

MANDATORY REQUISITES (*WĀJIBĀT*) OF THE PRAYER

Among them<sup>222</sup> are the following:<sup>223</sup>

1. To say the words *Allāhu akbar* specifically [as opposed to other phrases of remembrance] to begin every prayer [i.e., for the *tahrīma*];
2. To recite the Fātiḥa<sup>224</sup> as well as a *sūra* or three verses<sup>225</sup> after it, in any two *rak'as* of the obligatory prayer and in all *rak'as* of the voluntary prayer;
3. To do the above recitation specifically in the first two *rak'as* of the obligatory prayer;
4. To perform prostration with [most of] the forehead and [the hard part of] the nose;
5. To perform the second prostration before moving on to other parts of the prayer;
6. To be still for at least a moment<sup>226</sup> in every integral of the prayer;<sup>227</sup>
7. The first sitting;<sup>228</sup>

222 If a mandatory requisite is omitted, the prayer is still valid yet deficient. If it were omitted on purpose, it is sinful and hence mandatory (*wājib*) to repeat the prayer, just as it is if one does something prohibitively disliked (*makrūh tahrīman*) during the prayer. If omitted by accident, then one must perform the forgetfulness prostration at the end of the prayer (see related section, p. 106) (*Hadiyya* 65; *Durr* 1:306–7).

223 It is also mandatory (*wājib*) to rise from the first sitting as soon as one has recited the *tashahhud*. If one forgets and instead remains sitting until he recites *Allāhumma ṣalli 'alā Muḥammad*, he has missed this requisite. If he recites less before recalling and standing, then it is excused (*Durr, Radd* 1:313; *Hadiyya* 66). Another mandatory requisite is to perform each obligatory (*farḍ*) and mandatory (*wājib*) element of the prayer in its proper place. If, for example, one finished the recitation and then accidentally remained standing while thinking—not engaged in any sort of remembrance, but rather silent for the length of time it takes to say *Subḥāna 'Llāh* three times in a measured pace—then he missed this requisite by delaying bowing, and would therefore need to perform a forgetfulness prostration (*Durr* 1:315).

224 That is, the entire Fātiḥa, as each verse is mandatory. An exception is if one fears the time expiring for fajr, because sunrise actually nullifies the prayer. In that case, he simply recites one verse to fulfill the obligation and complete the prayer on time (*Hadiyya* 65; *Durr, Radd* 1:307).

225 That is, three short verses, the shortest being *Thumma naẓar, Thumma 'abasa wa basar, Thumma adbara wa 'stakbar* (Qur'an 74:21–3), or one long verse of equivalent length or more, such as *Āyat al-Kursī* (2:255) or the like (*Durr, Radd* 1:308).

226 That is, for enough time to say *Subḥāna 'Llāh* once (*Hadiyya* 66; *Durr* 1:312).

227 That is, in bowing (*rukū'*) and prostration (*sujūd*), as well as in the standing after bowing (*qawma*) and in the sitting between prostrations (*jalsa*) (*Hadiyya* 66; *Radd* 1:312).

228 That is, the sitting after the first two *rak'as* in a three or four-*rak'a* prayer, for the length

8. To recite the entire<sup>229</sup> *tashahhud* in both sittings;
9. To say the word *as-salām*;<sup>230</sup>
10. To recite the *qunūt*<sup>231</sup> in the witr prayer [see p. 192];
11. To recite the [six] extra *takbīrs*<sup>232</sup> in the two 'Īd prayers;
12. For the imām, to recite Qur'an out loud in [the first two *rak'as* of] the loud obligatory prayers;<sup>233</sup>
13. For both the imām and the one praying alone, to recite Qur'an silently in the other *rak'as* of the obligatory prayers.<sup>234</sup>

EMPHASIZED *SUNNAS* OF THE PRAYER

Among them<sup>235</sup> are the following:

of time to recite the *tashahhud* therein. The sitting after the forgetfulness prostration is also a mandatory (*wājib*) requisite (*Hadiyya* 66).

229 Hence, omitting a part of it takes the same ruling as omitting all of it, namely, requiring a forgetfulness prostration if by accident, or being sinful if on purpose (*Durr, Radd* 1:313).

230 That is, twice when ending the prayer, each one being mandatory. Adding '*alaykum wa raḥmatu 'Llāh* is a *sunna* (*Hadiyya* 67; *Durr, Radd* 1:314).

231 Any supplication (*du'ā'*) fulfills this requisite (see related note, p. 97) (*Hadiyya* 67; *Durr* 1:315).

232 That is, three in the first *rak'a* and three in the second, each one being mandatory (*Durr, Radd* 1:315). This is the optimal method according to the Ḥanafī school, yet to do seven in the first *rak'a* and five in the second is also valid, for which one must follow the imām in prayer (*Marāqī 'l-Falāḥ* 2:155–6).

233 Namely, both *rak'as* of fajr, the first two *rak'as* of maghrib and 'ishā', both *rak'as* of the Friday prayer and two 'Īd prayers, and the *tarāwīḥ* and congregational witr in Ramaḍān. For these *rak'as*, a man praying alone has the choice of reciting aloud or silently, even if making up the prayer. Women do not recite aloud for any prayer (*Mukhtār* 1:76; *Hadiyya* 67; *Radd* 1:315).

234 Namely, all *rak'as* of zuhr and 'aṣr, the third *rak'a* of maghrib, and the third and fourth *rak'as* of 'ishā' (*Hadiyya* 67; *Radd* 1:315).

235 The following are also emphasized *sunnas* of the prayer: while standing, to keep the feet about four-fingers apart (*Imdād* 267); to lengthen the first *rak'a* of only fajr, while for other prayers the first and second *rak'as* should be approximately of similar length; to place one's hands on one's thighs when sitting, such that the fingertips are parallel to the knees, without grabbing the knees; to point with the right index finger when pronouncing the testification of faith in the *tashahhud*, raising it with *Lā ilāha* and lowering it back down with *illa 'Llāh*; for the imām when ending the prayer, to pronounce the second *salām* less audibly than the first one; for anyone, to begin with the right when turning the head with the closing *salāms*; and for the latecomer (*masbūq*), to wait until the imām says the second closing *salām* before rising to make up his missed *rak'a(s)*, to see if the imām needs to perform a forgetfulness prostration, since following the imām is mandatory (*wājib*). (*Hadiyya* 69–71; *Durr, Radd* 1:320–1, 332, 484; *Marāqī 'l-Falāḥ, Taḥṭāwī* 1:375).

The following are emphasized *sunnas* that are specific to men, while women do the opposite. While bowing, men clutch the knees with the hands and spread the fingers wide, keep the legs straight without bending the knees, and bend over fully such that the head is even with the bot-

## Almsgiving (Zakāt)

*Zakāt* is defined as the transfer of ownership (*tamlīk*) of a portion<sup>529</sup> of wealth—specified by the Lawgiver—to a particular person,<sup>530</sup> with its intention.<sup>531</sup>

It is obligatory (*fard*) on every free Muslim who is legally responsible,<sup>532</sup> and who possesses the quantum (zakātible amount) (*niṣāb*)<sup>533</sup>—whether in

529 Namely, 2.5% of one’s wealth that is equal to or above the zakātible amount (*niṣāb*) (see note below), upon which one lunar year has elapsed (*Hadiyya* 197; *Durr* 2:3).

530 That is, a Muslim of one of the categories of eligible recipients listed below.

531 Because it is an act of worship rather than a tax, *zakāt* is not valid without its intention, which must be present either (a) when one pays it to the recipient, (b) when one gives it to one’s agent appointed to pay it on one’s behalf, or (c) when one sets it aside to be paid as *zakāt* in the future. If one pays it without its intention, then it does not fulfill one’s *zakāt* obligation, unless one later intends it as such while it is still intact, in the recipient’s possession. Moreover, the recipient does not have to know that it is one’s *zakāt* payment. One may, for example, call it a “gift” or “loan” while paying it to the recipient, all the while intending it to fulfill the *zakāt* obligation (and then later forgive the “loan”) (*Imdād* 681; *Hadiyya* 202; *Durr, Radd* 2:11–12; *Kanz, Tabyīn* 1:257).

532 That is, adult and sane, as otherwise one is not legally responsible (*Hadiyya* 198; *Durr, Radd* 2:4; *Tabyīn* 1:252).

533 *Niṣāb* is of two types: *niṣāb wujūb al-zakāt* and *niṣāb ḥirmān al-zakāt*. The first type, mentioned above, refers to the minimum amount of wealth upon which *zakāt* is due, specifically from one’s monetary wealth (i.e., gold, silver, cash, etc.), livestock, or trade goods, with the conditions mentioned above. The second type, *niṣāb ḥirmān al-zakāt*, is the minimum amount of wealth by which one would become ineligible to receive *zakāt*, though he may not have to pay it either. It is the same amount of wealth as the first type, yet is considered from any type of wealth other than one’s basic personal needs (*Sharḥ al-Wiqāya* 1:230–231, *Lubāb* 168, *Durr* 2:73). For example, the combined value of a person’s monetary wealth, livestock, and trade goods (i.e., categories of wealth for which *zakāt* is due) is below the quantum. Yet he owns an extra piece of land that was not purchased for resale (and hence not a trade good—see related note below, p. 140), and that land is of a value—when added to the previous amount (i.e., categories of wealth for which *zakāt* is due)—that causes his total wealth to be above the quantum. This person would have *niṣāb ḥirmān al-zakāt*, such that he would be ineligible to receive *zakāt*, yet would not have *niṣāb wujūb al-zakāt*, such that he would not be obligated to pay *zakāt*.

Hence, the central condition shared by all eligible recipients is possessing less than *niṣāb ḥirmān al-zakāt*, while the condition by which one is obligated to pay *zakāt* is possessing more than *niṣāb*

monetary wealth or in trade goods whose value is equivalent to the *niṣāb* of wealth<sup>534</sup>—over which a full lunar year (*ḥawl*) has passed, in excess of any debts<sup>535</sup> and of basic personal needs.<sup>536</sup>

The *niṣāb* of gold<sup>537</sup> is 20 *mithqāls*,<sup>538</sup> for which one pays half a *mithqāl*. The *niṣāb* of silver is 200 *dirhams*, for which one pays 5 *dirhams*. For any amount above the *niṣāb*, if it increases to a fifth of the *niṣāb*, one pays its proportionate amount due, yet pays nothing if less than a fifth.<sup>539</sup>

The value of trade goods<sup>540</sup> is combined with one's gold and silver, both of which are also added together by value.

*wujūb al-zakāt*. Finally, one who possessed *niṣāb ḥirmān al-zakāt* would still have to pay *ṣadaqat al-ḥīr* (see related section, p. 143) and perform the *uḍḥiyya* (see related chapter, p. 169).

534 This sentence comes later in the Arabic published edition and in the manuscript, yet is as above in the author's larger works *Imdād* (681) and *Marāqī 'l-Falāḥ* (2:391).

535 That is, debts that would reduce his wealth below the *niṣāb*. Otherwise, if one still possesses *niṣāb* despite one's debts, *zakāt* remains obligatory (on the wealth that exceeds the debts). Moreover, what is meant above is debts owed to humans, not those owed for religious obligations such as expiation (*kaffārā*), vows (*nudhūr*), the obligation of *ḥajj* and the like; such debts are not deducted when calculating one's zakāt-able wealth (*Ikhtiyār* 1:150; *Hadiyya* 198; *Tabyīn* 1:254–5). Finally, money set aside for general expenses, such as food, rent, education, or family provisions (*nafaqāt*), is likewise *not* deducted (*Badā'i'* 2:101).

536 Basic personal needs (*ḥawā'ij aṣliyya*) refer to personal items that are not zakāt-able, such as one's house(s); furniture; clothing; vehicle(s); equipment used for one's profession; or any other personal belongings, like books or even property, not purchased with the intention of resale. If something is purchased with the intention of resale, it is deemed a trade good and is hence zakāt-able (*Ikhtiyār* 1:151; *Ṭaḥṭāwī* 2:392; *Durr, Radd* 2:8–9; *Tabyīn* 1:253).

537 *Zakāt* is due on gold and silver in *any* form, whether minted coins, raw nuggets, jewelry (whether worn or not worn, contrary to other schools), or household decorative pieces (*Imdād* 681; *Kanz* 1:277). There is no *zakāt* due, however, on precious stones such as rubies, diamonds or emeralds, regardless of their value, unless they are one's trade goods (see note below) (*Durr, Radd* 2:14; *Tabyīn* 1:277).

538 A *mithqāl* is roughly equivalent to 4.374 g; therefore, the *niṣāb* (minimum zakāt-able amount) is approximately 87.48 g of gold, or its equivalent monetary value (*Imdād al-Awzān* 17, 31). This value is the quantum used to determine whether or not one is obligated to pay *zakāt*, or eligible to receive it (see discussion at beginning of chapter and related note on two types of *niṣāb*).

539 For example, if someone owned 450 *dirhams* of silver, then he would pay 11 *dirhams* of *zakāt*—10 on the 400 and 1 on the extra 50—since the extra 50 *dirhams* is more than 1/5 of the *niṣāb* (i.e., 40). The proportionate amount of *zakāt* on the 50 *dirhams* is 1 *dirham*, since 1 *dirham* is owed for 40, and the extra 10 does not amount to another 1/5. If, however, he had 430 *dirhams*, he would pay 10 *dirhams*, as the extra 30 does not amount to 1/5 of the *niṣāb*. If he had 480 *dirhams*, he would pay 12 *dirhams*; and so on.

540 A trade good refers to any non-monetary item purchased with the intention, *at the time of purchase*, of resale. If one does not intend resale at the time of purchase, then the item is not deemed a trade good with regard to *zakāt*, and is hence not zakāt-able. That is, even if later after the purchase he intends resale, or even if it was purchased for personal use yet with the intention that *if he later found a good deal, he would sell it*, *zakāt* is not due on the item. Rather, once he actually

The *zakāt* of livestock—i.e., camels, cattle, sheep, and goats—is based on the quantum allotted for them, as delineated in its relevant section [in other works of jurisprudence].

## ELIGIBLE RECIPIENTS OF ZAKĀT

1. An indigent person (*faqīr*),<sup>541</sup> i.e., possessing less than the *niṣāb*,<sup>542</sup> whether by actual gold and silver or by valued goods, even if he is healthy and earning a living;<sup>543</sup>
2. A poor person (*miskīn*), i.e., one who has no wealth at all;
3. A slave working to free himself (*mukātab*);
4. A person in debt;<sup>544</sup>
5. A soldier cut off from his troop;
6. A pilgrim cut off from his group;

sells the item, *zakāt* would be owed on the money collected from the sale. Likewise if one gains ownership of a non-monetary item without a sale contract, such as by inheritance, then it is not zakāt-able, as there was no contract with which the intention of resale could be conjoined. Finally, if one purchases a non-monetary item with the intention of resale, whereby it is deemed a trade good and is zakāt-able, and then later changes his intention and decides to not sell it and instead uses it for personal use, it is no longer deemed a trade good for *zakāt* (*Ṭaḥṭāwī* 2:396; *Durr, Radd* 2:10, 13, 14; *Tabyīn* 1:256–7).

541 The basis of eligible recipients is the Qur'ānic verse, “Charity is only for the indigent; the poor; workers who collect it; those whose hearts are to be reconciled; slaves [working to free themselves]; people in debt; in the way of Allāh; and wayfarers—a mandate from Allāh, and Allāh is All-Knowing, Ever-Wise” (9:60). No person outside of these categories is eligible to receive *zakāt*, as the verse *limits* them as recipients with the particle “only” (*Tafsīr Abī 'l-Su'ūd* 4:76). By scholarly consensus, the category of “those whose hearts are to be reconciled” is no longer applicable for *zakāt*, from the time of the Caliphate of Abū Bakr (*Tabyīn* 1:299). Moreover, the condition for all categories is, as noted from the definition of *zakāt* above in the text, transfer of ownership (*tamlīk*) (to an individual from one of the above categories). Therefore, one cannot pay *zakāt* to build institutions such as mosques or hospitals; for general public welfare such as fixing roads or bridges; or for sponsoring someone's education or pilgrimage; without first “transferring ownership” to a poor individual. The phrase “in the way of Allāh” in the verse cannot be applied to such endeavors. Rather, it is interpreted to refer to soldiers or pilgrims, specifically the indigent among them. They are mentioned separately, despite being included in the first category of “the indigent,” since they have an extra need, having been cut off from their troop or group (*Durr, Radd* 2:62; *Kanz, Tabyīn* 1:298, 300).

542 That is, *niṣāb ḥirmān al-zakāt* (see related note, p. 139).

543 Although it is better for one who is able to earn a living not to take *zakāt* (*Badā'i'* 2:159).

544 Such that his debts take his wealth below the *niṣāb* (*Mukhtār* 1:175; *Tabyīn* 1:298).