M. TAYYIB BAKHSH AL-BUDAYUNI

A Short HANDBOOK OF FIQH

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BY

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PREFACE

It is the most irksome and yet bounden duty of every writer to give reasons for his undertaking any literary venture. With other people, the main spur perchance, be their desire to get fame and immortality. In my humble case, I cannot claim any of these much coveted things as my efforts in this field have nothing to do with originality-being mere stray collection of material from this book or that. I had long since been feeling the dire necessity of translating or compiling some book which might prove helpful to those Englishspeaking Muslims who, on account of their ignorance of 'Arabic find it almost impossible to have access to the original books on Fiqh. This leads to two kinds of evils. Such people are either duped by the selfish liturgists, or remain hopelessly ignorant of the very rudiments of their religion. In order to keep them at a safe distance from these two pitfalls, I have decided to compile as many religious books in English as Allāh permits me.

In the present booklet, an English-speaking Muslim will find many useful things which will help him in purifying his body and soul by offering his prayers in a proper way, in giving Zakat (poor-due), in observing fasts etc. Being in a booklet form, it will not be difficult for a man to keep this handy guide in one's pocket as a permanent companion. May Allāh grant me success in doing this much in His way. Amin!

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KITAB at-TAHARA

TAHARA OR PURIFICATION

Prayer is the most important prop or element of Islam. For prayer, *Tahara* (cleanliness or purification) is most essential, as it is one of its conditions. By cleanliness, it is meant that not only the body and clothes of the man offering prayer should be clean, but the place where prayer is being offered must also be clean. The chief means of making the body clean are the following:

- 1. Ghusl or Bath.
- 2. Wudu or Ablution.
- 3. Tayammum or wiping of one's face and hands with dust in place of Wudu or Ghusl. But Tayammum is permissible only when water is not available. As soon as water becomes available, one must perform Ghusl or Wudu.

Before discussing these methods of purification, it will be better if we try to know in brief what is meant by impurities and how an impure thing can be made clean.

KINDS OF IMPURITIES

Following are the kinds of impurities:

1. Nijasat Haqiqi or Ghaliza. It is an impure substance the least quantity of which makes a thing on which or in which it is found, unclean. In this category

- come all those things that come out of the belly through rectum or organs of generation.
- 2. Nijasat Hukmi. All those things that are declared by Allāh to be prohibited, like the pig etc.
- 3. Nijasat Khafifa. In this category are included certain things and substances, a particular quantity of which under certain circumstances, is regarded to be Khafif or negligible.

Let us discuss them a bit in detail:

- 1. Nijasat Ghaliza, Haqiqi or Hukmi. Under these categories come all that is mentioned below. If any of these substances is found on or in anything covering an area more than the point of a needle, that thing must be washed and purified. Things or substances that come under this category are:
 - (a) Urine or excreta of human being, including that of children.
 - (b) Urine and exercta of those animals that are forbidden, including an ass.
 - (c) Wines of every type or kind.
 - (d) Whatever comes out of the genital organ.
 - (e) Gushing blood of human beings and of animals.
 - (f) Half-eaten or remaining food left by the forbidden animals, lizards, elephants, etc., except a cat and a rat?
 - (g) A pig and all that a pig has on or in its body.
 - (h) All that comes out of the natural emunctories of water birds like cranes, ducks, etc., including a hen.

- 2. Nijasat Khafifa. The under-mentioned substances are considered to be negligible or Khafif impurities:
 - (a) The urine of a horse and of all those animals that are not forbidden.
 - (b) Excrement of all the birds except the water birds and those of the hen-family.

How Much Impurity is Khafif or Negligible

If any of the above-mentioned substances is found on anything covering a portion or area thereof, equal to one-tenth of an inch (1/8 of a Dirham), then so much impurity is regarded as *Khafif* or negligible. It must be kept in mind that even this much impurity is regarded negligible only when water is not available. As soon as one gets water or is in a position of getting it, he must purify that thing with water.

If any of the above noted impure substances is found on the body or clothes of any one going to offer prayers, and if it covers an area equal to one-fourth of the skirt or the sleeve, but not more than that, then with so much impurity or the clothes or the body, one may offer prayers, provided one is unable to get water.

Here we must remember that if the above noted quantity of the above mentioned substances falls into water which is not flowing, the whole water becomes unclean.

How to Make Impure Things clean-Ways and Methods

Nijasat or impurity may be made clean by washing the impure thing with water. If an unclean substance is visible and can be removed completely by scratching or rubbing, then it should be made clean by mere rubbing or scratching. This can be done in the case of bricks, walls, stones, grass, mowed floors and the like. This is the view of Imām Abū Hanifa. Other Imāms hold that first of all unclean substance must be removed either by washing or by rubbing and scratching, then it should be washed three times; and each time it should be squeezed hard, if possible. If anything cannot be squeezed, it must be left to get dry after each washing. Seven times washing is *Mustahab* or preferable. Generally three times washing is considered enough. Swords and other metallic articles may be made clean by mere rubbing or sharpening.

Unclean ground, if completely dry, is clean and prayer may be offered on it. Here it must be remembered that on such ground Tayammum cannot be performed. The same is the case of walls, the unmown grass, trees, bricks, bones and the like.

If the grass is mown, it must be washed till all traces of unclean substance totally disappear. This is the view of Imām Abū Hanifa. Other Imāms hold that such a grass should first be washed to remove the unclean substance from it and then it should be washed three or seven times; and each time it should be squeezed hard. Seven times washing is *Mustahab* or preferable.

Cow-dung and the excreta of other animals, including that of a horse, is clean if it is burnt to ashes. This ash is clean. This is the view of Imām Muhammad. In the opinion of Imām Yūsuf even this ash is unclean.

According to all the Imāms the excrement of a pig is unclean even after it is reduced to ashes.

If a pig, dog, ass or any other prohibited animal falls into a tank of salt and is dissolved into it, then according to Imām Muhammad that salt is clean. But Imām Yūsuf holds everything inside the tank to be unclean.

The half-eaten food left by a horse, man (believer or non-believer), donkey etc., is clean. The same is the case with the sweat of the above noted animals.

The sweat of a mule or a hinny is also clean; whereas the half-eaten food left by the mule or the hinny is regarded as improper Makruh (••••••) and preferable not to be taken.

The half-eaten food left by a cat, rat, squirrel, birds of prey and such other house-kept animals and mammals is *Makruh* (مکروه).

The half-eaten food left by a pig, dog, elephant and other forbidden animals is unclean.

Drops of urine, covering an area less than the point of a needle, do not make any thing unclean. If the area is more, that thing becomes unclean.

Skins and hides (except the skin of man and of a pig) become clean when tanned.

If some unclean substance falls on some clean skin or hide, then first of all that unclean substance should be scratched or rubbed as much as possible, then it should be washed three times. After each washing, it must be left to get dry.

WATER FOR PURIFICATION

By water is meant the water of a flowing river, spring, tank, pool, pond, well, canal and the sea or ocean.

Rain water if collected and stored, may also be considered to be good for the purpose of making anything clean.

Water has three properties of its own: taste, smell and colour. Even if one of these properties is not found in the water, then it can be treated as water for making a thing clean. If two or all the three properties are missing then it cannot be used for making anything clean. Juice of fruits etc., cannot be used in place of water as it would not be possessing two of the three properties mentioned above. On the contrary, if some pure and clean juice is mixed with clean water in such a proportion that the mixture does not lose more than one property, then such a mixture may be used for making something clean.

If some clean thing falls into unclean water, then it can be used as clean water for making ablution or anything clean after the thing has been taken out.

If saffron, milk, soap or any other soluble thing is mixed in clean water in such a ratio or quantity that the mixture loses two of the three properties (smell and taste, taste and colour, colour and smell) then such a mixture cannot be used as water for making a thing clean. This is the view of Imām Shāfi'i and of Imām Muhammad. Imām Abū Hanifa holds that such a mixture may be used as water provided it is even then regarded as water.

HOW TO PURIFY WATER

If any impure substance or thing is lying on the bed of flowing water (of a river, stream, canal etc.) or

has fallen into it, the whole of that water is not unclean, provided the impure substance does not change any of the three properties of water—colour, smell and taste.

If any impure substance is at the head of any spout or outlet or mouth of a canal, then the quantity of the water affected by that impure substance is to be taken into consideration. If more than fifty per cent of such flowing water is flowing or passing over it, then such water is clean. The author of 'Alamgiri (a famous book on Fiqh) says that if such water loses any of its three properties, then it is unclean.

Small quantity of water becomes unclean even if the least possible quantity of an impure substance falls into it.

If some animal falls into a well and its hair are removed or if its body is swollen or its body gets rotten and burst, then all the water of the well or of the tank is to be taken out. If a pig falls into a well or a tank and is soon taken out alive, even then the whole of the water of that well or tank is to be taken out.

If an animal like a goat, sheep, cat, rat, etc., or a man falls into the well and die therein, then the whole of the water is to be drawn out.

If three small-sized animals or birds (three pigeons or the like) fall into a well or a tank and die therein, then 40 or 60 buckets of water should be drawn out to make it clean.

It must be remembered that in all the above mentioned cases first of all the dead body or bodies of the unclean animals or birds should be taken out and then the required number of buckets of water should be drawn out,

QULLATAIN

Qullatain means that quantity of water which five leather water-skins contain. According to Pakistani measurement this quantity comes to five maunds and twenty seers (about two quintals and 62 kilograms) of This much water is regarded to be clean by a few Imams: no matter if some impure substance is in This is so because some Imams hold this much water to be "Ma'i Kathir" or large quantity of water. Imām Abū Hanifa and Imām Yūsuf hold that by large quantity of water is meant that span of water in which waves or movements caused and created by some one taking bath on one bank of that span do not reach the other bank of that span. If waves caused or movements so created reach the other bank, then such a span of water need not be considered to be large quantity of water. Imam Muhammad holds that by movement is meant the movement or stirring caused by a man making his ablution on one of its banks.

Later scholars, following Imām Abū Hanifa, are of the opinion that a tank of water measuring 5 yards in length and 5 yards in breadth or depth or a similar depth having a diameter of 18 to 24 yards may be regarded as enough water or a great span of water for purposes of making something clean. The author of 'Alamgiri, holds that while measuring the length of such a tank the yard in question means two arm-lengths. The author of Fatawa Qāḍi Khan holds that the yard in

question means seven fists and one digit of the finger; and this is the yard in common use. It comes to three feet.

WUDU-GHUSL-TAYAMMUM

After having discussed about clean water and how to purify water, let us now discuss the ways of making one's body clean. There are three ways of making one's body clean; and they are:

- (i) Wudu or Ablution.
- (ii) Ghusl or Bath.
- (iii) Tayammum or purification with clean dust.

WUDU OR ABLUTION

There are three kinds of Wudu or ablution:

- (a) Fard, for one who wants to offer prayers.
- (b) Wājib, for one who wants to make rounds or circuits of the Ka'ba during the Hajj.
- (c) Mustahab, for bathing the dead body or for recitation of the Holy Qur'ān.

How to Perform Wudu

There are four *Fara'id* (obligatory acts) in Wudu. The non-observance of any one of them renders the whole Wudu void. They are:

1. Washing of arms up to the elbows in such a way as to make two or three drops fall down from the arms so washed.