same way, a doctor's assistance in his/her patients' death (euthanasia) is a great sin. For life is Allah's trust (*amanah*). People should not perform harmful actions against their own lives and bodies or the life and body of another. The duty of humans is to protect God's trust in the best way. The Prophet says, **“Your Lord has a right on you, your soul has a right on you, and your family has a right on you; so you should give the rights of all those who have a right on you.”** and advises one to avoid all kinds of harmful deeds that endanger people's health and detrimentally affect their lives.

People should do their best to protect the lives of others as they protect their own lives. For instance, they should employ those who are in need of jobs and provide shelter for those who are in need of shelter. Moreover, they should support the Red Crescent and other social welfare organizations and volunteer for such foundations, donate blood when it is needed and strive to save lives.

In the 32nd verse of Surah al-Ma'idah, saving a life is regarded as saving all of humanity and taking a life is considered equivalent to killing the whole of humanity. Because people cannot live a safe and peaceful life in a society where they have no security of life, those who kill others are punished by law.

¹ Nisa, 4: 29.

The religion of Islam has laid down some principles for the protection of the right of life. The most important of them are the principles that command actions that safeguard one's life and prohibit attempting against the lives of others. Moreover, punishing murderers, prohibiting suicide, the equality of everyone before the law, adopting principles such as justice are established for the protection of the right of life.

LET'S INTERPRET

“No doubt, your blood and your properties are sacred to one another like the sanctity of this day of yours, in this month of yours, in this town of yours (Mecca), till the day you meet your Lord. Everybody is responsible for only what they have done. A son cannot be held responsible for his father's crimes (blood feud is not allowed to be waged)...”

Bukhari, Hajj, 132.

Interpret the above mentioned *hadith* in relation the right of living and the security of life.

1.2. Freedom of Belief and Worship

Freedom of belief and worship is one of the most fundamental rights in Islam. Those who have freedom of belief and worship can perform the requirements of the religion they believe in. They are not subjected to any pressure, force, or condemnation when they perform the requirements of their belief. In addition, they can convert others to their religion.

LET'S INTERPRET

According to the agreement of the Prophet with the Christians of Najran, “Their properties and lives are under the protection of Allah and His Messenger. They are free to live in accordance with their religious beliefs. No bishop will be sent out of the church he is in charge of...”

Muhammad Hamidullah, *Islam Peygamberi*, V 1, p. 622.

Interpret the text above in terms of the liberty of belief and worship.

Islam gives people the freedom to choose the religion they want. It forbids the oppression of people because of their religion. This is written in the following verse as: **“There is no compulsion in religion.** لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ



Just a single drop of blood saves lives

LET'S
EVALUATE

“If it had been your Lord’s will, surely all those who are on the earth would have believed, all of them; will you then force men till they become believers?”

Yunus, 10: 99

Evaluate the verse above in relation to freedom of belief and worship.

Truly the right way has become clearly distinct from error...² In another verse, the following is commanded: “And say: The truth is from your Lord, so whoever wills let him believe; and whoever wills let him disbelieve...”³ In addition, in another verse, conversion to Islam is explained as: فَذَكِّرْ إِنَّمَا أَنْتَ مُذَكِّرٌ لَسْتَ عَلَيْهِمْ بِمُصَيِّرٍ “Remind them, for you are only a reminder. You are not a warder over them.”⁴

Deceiving people with wrong information and leading them astray is considered interference in the liberty to belief in Islam. It is pointed out in the following verse that such conduct is not acceptable: “And among men there is he who disputes about Allah without knowledge and without guidance and without an illuminating book. Turning away haughtily that he may lead (others) astray from the way of Allah; for him is disgrace in this world, and on the Day of Resurrection We will make him taste the punishment of burning.”⁵

Meccan polytheists made an offer to the Prophet that he worship their idols for a year and they worship Allah for a year. In response, the following verse, which emphasizes the repugnance of this offer and the necessity of not interfering with each other’s religion, is revealed: “For you is your religion, and for me is my religion.”⁶ Thus, it is expressed that people with different beliefs can live together in accordance with their beliefs and in mutual understanding. During the period in Madinah, non-Muslims were never forced to embrace Islam, and everybody was free to fulfill the requirements of their religion. This condition was clearly stated in the Constitution of Madinah.

After the Prophet, Muslims continued to respect the liberty of worship of other religions. The existence of various religions in the conquered lands both in the era of the caliphs and in the later periods is the most important indication of this. For example, the Ottoman Sultan Mehmet II gave non-Muslims the liberty of belief and worship. By showing tolerance, many Christians converted to Islam.

² Baqarah, 2: 256.

³ Kahf, 18: 29.

⁴ Ghashiyah, 88: 21-22.

⁵ Hajj, 22: 8-9.

⁶ Kafirun, 109: 6.

LET'S INTERPRET

Mosque



Church



Synagogue

We can live together despite our differences of belief and opinion.

1.3. Freedom of Thought

One of the fundamental rights to which Islam gives importance is freedom of thought. Freedom of thought is closely related to freedom of religion. For liberty of religion is a right based on the people's free will. Freedom of thought is the right of man to think freely and to express himself freely both in writing and orally. In addition, freedom of thought consists of the freedom to access information without limitation.

The most important characteristic that distinguishes humans from other creatures is their intellect and the ability to think rationally. The Qur'an emphasizes using the intellect in many verses, and it is commanded in the following verse: **"Do they not reflect within themselves: Allah did not create the heavens and the earth and what is between the two but with truth, and (for) an appointed term?"**⁷

Islam commands thinking and consulting. As a requirement of the verse; **"Consult with them upon the conduct of affairs..."**⁸ the Prophet and Muslims were open to different opinions and attached importance to freedom of thought. For instance, in the Battles of Badr, Uhud and Handak, the Prophet consulted with his companions and acted according to the result they reached together.

⁷ Rum, 30: 8.

⁸ Al-i Imran, 3: 159.

Our religion does not approve of believers having prejudices. It wants people to express their opinions, and choose the one that is most correct. Allah the Almighty commands in relation to this issue as follows:

...فَبَشِّرْ عِبَادِ ﴿١٠١﴾ الَّذِينَ يَسْتَمِعُونَ الْقَوْلَ فَيَتَّبِعُونَ أَحْسَنَهُ أُولَٰئِكَ الَّذِينَ هَدَىٰ اللَّهُ
وَأُولَٰئِكَ هُمُ أُولُوا الْأَلْبَابِ ﴿١٠٢﴾

“...Therefore, give good tidings to my servants. Who listen to the advice, then follow the best of it; those are the ones Allah has guided, and those are the men of understanding.”⁹

In addition to having biases, feelings such as fear, anxiety, personal interest and fanaticism also restrict freedom of thought. Moreover, being under pressure, exclusion from the society, and fear of being punished also are considered obstacles of freedom of thought. Islam does not approve of behavior that prevents freedom of thought.

Islam gives importance to the intellect and thinking, and forbids obstacles that restrict freedom of thought, and takes measures to protect this freedom. For example, it prohibits things that block mental faculties such as alcohol and drugs. Likewise, it forbids all kinds of actions that limit freedom of thought and forbids humiliating and degrading behavior such as making fun of others. For this reason, when we express our opinions, we should be aware of the principles of good intention, respect of belief, abidance by certain morals, and so on. We should not insult or disrespect even a wrong opinion, because others may disrespect the opinion that we consider to be correct.

People should be able to use their free will regarding a religion or an opinion. That is why magic, fortune telling, prophecy, and such actions that mislead the willpower are prohibited in our religion.

⁹ Zumar, 39: 17-18.

LET'S EVALUATE

In the Treaty of Hdaybiyyah, Meccans wanted to change the phrase “Muhammad Rasulullah” (Muhammad the Messenger of Allah) to “Muhammad son of Abdullah.” The Prophet accepted this in order to achieve peace and not to affect mutual relations.

Ibrahim Saricam, *Peygamberimiz ve Evrensel Mesaji*, p. 200.

Evaluate the conduct of the Prophet in relation to freedom of thought.

1.4. The Protection of Progeny

Another one of the fundamental rights to which Islam gives importance is the protection of progeny and upholding the honor and chastity of the family. To protect the generations, there is a need for a healthy family unit. In a family that protects decency and chastity, progeny is also protected.

Islam takes some measures for the protection of progeny. The protection of decency and chastity of the family is an important issue. For this reason, it is commanded in the Qur'an to avoid fornication and prostitution: **وَلَا تَقْرَبُوا** **وَالزَّانِيَ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا** “Do not approach adultery, surely it is an indecency and an evil way.”¹⁰ Moreover, talking in a humiliating way about individuals and family and slandering also are prohibited. Allah the Most High states in this respect: “Those who slander chaste believing women, unaware (of the evil), are cursed in this world and in the Hereafter, and they shall have an awful doom.”¹¹

Our religion encourages marriage for the protection of progeny. Thus, it aims to raise generations that are of use to society and to contribute the continuation of the human race.

For the protection of progeny, it is necessary to protect the secrets of the family and the right of privacy should be respected. It is commanded, “Do not spy or backbite each other...,” in the 12th verse of Surah al-Hujurat.

We should enter other people's houses by getting their permission first, and after entering we should act according to social manners. This state, which is also called immunity of domicile, is expressed in the Qur'an as follows: “O you

¹⁰ Isra, 17: 32.

¹¹ Nur, 24: 23.

LET'S
DISCUSS

What can be done
for the protection
of generations from
bad habits?

Discuss with your
friends.



who believe! Do not enter houses other than your own houses until you have asked permission and saluted their inmates; this is better for you, that you may be mindful. But if you do not find any one therein, then do not enter them until permission is given to you; and if it is said to you: Go back, then go back; this is purer for you; and Allah knows well what you do.”¹²

The family and society should be responsible for the protection of their offspring. Every family should give their children a good education and protect and discipline them. Society should provide the opportunity for children to grow up in a good environment.

1.5. The Right of Ownership

Ownership (*mulkiyyah*) is the right that is connected to property or a benefit and that gives its owner the authority to benefit from or to sell it and be paid in return. The right of ownership provides its holder with the authority of using the property, benefiting from its income, consumption and disposition.

Earnings achieved through effort are halal.

Islam encourages earning from permissible (*halal*) ways. It prohibits earning from illegal ways such as stealing, bribery, gambling and extortion.

For this reason, man should work and struggle. Allah states on this issue:

وَأَنْ لَّيْسَ لِلْإِنْسَانِ إِلَّا مَا سَعَى “And that man shall have nothing but what he strives for.”¹³

As earnings by means of work and effort are *halal*, the earnings acquired by means of donations and inheritance also are *halal*. No one can prevent another from owning property. That is why all kinds of violations against the right of ownership are considered as crime.

Islam gives man the total authority of disposition in the right of property and ownership. Yet, spending extravagantly and for illegal things are not approved by our religion.

¹² Nur, 24: 27-28.

¹³ Najm, 53: 39.

LET'S WRITE

Write the reasons for the following conclusions:

- Earnings by way of stealing, extortion, gambling and cheating are haram, because ...
- Earnings by working are *halal*, because ...

Stealing is the most important action that violates the right of ownership. That is why stealing is categorically prohibited in Islam. Damaging the property of another person is one of the unjust actions toward the right of ownership. Allah the Almighty expressed in the following verse that unjustly taking other people's property is not acceptable: **“Give full measure and weight, and do not wrong people in relation to their goods...”**¹⁴ The Prophet stated on this issue, **“The property of a Muslim becomes halal only by his/her consent, it does not become halal in another way.”**¹⁵

In Islam, usury and bribery are considered unjust actions against the right of property and ownership and thus are prohibited. For both of them are earnings by unjust means. Allah states on this issue: **وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ** **“Do not consume your property among yourselves unjustly...”**¹⁶ In addition to those mentioned above, plundering, dupery, jobbery, cheating and such wrongdoings are considered unjust actions that violate the right of property and ownership.

LET'S BRAINSTORM

Brainstorm about potential problems that may emerge in a society that have no right of ownership. Make a list of results on the board.

¹⁴ Hud, 11: 85.

¹⁵ Ahmad ibn Hanbal, Musnad, v5, p. 72.

¹⁶ Baqarah, 2: 188.

LET'S COMPLETE

Some actions are prohibited in Islam on the grounds that they are intended to obstruct or destroy our fundamental rights and liberties. Complete the following sentences in accordance with this principle.

- For the security of life, killing is prohibited.
- For the freedom of belief and worship.....
- For freedom of thought.....
- For security of progeny.....
- For protection of the right of ownership.....

2. The Protection of Public Rights

When public rights is mentioned, it is understood to mean the properties and interests that belong to the general public. This is also called the rights of Allah. For instance, roads, mosques, schools and hospitals serve the entire society, and for this reason damaging and misusing them are regarded as the violation of public rights.

2.1. Protection of Public Properties

Things, the ownership and benefit of which belong to the entire society, are called public properties. All kinds of civil offices, schools, streets, bridges, fountains and barrages or natural wealth are accepted as public properties. The entire humanity and even the rest of the creatures have rights upon these types of things. Destroying and damaging them means violating public rights, and constructing and protecting them is everybody's responsibility. The Prophet Muhammad (saw) considered fulfilling such responsibilities as "*sadaqah al-jariyyah* (continuous charity)", and said that those who fulfill such duties will continue to gain spiritual rewards after death.

What do you understand from the phrase "the right of unfledged orphan"?

LET'S FIND EXAMPLES

Find some examples about the actions that are against the public rights.

- Damaging public transport vehicles.
- Misusing school instruments.
-

While it is enough to ask and receive forgiveness regarding the violation of people’s personal rights from the holder of that right, in the case of public rights, one must pay back society’s right, ask Allah’s forgiveness, and repent. Everybody has rights in the endowments that belong to the public and state property. The Turkish colloquial phrase, “there is the right of the unfledged orphan in this” points to this fact. One should avoid these things.

LET'S TALK

Sometime during his caliphate, Ali was working on some public works. It was midnight. At that point somebody came to him regarding a private matter, and began to talk.

Ali stood up at once. He put out the candle and lighted another one.

The guest, who did not understand, asked Ali:

“Both of them are candles. Why did you blow out one and light another one with no reason?”

Ali replied:

“The candle I put out was bought with the public money. I have no right to use it while talking to you about a private matter. That’s why I blew out that candle, and lighted the other one, which I bought with my own money.”

Seyfettin Yazici, *Temel Dini Bilgiler*, p. 238.

Talk about the main idea of the text above.

2.2. Protection of the National Wealth

Our country is rich in terms of its natural wealth. In addition, there is national wealth composed of the labor and efforts of the people of this country. Oil and coal can be given as the examples of underground wealth; and seas, forests, rivers, lakes and arable lands for its above-ground natural wealth. Industrial organizations and all kinds of profit-generating institutions and enterprises of our country are among labor-based wealth. Likewise, our historical and cultural values are the national wealth that we also should protect. All this wealth is the blessing of Allah to humankind. This is referred in the following verse: “And He has made subservient to you whatsoever is in the heavens and whatsoever is in the earth, it is all from Him. Most surely there are signs in this for a people who reflect.”¹⁷

Natural wealth and beauty are entrusted to us. We should protect them as needed, and avoid damaging them. In this regard it is stated in the Qur’an:

وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ ۗ
 أَلَّا تَطْغَوْا فِي الْمِيزَانِ

“And the heaven, He raised it high, and He made the balance. That you may not be inordinate in respect of the measure.”¹⁸ We should protect our forests and vegetation and not let the quality of the soil be corrupted by chemicals. We should preserve our freshwater and seas. We should use high-grade fuel to prevent air pollution as well as maintain standards of air-polluting vehicles and industrial institutions. In order to prevent the extinction of species, arbitrary hunting should be banned.

Demolishing, misusing, or performing any damaging action toward national wealth is a violation of the right of man. For instance, polluting the environment, wasting water, and setting the forests on fire are against these rights.

2.3. Ahliyyah (Competency) and Liyaqah (Suitability)

Lexically *ahliyyah* (competency) means authority, sufficiency, convenience, proficiency and deserving of something. As a legal term, *ahliyya* means being suitable to have some kinds of rights and the ability to fulfill responsibilities.

LET'S DISCUSS

What should we do in order to protect natural wealth? Discuss with your classmates.

¹⁷ Jathiyah, 45: 13.

¹⁸ Rahman, 55: 7-8.

The ones who carry these features is called competent or capable, and being appropriate to a job is called *liyaqah* (suitability).

Competency is a requirement in order to be held responsible for the commands and prohibitions of Allah. That is why one who will be given a duty or a responsibility must be evaluated in terms of capability and efficiency, because duties and responsibilities given to human beings are entrusted to them. And trust should only be given to competent and suitable people. This fact is pointed out in the Qur'an as follows:

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ...

“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice...”¹⁹ Some of the trusts mentioned in the verse are matters related to the public. For the protection of public property and administering state affairs, these matters should be given to and headed by capable and efficient people. Appointing incapable and unsuitable people for public works is unjust and unfair. Under such circumstances, trust and confidence in the society would be abused, and the people's many rights would be violated. Our Prophet expresses this in the following saying, **“When honesty is lost, then wait for the Hour.”** It was asked, **“How will honesty be lost, O Allah's Messenger? He said, “When authority is given to those who do not deserve it, then wait for the Hour.”**²⁰

People can ask for a job for which they consider themselves suitable. Yet, those who appoint them must evaluate whether they really are suitable for the position. Hence, when Abu Dharr asked for a governorship, the Prophet replied to him: **“O Abu Dharr! You are weak, and authority is a trust. (If you cannot fulfill it properly) you will be regretful on the Day of Judgment. Yet, whoever fulfills it properly, and discharges the duties would not regret.”**²¹

¹⁹ Nisa, 4: 58.

²⁰ Bukhari, Riqaq, 35.

²¹ Muslim, Ijarah, 16; Abu Dawud, Wasaya, 4.

LET'S EVALUATE

The Prophet Joseph made the following offer to the governor of Egypt: "Set me (in authority) over the treasures of the land; surely I am a good keeper, knowing well."

Surah Yusuf 12: 55.

The governor accepted his offer.

Evaluate the verse above under the light of the concepts of competency and suitability.

2.4. Proper Fulfillment of Duties

If you injure someone, it's human nature,
It is wrong to neglect your duty.
The violation of rights is prohibited in Islam,
Be neither oppressed nor oppressor says the Holy Qur'an.

Ramazan Şahan

(Written for his book)

Think about this poem under the light of the concepts of rights and responsibilities.

LET'S STATE

Examine the 177th verse of Surah al-Baqarah (2), and the 36th verse of Surah al-Nisa (4), and comment on what kind of responsibilities we have.

Man is a social being. That is why humans take on responsibilities in the society in which they live. For example, society's education is fulfilled by teachers, healthcare is carried out by doctors, and administration is handled by those who govern. Students are the future of the society. If any of the core elements of the society neglect their duty, then society's health, security and peace is put at risk.

According to Islam, everyone has certain duties and responsibilities. In this sense, people are responsible to Allah, His Messenger, and themselves.

People have some duties and responsibilities toward the society they live in and to their country. Muslims do their share to defend their country. They do their best to fulfill their responsibilities. For example, a teacher tries to perform his/her job, and the student also studies hard in an organized and systematic way and thus becomes successful. Moreover, conscientious and sensitive people do not destroy property belonging to the state or public. For example, they do not waste water, and they save energy.

Goodness should be encouraged in society, and evil should be prevented and dealt with. Trouble is inevitable in case of negligence of duties. The Prophet states: “Rather enjoin the good and forbid the wrong or you will all face with calamity.”²²

LET'S EVALUATE

“All of you are shepherds (responsible) and responsible for your wards and the things under your care. The ruler is responsible for his subjects. A man is the guardian of his family and is responsible for them. A woman is a guardian over the household of her husband and is responsible for them. A servant is the guardian of his master’s belongings and is responsible for protecting them. A man is the guardian of his father’s property and is responsible for it...”

Bukhari, Jumah, 11; Muslim, Ijarah, 20.

Evaluate the *hadith* above in the light of the concepts of duties and responsibilities.

3. Marriage and Family Life

Marriage is a contract between man and woman. This contract is called *nikah* in Islamic legal terminology. *Nikah* is a bond between husband and wife and provides a legal status for children born to them.

The family is the smallest social group based on marriage and blood relation and consists of parents and children. Family is the basis of society.

The main purpose of the family is raising productive and healthy generations that contribute to the continuity of humankind. Morals and good habits are primarily learned in the family.

According to the Qur’an, family is a world of love-oriented relations. It is a school that prepares its members for society with love and affection. This feature of the family is emphasized in the 21st verse of Surah al-Rum (30) as follows:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً
 إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ ﴿٢١﴾

²² Tirmidhi, Tafsir al-Surah al-Ma'idah, 18.

“And one of His signs is that He created mates for you from yourselves that you may find rest in them, and He put between you love and compassion...”

Raising members of the family in a peaceful atmosphere is of great importance for society because peace and happiness of the family is peace and happiness of society. A peaceful, happy and trustworthy environment is possible only in an atmosphere where elders are respected and youngsters are loved.

LET'S NOTE

A man came to Allah's Messenger and said, "O Allah's Messenger! Who is more entitled to be treated with the best companionship by me?" The Prophet said, "Your mother." The man said, "Who is next?" The Prophet said, "Your mother." The man further said, "Who is next?" The Prophet said, "Your mother." The man asked for the fourth time, "Who is next?" The Prophet said, "Your father."

Bukhari, Adab, 2.

Our religion attaches importance to marriage and wants to protect family life. There are numerous verses in the Qur'an that encourage marriage and advise on starting a family. It is commanded in one of these verses as: **وَأَنْكِحُوا الْأَيَامَىٰ** وَأَنْكِحُوا الْأَيَامَىٰ ... **“And marry those among you who are single...”**²³ The Prophet also expressed the importance of marriage as follows: **“O young people! Whoever among you can maintain a family should marry at once. For marriage helps him to keep his eyes from (looking at) haram, and to guard his modesty...”**²⁴

Every individual in the family has certain duties to fulfill. All members should be aware of their duties and fulfill them. It is indicated in the Qur'an that spouses have rights upon their partners as follows: **“As men have rights upon women, women also have rights upon men...”**²⁵ For this reason, spouses should love each other and mutually respect their rights. Hence, it is commanded in the 19th verse of Surah al-Nisa (4) **“Treat your spouse kindly...”** The Prophet states in one of his *hadiths*, **“The best of you are those who treat their spouses kindly.”**²⁶ Treating spouses in such a way is also important for the children, because children learn from their elders.

²³ Nur, 24: 32.

²⁴ Bukhari, Nikah, 3; Sawm, 10.

²⁵ Baqarah, 2: 228.

²⁶ Tirmidhi, Rada, 11.

LET'S DISCUSS

“It is sufficient for a man as a sin that he neglects those who are under his responsibility.”

Abu Dawud, *Zakat*, 45.

Discuss the *hadith* above in terms of the responsibilities of family members.

Parents have certain rights upon their children. There are several verses in the Qur’an that advise children to treat their parents kindly. In one of these verses, it is ordered as follows: “We have enjoined unto man kindness toward parents...”²⁷ In another verse, it is prohibited to say hurtful words to parents and commands children to speak respectfully to them and to pray for them.

Parents should support their children in education and prepare them for the future. The Prophet states about child training: “There is no inheritance that a father leaves his son more virtuous than good manners.”²⁸ Moreover, the Prophet advises parents not to discriminate between children and to treat them justly.

LET'S CLASSIFY

What are the duties and responsibilities of parents and children? Classify.

Parents:	Children:
<ul style="list-style-type: none"> ● Provide sustenance for the children. ● ● ● 	<ul style="list-style-type: none"> ● Protect household belongings and family secrets. ● ● ● ● ●

²⁷ Ahqaf, 46: 15.
²⁸ Tirmidhi, Birr, 33.

“The people think of wealth and power as the greatest fate, But in this world a spell of health is the best state.”

Sultan Sulaiman I, the Magnificent

Interpret the poem above in terms of the importance of health.



Treatment is a command in our religion.

Close relatives are considered part of the family and therefore we have responsibilities toward them. Having good relations with them and helping each other are the most important responsibilities. In this respect, it is ordered in a verse as follows: **“Be careful of (your duty to) Allah, by Whom you demand one of another (your rights), and (to) the ties of relationship...”**²⁹ The Prophet states on the protection of close relatives, **“The greatest kindness is protecting the friends of one’s father, kin, and relatives.”**³⁰

In spite of all precautions, family problems can arise. These problems should be solved within the family in the first instance. This is indicated in a verse: **“And if you fear a breach between the two (the man and wife), then appoint a judge from his people and a judge from her people. If they both desire agreement, Allah will affect harmony between them. Surely Allah is All-Knowing, All-Aware.”**³¹ If problems cannot be solved and if living together becomes impossible, then the partners are given the right of divorce. Hence, the Prophet’s saying that **“The most detestable of lawful things to Allah is divorce.”**³² informs us that divorce is the last resort.

4. Nutrition and Health

Humans are the most important beings that Allah has created. That is why our religion attaches utmost importance to man’s physical and mental health.

Health is the key for both living a good life and fulfilling responsibilities. For this reason, our religion prohibits everything that harms the health and wants us to take the required steps for living a healthy life. In order to live a happy life, people should be healthy. Fulfillment of the act of worship is only possible by having good health. That’s why it is important to take precautions and not to neglect the treatment of those who are ill.

Islam commands cleanliness, which is the basic principle in fighting disease and is important regarding both medicine and preventive medicine.

Proper nutrition is important in order to keep healthy, which is why Islam prohibits the consumption of foods that may harm our health, for example, pork, alcohol and carrion.³³ Permissible foods should be consumed in

²⁹ Nisa, 4: 1.

³⁰ Muslim, Birr, 11.

³¹ Nisa, 4: 35.

³² Abu Dawud, Talaq, 3.

³³ See Ma’idah, 5: 3.

accordance with the need of the body. Allah Almighty states as follows: وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ “Eat and drink but do not be extravagant. Surely He does not love those who are extravagant.”³⁴ Prophet Muhammad (saw) says: “No human ever filled a vessel worse than the stomach. Sufficient for any son of Adam are some morsels to keep his back straight. But if it must be, then one third for his food, one third for his drink and one third for his breath.”³⁵ Thus Muslims are advised to eat a healthy and balanced diet.

Our religion commands eating lawful and clean (unspoiled) fresh food. It is proclaimed in a verse: يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا “O mankind! Eat the lawful and good things out of what is in the earth...”³⁶ Likewise, Islam advises to practice sports to keep healthy.

For the protection of health, one must try to avoid contagious diseases and extramarital sex. It is ordered in the 195th verse of Surah al-Baqarah (2) “Do not throw [yourselves] with your [own] hands into destruction...” The Prophet gives this advice about taking the precautions for diseases: “If you hear of an outbreak of plague in a land, do not go to it; but if the plague breaks out in a place while you are in it, do not leave that place.”³⁷

Despite all precautions, man can still become sick. In these circumstances it is necessary to carry out the appropriate diagnosis and treatment. The Prophet gives the following advice to his followers about getting treatment: “Allah has sent down both the disease and the cure, and He has appointed a cure for every disease, so treat yourselves medically (research and find the cure), but use nothing unlawful.”³⁸

5. Environmental and Animal Rights

The environment is the habitat of living beings. This habitat is made up of living and non-living beings such as air, water, soil, plants and animals.

Allah the Almighty created humans to live in harmony with nature. This is indicated in a verse as follows: “Verily We have created everything according to a measure.”³⁹ Yet, because of the attitudes and behavior of man, the ecology becomes damaged and polluted. This is expressed in the Qur’an as follows:

LET'S INTERPRET

“There are two blessings which many people lose: (They are) Health and free time for doing good.”

Bukhari, Riqaq, 1.

Interpret the *hadith* above in relation to the importance of human health.

³⁴ A'raf, 7: 31.

³⁵ Tirmidhi, Zuhd, 47; Ibn Majah, At'imah, 50.

³⁶ Baqarah, 2: 168.

³⁷ Bukhari, Tib, 30.

³⁸ Abu Dawud, Tib, 11.

³⁹ Qamar, 54: 49.

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ

يَرْجِعُونَ

“Corruption has appeared in the land and the sea on account of what the hands of men have done, that He may make them taste a part of that which they have done, so that they may return.”⁴⁰

Today, global environmental issues such as acid rain and climate change resulting from erosion and air and water pollution prove the irresponsible attitude of man toward the environment.

Keeping the environment clean is the most important of our responsibilities. Therefore, we should protect and keep the streets, roads, parks, forests, rivers, lakes and seas clean. The Prophet was attentive to the protection of the environment, and he stated: “Beware of two things which are disliked!” When the Companions asked, “What are these two things?” the Prophet replied, “Easing on thoroughfares and under the shades (where people take shelter and rest).”⁴¹

The people who litter do not care about the environment they pollute. They are not aware how harmful their actions are to other people, or what sort of rights they violate. The Prophet brought our attention to this issue as follows: “The deeds of my people, good and bad were presented before me, and I found the removal of something objectionable from the road among their good deeds, and spitting on the floor is among their evil deeds.”⁴²

LET'S DISCUSS

Approximate Decomposition Times of Solid Waste

Decomposition Times in Nature

Plastic bottle: 1,000 years
Tin can: 25 years
Cigarette stub: two years

Decomposition Times in Water

Plastic bottle: 50-80 years
Tin can: 100 years
Aluminum can: 200-500 years

What can be done to protect the natural environment from the above mentioned dangers? Discuss.

⁴⁰ Rum, 30: 41.

⁴¹ Muslim, Taharat, 68.

⁴² Muslim, Masajid, 57.

We should take care of what we have been blessed with and avoid wastefulness. Extravagant consumption leads to an unhealthy natural environment, which negatively affects the lives of all living beings. For instance, the irresponsible disposal of chemicals and waste, thoughtless destruction of forests, and actions causing the extinction of species destroy the ecological balance.

The Prophet declared Mecca, Madinah and the surrounding area as *haram* (protected area). He prohibited establishing new residential areas and cutting the trees there.⁴³ Thus, the Prophet advised protecting the environment and became a model for us in this respect.

Islam commands us to protect the rights of animals along with the environment. That is why we should be careful not to hurt animals and should treat them mercifully. The Prophet states on this issue: “Allah shows mercy upon those who are merciful. So be merciful on earth, thus you will be shown mercy from Who is above the heavens.”⁴⁴

Our religion prohibits leaving animals without food and water, beating them, forcing them to fight each other, and making them carry more than they are able. The Prophet informs us that a sinful person was forgiven by Allah just because of providing water to a thirsty dog⁴⁵ and that a woman who imprisoned a cat and causes its death because of hunger and thirst becomes one of the people of Hell.⁴⁶ When he saw an emaciated camel, the Prophet said, “Fear Allah regarding these animals that cannot speak.”⁴⁷

LET'S TALK

The Prophet ordered the man who destroyed a bird nest and took the fledglings: “Take them to where you took them from, and put them back in the nest as their mother put them.”

Abu Dawud, Janaiz, 1.

“The one who kills a sparrow for no reason will be called to account by Allah on the Day of Resurrection.”

Nasai, Dahaya, 42.

Talk with your classmates about the main idea that is emphasized in the *hadiths* above.

LET'S INTERPRET

“If the Final Hour comes while you have a palm-cutting in your hands, and it is possible to plant it before the Hour comes, you should plant it.”

Bukhari, Adab al-Mufrad, p. 168.

Interpret the *hadith* above in relation to contemporary environmental problems.

⁴³ See Bukhari, Fadh'a'il al-Madinah, 1.

⁴⁴ Tirmidhi, Birr, 16.

⁴⁵ Bukhari, Shurb, 9; Mazalim, 23.

⁴⁶ Bukhari, Bad al-Khalq, 16.

⁴⁷ Abu Dawud, Jihad, 44.

6. Defending the Country: Martyrdom and Being a Veteran (Ghazi)

The land where a person was born and grows up or a land where a nation exists independently is called the “motherland”. Those who love their country can give everything up for its sake when it is necessary. Thus, they can protect their sacred values such as religion, language, flag and freedom. Defending one’s own motherland and fighting against attacks is commanded by our religion. Allah the Almighty commands this in the following verse: “**Fight for the cause of Allah against those who fight with you, but do not exceed the limits, surely Allah does not love those who exceed the limits.**”⁴⁸ The Prophet loved Mecca, where he born and raised, and felt sorry when he was obliged to leave because of the torture and oppression of the polytheists. After he migrated from Mecca to Madinah, he accepted the city of Madinah as his home and protected it, and fought in the battles of Uhud and Khandaq to defend it from enemy attacks.

Those who fight against their enemies for the sake of Allah and protect their country and survive are called veterans, whereas those who die are called as martyrs. Martyrs defend their country by sacrificing their lives for the values they believe in. That is why martyrs have an important place in the sight of Allah. Allah the Almighty forgives all of their sins. It is commanded in the Qur’an as follows:

وَلَا تَحْسَبَنَّ الَّذِينَ قُتِلُوا فِي سَبِيلِ اللَّهِ أَمْوَاتًا بَلْ أَحْيَاءٌ عِنْدَ رَبِّهِمْ يُرْزَقُونَ ﴿٢٠٤﴾ فَرِحِينَ
بِمَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ وَيَسْتَبْشِرُونَ بِالَّذِينَ لَمْ يَلْحَقُوا بِهِمْ مِنْ خَلْفِهِمْ أَلَّا خَوْفٌ
عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ ﴿٢٠٥﴾ يَسْتَبْشِرُونَ بِنِعْمَةِ مِنَ اللَّهِ وَفَضْلٍ وَأَنَّ اللَّهَ لَا يُضِيعُ أَجْرَ
الْمُؤْمِنِينَ ﴿٢٠٦﴾

“Never think of those, who have been killed in the way of Allah, as dead. Nay, they are alive, (and) are provided sustenance from their Lord. Rejoicing in what Allah has bestowed upon them of His bounty, and they rejoice for the sake of those who, (being left) behind them, have not yet joined them, they shall have no fear, nor shall they grieve. They rejoice on account of favor

⁴⁸ Baqarah, 2: 190.

from Allah and (His) grace, and that Allah will not waste the reward of the believers.”⁴⁹

Allah the Almighty expresses the significance of being veterans in the following verse: “Those of the believers who sit still, other than those who have a (disabling) hurt, are not equal with those who strive for the cause of Allah with their wealth and lives. Allah has conferred on those who strive with their wealth and lives a rank above those who remain (behind)...”⁵⁰ The Prophet gives the following glad tidings about veterans: “Two eyes shall not burn in the Hell Fire: the eye that wept from the fear of Allah, and the eye that spent the night standing on guard for the cause of Allah.”⁵¹

LET’S MAKE A LIST

“He who equips a warrior for the cause of Allah (is like one who actually fights) and he who looks after the family of a warrior for the cause of Allah in fact participated in the battle.”

Bukhari, Jihad, 38; Muslim, Amarah, 135, 136.

Make a list of our duties toward martyrs and veterans based on the above-mentioned hadith.

- We should be respectful toward them and toward their legacy.
-
-
-

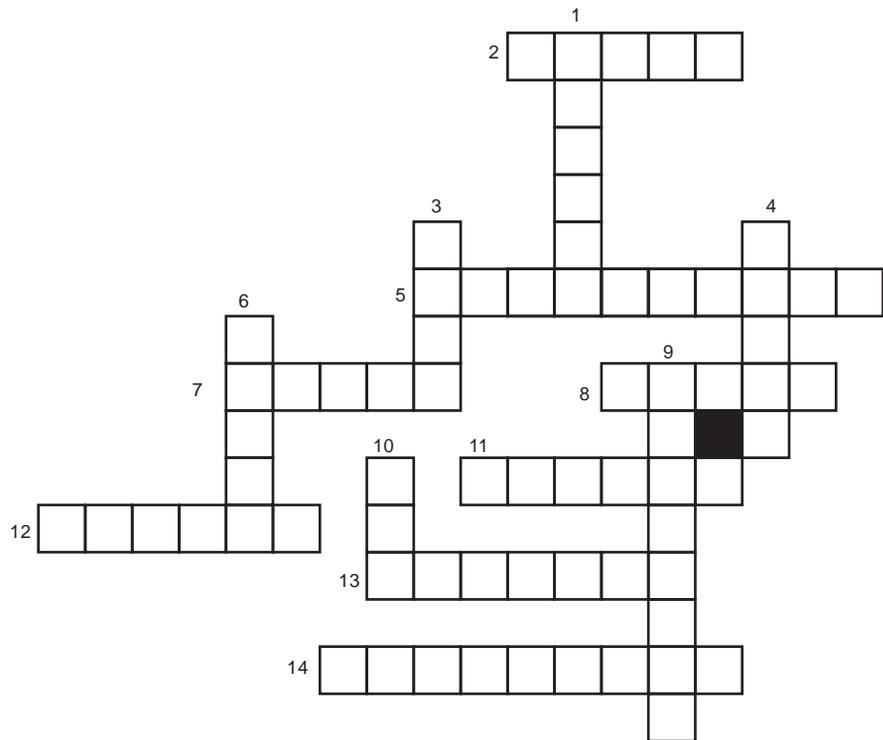
⁴⁹ Al-i Imran, 3: 169-171.

⁵⁰ Nisa, 4: 95.

⁵¹ Tirmidhi, Fadhail al-Jihad, 12.

LET'S EVALUATE THE CHAPTER

A. Solve the puzzle below.

**Across**

2. Authority and responsibility given and protected by the law.
5. The land where a person was born and grows up and sacrifices his/her life for its sake when it is necessary.
7. The most valuable being in the universe that Allah has created.
8. The thing that Islam accepts as permissible, mubah.
11. The smallest social group formed as a result of a marriage contract.
12. The one who loses his/her life for the sake of sacred values such as religion and country.
13. Independence
14. The state of owning a property or profit.

Down

1. The way of actualizing the things that one believes in within certain rules.
3. Belief, faith
4. Everything that is categorically prohibited by Islam.
6. The one who returns injured or alive after fighting in a battle for the sake of his country.
9. The ability of holding some kinds of rights and fulfilling the responsibilities.
10. Faculty of distinguishing between right and wrong, and good and bad.

B. Answer the following open-ended questions.

1. How does respecting other people's beliefs contribute to social peace? Explain.
2. Explain the importance of freedom of thought and expression in Islam.
3. What is the relationship between protecting public property and the right of man? Explain.
4. What are our duties to protect national wealth? Discuss.
5. Explain with examples the importance of environmental and animal rights in Islam.

C. Choose the correct answers to the following multiple-choice questions.

1. Which of the following is not one of the fundamental rights and liberties?
 - A) The right to live.
 - B) The right of worshipping.
 - C) The right of responsibilities.
 - D) Freedom of thought.
 - E) The right of ownership.

2. In the absence of which of the following, the others have no importance?

- A) Freedom of worshipping.
- B) The right to believe.
- C) The right to live.
- D) The right of ownership.
- E) Freedom of thought.

3. Which of the following is not one of the measures taken for the protection of progeny?

- A) Marriage.
- B) Immunity of domicile.
- C) The authority of divorce.
- D) The prohibition of adultery.
- E) Taking permission while entering someone else's house.

4. Which of the following is one of the measures taken for the protection of the right of ownership?

- A) Prohibition of gambling.
- B) Prohibition of alcohol.
- C) Protection of the environment.
- D) Prohibition of suicide.
- E) Freedom of thought.

5. "If it had been your Lord's will, surely all those who are on the earth would have believed, all of them; will you then force men till they become believers?" (Yunus 10: 99)

Which fundamental right is emphasized in the verse above?

- A) Liberty of belief.
- B) The right of ownership.
- C) The right of education.
- D) Protection of progeny.
- E) The right to live.

D. Fill in the blanks in the following sentences with the most suitable word from the list below.

(martyr, veteran, being a veteran, heroism, the whole of humanity, lawful, good)

1. “Whosoever kills a human being for other than manslaughter or corruption on the earth, it shall be as if he had killed.....” (Ma’idah, 5: 32)

2. “O mankind! Eat the..... and..... things out of what is in the earth...” (Baqarah, 2: 168)

3. Those who die for the sake of religion and the motherland are called....., and those who return back after fighting are called.....

E. What are the rights and responsibilities of family members toward each other? Write an essay on this topic.



GLOSSARY

A-B

Ada	:Fulfillment, giving the right of someone back to its owner; behavior, conduct.
Adah	:Rules and customs that passed down within a society; tradition.
Adalah	:Justice; being just; a narrator's being religious and obeying the divine commands and prohibitions; paying attention to what is right and just.
Ahkam verses	:Verses related to legal matters.
Ahliyyah	:Competency, authority, sufficiency; being suitable to have some kinds of rights and the ability to fulfill responsibilities. The one who carries these features is called competent or capable, and being appropriate to a job is called liyaqah (suitability).
Ahliyyat al-Ada	:The capacity to use rights.
Ahliyyat al-Wujub	:The capacity to have rights and to benefit from them.
Aql salim	:Common sense.

Arafat	:The name of the plain where waqfa is performed, about 25 kilometers (3 miles) to the southeast of Mecca, outside the borders of the Haram.
Azimah	:Validity of judgments for everybody under normal circumstances.
Batil	:Falsehood; all kinds of belief, opinion, sense, behavior, and action that are not in accordance with the religion that Allah proclaimed through His messengers; void because of a deficiency in the fundamental elements of an action.
C-D	
Cistern	:Reservoir for collecting rain water.
Coffin	:Box in which a diseased person is put in rest..
Compensation	:Annihilating, recovering, and recompensing a bad effect or result by another effect.
Dalalah	:Guidance, intercession; trace, signal.
Dalil	:The thing that leads to deriving a judgment either positive or negative; the thing that proves a case, proof.
Devotion	:Devoting or devoted thing; promising God to fulfill an act that is not inconvenient according to religion for the sake of Him and for realization of a want.

Din	:Noun meaning path, commands, and prohibitions that Allah states by way of His messengers to bring human beings peace, tranquility, and happiness both in this world and in the Hereafter. Diyanet (religiosity) is an adjective and indicates what is understood from religion.
Dua	:Orisons; invocation; prayer to God; religious text recited for praying God.
E-F	
Fanaticism	:Over-affection to someone or something; acting puritanically.
Faqih	:One who deals with the science of fiqh and has the ability to make religious judgments by deducing them from sources such as the Qur'an and Sunnah.
Fardh	:Obligatory; actions the fulfillment of which is wanted in a decisive and obligatory way by Shari'.
Fardh al-Ayn	:Obligatory acts, such as praying and fasting, that should be performed by each and every mukallaf individually.
Fardh al-Kifayah	:Obligatory acts that are required upon Muslim society as a whole.
Fasid	:Legal defectiveness of a contract because of the deficiencies in qualities, even though the fundamental elements are complete.

Fatwa	:Opinion on a legal matter issued by a mufti or sheikh al-Islam related to a religious issue and the document explaining that opinion.
Fetus	:The name of embryo after all of its organs appear.
Fidya	:Monetary compensation for elderly people who cannot observe fasting because of old age. The amount should be equivalent to feed a poor person for each day that was missed.
Fiqh	:Knowledge of beneficial and harmful things in one's daily life; Islamic law.
Furu'	:Branches, sections, details.
G-H	
Ghusl	:Major ablution, which consists of cleaning the mouth and nose with water and washing the entire body without leaving any part dry.
Hadith	:The sayings, acts, and behavior of the Prophet Muhammad and the science that examines these sayings; singular form of Ahadith.
Hajj	:Pilgrimage; an act of worship that is performed both financially and physically by visiting the Ka'bah, Arafat, and their surroundings, which are accepted as sacred in our religion, in specific times of the year and in due form and to fulfill certain religious duties there.

Halal	:Lawful; licit; something that is in accordance with the rules of the religion of Islam; the antonym of haram.
Haqq	:(pl. huquq) Right, justice, what is required by justice, a person's share, property, possession; the right, authority or responsibility of a person recognized by law.
Haram	:Unlawful; illicit; prohibited; something that is against the rules of the religion of Islam; actions that are clearly and decisively prohibited. All statements and actions about which there is a clear and certain judgment in the Qur'an, mutawatir Sunnah or mashhur Sunnah about their prohibition are considered haram.
Hawaij al-Asliyyah	:Basic or essential needs of someone and his/her relatives whom he/she is responsible to look after. Basic needs include food, drink, clothes, shelter, healthcare, education, and transportation.
Hayd	:Women's menstruation, period.
Hidayah	:Straight path, the true path, Islam.
Hila	:Fraud, deceit, fallacy, plot devised for cheating someone.
Hukm	:The demand of the Shari' (ruler) from a liable person to do or to avoid an action, or His permission to do or not to do it.

Huququ'l-ibad	:The rights of man; the rights that are especially intended to protect the benefits and goodness of the individual.
Huququllah	:The rights of Allah; the rights that are intended to achieve belief, worship, and other social (public) benefits.
Hurriyyah	:Liberty; one's freedom to use one's rights without harming oneself or others.
Hushu'	:Modesty; obedience to the orders of Allah; the state of heart being filled with fear and reverence of Allah.
I-J	
Ibrah	:Lesson drawn from a bad incident; in Turkish public language it is also used as ugly, bad, bizarre.
Idrak	:The power of deciding to make or not to make something.
Iftar	:Breaking the fast at sunset when the adhan for evening prayer is recited. The time of breaking the fast is called the time of iftar and the meal is called the meal of iftar.

- Ihram** :Seamless garment worn by Muslim pilgrims in Mecca; the special spiritual state in which pilgrims wear two white sheets of unstitched cloth and abstain from certain things in order to perform the major pilgrimage (Hajj) or the minor pilgrimage (Umrah). A pilgrim must enter into this state before crossing the pilgrimage boundary.
- Ijma** :Literally means collecting, gathering; terminologically it means the consensus of the Muslim scholars on a religious matter.
- Ijma Sarih** :Consensus of all scholars of Islamic law by expressing clearly their opinions, for example after the demise of the Prophet, the compilation of the Qur'an as a book was decided by consensus.
- Ijma Suquti** :Consensus achieved when no scholar objects to a common view, so they are considered to be indirectly accepting that common opinion. Therefore, legal views that have no known objections are considered ijma.

Ijtihad	:All kinds of efforts in order to comprehend and implement the religion in daily life; to deduce the rulings that Allah wants from us from the Qur'an and Sunnah in accordance with His will/for His sake. The term ijtihad is used to mean "all the endeavors of a judge and a ruler to reach the correct judgment." Those who are eligible to make ijtihad are called mujtahid.
Ijtihad al-Shura	:Judicial decision based on consultation.
Ikhlas	:Sincerity in worship; seeking just the sake of God while acting.
Ikhtilaf	:Differences of opinion; conflict; dispute.
Ilmihal	:The book written for teaching the rules of the religion of Islam.
Ima	:Telling indirectly, describing inexplicitly; a thing that is not indicated clearly and expressed inexplicitly. An allusion, innuendo, hint; performing the ritual prayer by head gestures when one has health problems to bow down or prostrate.
Imam	:One who leads prayer; those who follow him are called the congregation.
Imsaq	:The time that sahur ends and fasting begins. The time of imsaq begins with daybreak.
Istighfar	:Asking God for forgiveness; repentance.

Istihsan	:To admire and appreciate something; to prefer a solution to the contrary with explicit qiyas and general rule.
Istinbat	:Mujtahid's deriving judgment from primary sources of Islam.
Istishab	:To decide on existence of a situation, the existence of which is known before if there is no contrary evidence.
Istisna	:Excepting someone or something from its similar.
Itiqaf	:Retreating in a mosque and worshipping for the sake of God by keeping away from worldly affairs in the last 10 days of the month of Ramadan.
Izalah	:To remove, to clean up.
Jaiz	:Actions on which mukallaf is set free to perform or abandon it.
Jam al-Ta'hir	:The combination of evening and night prayers and performing them at the time of night prayer.
Jam al-Taqdim	:The combination of midday and afternoon prayers and performing them at the time of the midday prayer.
K-L	
Ka'bah	:The sacred place in Mecca visited by Muslims throughout the year and circumambulated around.
Kaffarah	:Expiation; atonement; the charity given or fasting performed as atonement for a sin.

Kalam	:Islamic Theology, the discipline that deals with basic principles of Islam.
M	
Madhhab	:Lexically means path; as a term it refers to school of law based on different interpretations of a religion.
Makruh	:Actions that are not considered as appropriate by the religion of Islam, although they are not prohibited.
Makruh Tahriman	:Actions that are prohibited by our religion, but not explicitly, like haram.
Makruh Tanzihan	:Actions that are disliked by the religion, but there is no sin or determined punishment if they were to be committed.
Marhamah	:Sorrow felt for someone or something when they face a bad situation.
Maslahah	:Things that are for the interest of humanity; important matter.
Maslahah al-Mu'tabarah	:The type of benefit whose validity is established by textual evidence such as the protection of religion, life, intellect, lineage, and property.
Maslahah al-Mulgha	:The type of benefit that is abolished by textual evidence, such as earning money from usury.
Maslahah al-Mursalah	:Implementation of interest, benefit, convenience and annihilation of the damage.

Mast	:Light and soft shoe on which mash can be performed.
Methodology	:The science of method; science that develops principles for searching methods and creating new methods, especially in the fields of philosophy and science.
Mihrab	:The niche that imam stays in while leading the congregation.
Mirath	:Inheritance, heritage; estate.
Miswaq	:A tree (<i>Salvadora Persica</i>) that grows in North Africa, Iran, and India; the stick produced from this tree by mangling its tip and making it a brush for cleaning the teeth.
Muallafat al-Qulub	:Those whose hearts are to be reconciled to Islam.
Muamalat	:A section of Islamic law that examines our relations with other people in daily life.
Mubah	:Permissible; actions about which mukallaf is left free to perform or not.
Mufsid	:Nullifiers; the actions or conducts that wholly or partially nullify an act of worship, or invalidate a contract.
Mujtahid	:A scholar who is eligible to deduce judgments from the sources of Islamic law.

Mukallafiyah	:Liability to fulfill religious commands, to avoid its prohibitions, and to be held responsible for the outcome of actions. A person who is liable for the religious rulings, in other words a person who is the object of commands and prohibitions, is called mukallaf (liable).
Mukhalif	:One who is opposed to an opinion or a behavior.
Mulkiyyah	:Ownership; the right that is connected to property or a benefit and that gives its owner the authority to benefit from or to sell it and be paid in return.
Mumayyiz	:One who can discern between good and bad, truth and falseness.
Munakahat	:A section of Islamic law that investigates family law, such as marriage, divorce, rights and responsibilities of family members.
Muqabalah	:Recitation of the Qur'an by hafiz in mosques to the congregation, while the congregation follows their recitation from the Qur'an.
Mustahab	:Actions the fulfillment of which makes people gain spiritual reward; and the abandoning of which is not considered a sin.
Mutabar	:Respected, reputable, notable.

N

Nama	:means the growth/increase of a property through agriculture, trade, or birth.
Nasihah	:Admonition for informing one what he/she should and should not do.
Nass	:certainty, decisive, definitive; the definitive statements of the Qur'an that are not open to interpretation
Nazr	:To offer something to Allah, or to promise to do something for Allah.

O-P

Period	:The periodic discharge of blood from the vagina of women between particular ages; menstruation.
Prostration of Forgetfulness	:Prostration that is performed when an obligatory or compulsory part of prayer is delayed or a compulsory part is violated.
Prostration of Recitation	:The prostration that becomes compulsory with recitation or hearing of one or more verse of prostration.
Puberty	:The period of life beginning with the maturing of genital organs until adulthood.
Public Interest	:Set of values that meet the needs of government and on behalf of the society.
Puerperant	:A woman who has just given birth.

Q

Qada	:Judging, resolving, commanding; jurisdiction; refulfillment of worships that are not performed on time.
Qawm	:peoples, folk, nation; people who are connected to each other through the same ancestors.
Qibla	:The direction of facing while performing some worships, especially salat; Ka'bah.
Qiraat	:Reciting sections from the Qur'an during the prayer.
Qiyam	:Standing during the prayer.
Qiyas	:Deriving judgment of a similar issue from the Qur'an and Sunnah, because it has no clear judgment in these sources; analogy.

R

Rahmah	:To show mercy and forgiveness; in Turkish public language it is also used as a metaphor for "rain."
Riayah	:To respect, rely, esteem; to obey.
Riba	:Interest; usury; earnings without effort and labor, which is prohibited by Islam.
Riwayah	:To report an incident or news.
Rukhsah	:Temporary and special rulings due to an excuse.
Ruku	:Bending forward after qiyam by placing the hands upon the knees.

S

Sa'y	:A compulsory part of pilgrimage performed by coming and going between the hills of Safa and Marwah seven times to commemorate Hajar's running between the two places in order to find water for her son.
Sabil	:Drinking water distributed in the sacred days as charity; stone building generally built near mosques in order to distribute drinking water as charity, sebilahane.
Sacrifice	:To slaughter an animal with specific qualifications in a specified time for the purpose to gaining closeness to Allah and acquiring His pleasure.
Sadaqah	:Charity; all kinds of charity and goodness that one voluntarily does just for the sake of Allah.
Sadaqah al-Fitr	:A type of almsgiving that should be paid in the month of Ramadan before the festival prayer.
Sadaqah al-Jariyyah	:Type of charity that is done for public welfare such as establishing mosques, schools, dorms, and hospitals. The spiritual rewards of sadaqah jariyah continue even after death.
Sadd al-Dharai	:Blocking the Means.
Saf	:Every row of the congregation.

Sahaba (pl. Ashab)	:Those who saw the Prophet Muhammad, converted to Islam, were present at his congregations, and became his friends during his lifetime; Companions of Prophet Muhammad.
Sahur	:The time before imsaq when people get up and eat until the time of imsaq.
Sajdah	:Prostration; placing the palms, knees, tips of the toes, forehead, and nose on the floor after ruku.
Salat	:Prayer; showing servitude to God by means of definite acts.
Salawat	:The supplication recited to praise and show respect to the Prophet Muhammad (saw) especially after mentioning or hearing his name.
Sawm	:To avoid, to keep away, and to prevent something; keeping away from some material desires, such as eating, drinking, and sexual relations with the intention of worship from dawn to sunset.
Shadirwan	:Pool that has fountains around it and a sprinkler in the middle and is generally located in the yards of mosques in order to perform ablution before prayer.

Shari‘	:Legislator; lawgiver, designator of halal and haram; this term refers to Allah as “the sender of religion and divine laws, designator of the ways, features and times of worship” and to the Prophet Muhammad as being the one who explains and announces the judgments of the Qur’an, and to a legislator who puts rules on issues that have no judgment by the permission of Allah.
Shawt	:Circumambulation around Ka’bah just for one time.
Shroud	:White cloth with which the corpse is covered before it is burial.
Shura	:Consultation, conferring, negotiation.
Sin	:An action or a behavior regarded inappropriate and prohibited by religion.
Sirat	:The bridge that every person must pass over in the Day of Judgment.
Satr al-Awrah	:Rules of modesty; covering the necessary parts of the body that should be covered for the performance of prayer.
Siyar	:The science that illuminates the life of the Prophet, his conduct, manners, administration, battles, and his evaluations on cases.

Sunnah	:Sayings, acts, and tacit approvals of the Prophet Muhammad; His customs; the actions that are not fardh or wajib but were fulfilled and recommended to Muslims by the Prophet.
Sunnah Ahad	:The Sunnah that never reaches to the degree of mutawatir at any time. It is also called habar wahid.
Sunnah Ghayr Muakkad	:Unreiterated Sunnah; Sunnah actions that the Prophet fulfilled sometimes and abandoned sometimes.
Sunnah Mashhur	:The Sunnah that did not reach the level of mutawatir during the time of the Companions, but reaches that level in the following periods.
Sunnah Muakkad	:Reiterated Sunnah; practices of the Prophet that he mostly fulfilled and rarely abandoned.
Sunnah Mutawatir	:The type of Sunnah of the Prophet that is reported by such a large number of people from the Companions' time and afterward that they cannot be expected to agree upon a lie.

T

Taamul	:Custom, deep-rooted behavior.
Tabligh	:Inviting people to religion. Informing and delivering the message of Islam.

Taharah min al-Hadath	:Material cleansing; performing major or minor ablution in the states of major and minor impurity.
Taharah min al-Najasah	:Spiritual cleansing; purification of the body and clothing of the one who performs prayer, and the purification of the place where prayer will be performed.
Tamyiz	:The ability to discern between good and bad, truth and falseness, and useful and harmful things.
Taqlid	:Trying to resemble or liken to a particular example; making fun by repeating one's behaviors or speech; imitation.
Tarawih	:Prayer that is performed during the month of Ramadan after the night prayer.
Tawaf	:The act of circumambulation around the Ka'bah by keeping the Ka'bah on the left. Tawaf is formed from seven circumambulations around the Ka'bah beginning from the corner of the Ka'bah where the Hajar al-Aswad (The Black Stone) is placed.
Tawakkul	:Doing everything we can and then putting our trust in Allah's plan.
Tayammum	:Dry ablution that is performed in place of ablution in the absence of water.
Thawab	:Spiritual rewards that will be awarded by Allah in the Hereafter for the good deeds done in this world.

Tawbah :Repentance and regret from a sin and resolution not to do it again.

U-V-W-X-Y-Z

Uqubah :Punishments; divine punishments in the Hereafter for the sinners.

Urf :Customs that are not determined by law but by the continuous application of the community; tradition.

Usul al-Fiqh :A branch of fiqh that deals with the evidences of juridical rulings, and principles and methods of deriving legal decisions from those evidences.

Usul al-Hadith :The science that determines the degrees and qualities of narrations.

Wajib :Compulsory; the actions whose fulfillment is commanded but is not as definitive as the obligatory ones (fard).

Wakil :Agent; one who is set for acting in the place of another, or one who is given authority.

Waqfa :An obligation of pilgrimage performed as staying somewhere in the plain of Arafat on the day of Arafa (the day before the sacrificial festival) from noon until the morning of day of the festival and performing acts of worship.

Wasiyyah :Someone's will and requests to be fulfilled after his/her death.

Waswasa	:Wrong and idle thought, anxiety; calling bad possibilities into mind and worrying; thinking that an improbable thing will happen.
Wudu	:Minor ablution; an act of worship that is also a way of material cleansing and performed by washing certain parts of the body and wiping the head in a designated order.
Zakat	:Almsgiving; one of the five pillars of Islam performed by Muslims who are considered wealthy (who possess wealth above the required minimum amount) by giving a certain amount of their wealth to those who are specified by Allah for His sake.
Zamzam	:Water that springs from a well near Ka'bah.



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ANSWER KEY

CHAPTER 1

B.

1. C
2. E

C.

1. Munakahat
2. Gradualism
3. Uqubat
4. Law

CHAPTER 2

B.

1. B
2. A
3. D
4. D

C.

1. Majallah
2. Istihsan
3. Ottoman Family Enactment
4. Ra'y
5. Hadith

D.

1. True
2. False
3. True
4. True

E.

1	Abu Hanifa	5	Al-Halal wa al-Haram
2	Shafii	4	Musnad
3	Imam Malik	1	Fiqh al-Aqbar
4	Ahmad ibn Hanbal	2	Al-Risalah
5	Imam Jafar al-Sadiq	3	Muwatta

CHAPTER 3

A.

H	I	H	I	S	F	J	A	A	D	C	I	S	K	S	F	Q	F	U	T	Z	T	Z
R	P	I	W	F	Y	M	R	K	J	U	T	U	V	C	Q	Y	Q	C	Q	L	N	X
R	I	R	T	J	W	P	F	H	S	I	Q	N	O	X	R	J	I	K	K	V	G	S
B	P	I	H	R	G	H	N	M	Y	A	I	N	X	X	F	W	Y	V	U	D	J	M
H	M	W	S	P	T	D	P	U	Z	D	A	A	I	Y	I	N	A	T	A	T	L	M
I	J	U	N	B	O	F	K	D	W	A	L	H	P	A	G	T	S	N	K	S	V	I
W	M	C	F	Z	V	F	M	D	G	H	N	W	Z	M	Q	R	I	T	B	P	F	S
P	W	C	M	S	S	Y	X	T	J	A	P	H	U	B	V	D	S	H	Y	U	A	A
W	J	W	U	L	I	V	I	S	T	I	S	H	A	B	W	D	T	C	M	R	R	D
N	P	X	B	C	D	D	L	X	S	V	N	X	M	C	V	W	I	R	U	F	D	D
E	T	G	A	K	J	O	O	E	V	M	R	W	P	J	Y	O	H	G	S	D	H	D
A	G	Y	H	C	M	X	X	W	B	S	S	H	E	Y	D	L	S	H	T	E	Q	H
A	L	M	A	S	A	L	I	H	A	L	M	U	R	S	A	L	A	H	A	X	U	A
T	J	M	I	C	G	E	P	D	G	Z	M	A	K	R	U	H	N	H	H	X	R	R
H	A	R	A	M	I	F	I	J	M	A	K	Q	A	Y	F	Y	F	R	A	E	A	A
X	I	Z	O	S	N	P	V	Q	V	O	K	I	T	W	A	J	I	B	B	P	N	I

C.

1. A
2. D
3. E
4. A
5. C

D.

1. True
2. False
3. True
4. False
5. True

E.

1. Fardh al-kifayah
2. Wajib
3. Mufsid
4. Makruh
5. Istishab

CHAPTER 4

B.

1. A
2. C
3. D
4. B

C.

1. Mujtahid
2. Consultation
3. Taqlid/ Taassub

CHAPTER 5

B.

1. True
2. False
3. False
4. False
5. False
6. False
7. True
8. True

C.

1. A
2. C
3. C
4. C
5. D
6. D
7. A

D.

1. Solid najasah, liquid najasah
2. Istinja, istibra
3. Minor hadath

CHAPTER 6

B.

1. E
2. C
3. D

4. D

C.

1. True
2. False
3. False
4. True

D.

1. Fasting
2. Sahur/Sahur meal
3. Basic needs

CHAPTER 7

Across

2. Umrah
4. Masjid al-Nabi
6. Hajj
7. Ihram
8. Waqfa
9. Masjid al-Haram
13. Arafat
14. Hady
15. Mina
16. Tamattu

Down

1. Tawaf
3. Qiran
4. Muzdalifah
5. Nazr
7. Ifrad
10. Miqat
11. Say

12. Safa

C.

1. C
2. C
3. E
4. B

D.

1. False
2. True
3. True
4. False

E.

1	Miraj	5	Madinah
2	Sa'y	4	Mina
3	Fardh	1	Ka'bah
4	Stoning the Devil	6	Miqat
5	Visiting Masjid al-Nabi	2	Safa and Marwa
6	Wearing ihram	3	Arafat

F.

1. Bismillahi Allahu Akbar
2. Umrah
3. Intention/Talbiyah
4. Hajar al-Aswad

CHAPTER 8**A.**

1. Ibadah
2. Right
3. Iman
4. Haram
5. Motherland
6. Ghazi
7. Human
8. Halal
9. Ahliyyah
10. Aql
11. Family
12. Shahid
13. Liberty
14. Mulkiyyah

C.

1. C
2. C
3. C
4. E
5. A

D.

1. Whole humanity
2. Lawful/Good
3. Veteran

