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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

## Chapter Fifteen

### On What the *Shehu* Mentioned to the People Concerning the Science of Jurisprudence

**R**ealize that the *Shehu* would arrange these branches of the religion in accordance with the people who were present in his lectures.

#### Freeing Oneself of Impurities

He would teach that freeing oneself from urine is an obligation while washing the private parts with water is highly recommended. Its description is that he should begin by washing the hands. He should then wash the private parts where the urine came out. He should then remove what remain from defecation with either his hands or something else. He should then rub his hands on the earth and then wash them. He should then make *istinja* with water. He should connect his pouring with squeezing the penis slightly. He should repeat this with his hands until it was completely cleaned of impurities. He should not wash what was inside the anus nor should he make *istinja* after breaking wind.

#### The Ablution and Its Description

It is that he should wash his hands three times. Then enter them into the water container if it is an open one. He takes the water and rinses his mouth three times with one handful of water, if he likes; or with three handfuls of water. If he brushes his teeth with his fingers this is better. He then snorts water into his nose and blows it out three times. When blowing the water out he should place his fingers on his nose like he does when blowing his nose. Its permissible to do it less than three times in the snorting and blowing water from the nose. He can do this with a single handful of water. He then takes water, if he likes in both hands, or, if he likes in his right hand and then place it in both hands. He then takes the water to his face and begins by washing it with his hands from the highest part of his forehead. The limit of the face is from the where the hair begins to grow until the end of the beard. The circle of the entire face is from the limits of the bone of the chin until the temple. He should pass his two hands over the hollow part of the eyelids, the lines of the forehead and underneath the elastic part of the nose. He should wash his face in this way three times. He should also move the hairs of his beard during the washing of his face with his two palms in order that water could enter between. However, it is not necessary mix the fingers within the beard during ablution in the opinion of *Imam* Malik. He should simply run his hand over it until the end. He should then wash his right hand three times or twice by pouring water over it. He should rub his arms and hands with his left hand and make sure to mix the fingers of the left hand with the right. He should then wash the left hand in the same manner. In the washing of the hands he

reach to the elbows making sure to wash the inner hollows of the elbows. It is said that to wash to the elbows is sufficient and it is no obligatory to wash the inner hollows. However, washing them is considered the most reliable for reason of precaution. Then he takes water with his right hand and pours it upon his left hand. He then wipes his head with his two hands beginning with the front where his hair starts to grow. He separates and spreads the fingers of his hands on his head and places the thumbs upon the temple. He then wipes with them moving back until he reaches the end of his hair to the nap of his neck. He then returns his hands wiping from the back until the front where he began. He then takes his two thumbs in the return wipe and place them behind the ears and wipe until the temples. However he wipes on the return wipe is permissible as long as he covers the entire head. However, the first way is better. If he enters his hands into the water container then raises them while still damp to his head and wipes it, this is permissible. He then pours water upon his pointing fingers and thumbs. If he likes he can immerse them in the water. Then he takes them and wipes his two ears, outwardly and inwardly. He only wipes them once as we have mentioned and makes sure to wipe the ear lobes. He does not have to wipe in the ear hole. Women should pass their hands underneath the braids of her hair on the return wiping from back to front. He should wash the feet by pouring water with the hands upon them. He does this by sprinkling water with the left hands little by little. He should do this making the water embrace the entire feet three times. He if likes he can place his fingers between his toes. However if he disregards this there is no harm. But running the fingers through the toes is better for the soul and more beloved to the scholars. He should take care to wash the ends of the feet and the Achilles' tendon and enter water into the cracks and crevasses of the feet.

### **The Ritual Bath and Its Description**

He begins with washing the impurities from the private parts and the body. He then makes the ablution like the ablution for the prayer. If he likes he can wash his feet, or if he likes he can postpone washing his feet until the end of the bath. He then enters his hands into the water container and raise them without holding any water. He then takes his fingers and rubs the roots of his hair. He then pours three handfuls of water over the head, while washing his hair. A women does the same thing while mixing the water in her hair. However it is not necessary for her to undo her braids. He then pours water over the right side of his body and then left side of the body. He should also rub with his hands following the traces of the water until he covers the entire body. Wherever he doubts that the water has reached a part of the body, he should then repeat the pouring and rubbing until he has covered the entire body. He should make sure to clean the bottom of his feet, the navel and underneath the chin. He should also enter his fingers into the hairs of the beard and underneath the arms, between the armpits, underneath the knees, beneath the feet and run the fingers through the toes. He can then wash his feet at the end making it the completion of his ritual bath and the ablution, if it happens to be the end of the bath. He should be careful not to touch the private parts with the inner part of the palms. If he does this when he has finished the ablution then he has to repeat the ablution, even if he touched it at the beginning of the bath. After he had washed the places of the ablution, he should then pass his hands over the places of the ablution with water which is necessary and make the intention at the beginning.

### **The Tayyammum and Its Description**

The person sick, the traveler and the one resident can make *tayyammum* in the absence of water, or if he is unable to wipe himself, or if he fears that sickness will result from the use of water, or his sickness will increase as a result of the use of water. Its description is that he should strike with his two hands upon the earth and then shake off slightly the sand which clings to the two hands. He then wipes his entire face with his two hands. He then strikes the earth with his hands again and then wipes his right hand and arm with his left hand. He does this by placing the fingers of his left upon the outside part of the right fingers. He then wipes or passes his left hand over the outside part of his hands and forearm. He should turn his left hands until it reaches the elbow. He then passes his left palm to the inside of his forearm grasping the inside bend of the elbow. He then passes his left palm from there until he reaches wrist of the right hand. He then takes the thumb of left hand and passes it over the outer side of the thumb of the right hand. He then wipes the left hand in the same manner. If he wipes the right hand and forearm with the left palm and the left hand and forearm with the right palm, it is permissible. However he wishes and in whatever manner is easiest for him and which will allow the wiping to be complete, is also permissible. However, the first manner is better.

### **The Prayer and Its Description**

You make the intention to perform the present prayer, specifying this during the saying of the *takbir*. It is your saying ‘*Allahu Akbar*’ along with making the intention in the heart. You should beware of the errors that some of the ignorant do, when they say the word ‘*Allahu*’ and then become silent for the intention. Then he says ‘*Akbar*’. This is incorrect. Or some of them say ‘*Allahu Ak ...*’ and then become silent for the same reason. He then says, ‘*...bar*’. This is also incorrect. You should raise your hands equal to his shoulders or above and then lowers the hands to the sides. You should then recite *al-Faatiha* with another chapter silently, if it were a prayer done in the day-time. You should recite it aloud if it is a prayer done at night. When the extra prayer is completed you make the *takbir* while bowing into the *ruku`*. You then place your hands firmly upon your knees. You should make your back flat and equal with the ground. You should not raise your head nor bend it towards you. You should make sure to keep your arms from touching your sides. Then you should say:

سُبْحَانَ رَبِّيَ الْعَظِيمِ وَبِحَمْدِهِ

*Subhaana Rabbi 'l-`Adheem wa Bi Hamdihi* (Glory be to my Lord the Mighty and to Him is the Praise). You then raise your head while saying:

سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ

*Sami`a Allahu liman hamidahu* (Allah hears the one who praises Him). Then you should say:

اللَّهُمَّ رَبَّنَا لَكَ الْحَمْدُ

*Allahuma Rabbanaa Laka 'l-Hamdu* (O Allah, Our Lord to You is the Praise). If you are by yourself or following an *imam*. You should stand straight up still with your hands by your sides. Then you should move down into prostration without sitting. Before prostrating and while moving into prostration you should make the *takbir*. You should place your forehead and nose firmly upon the earth. The palms of your hands should touch the earth with the fingers spread and facing the direction of the *qibla*. You should place the hands equal with the ears or lower than that, except that you

should not spread your forearms upon the earth nor place your upper arms close to the body. On the contrary, you should spread the elbows out proportionately. Your feet should be upright in the prostration with the bottom of the toes upon the earth. The prostration should not be held for a long time. The least amount of time for the prostration should be long enough for the joints of your limbs because resolutely still. Then you should raise your head from the prostration with the *takbir*. Then you should sit and fold your left foot in sitting between the two prostration. You should place your right foot upright while placing the inner part of the toes upon the earth. You should also raise your hands from the earth and place them upon on your knees. Then make the prostration a second time in the same way that you prostrated firstly. Then rise and stand supporting yourself upon your hands, but do not return to sitting with rising to stand. Just stand as we have mentioned making the *takbir* at that time. Then you should recite in the same manner as you did in the first or recite less than that.

### **Making Up Missed Prayers**

Whoever forgets a prayer should pray it when he remembers.

### **Forgetfulness**

Whoever forgets an established *sunna*, like the extra chapter of the Qur'an, or he forgets to recite aloud, or he forgets two *takbirs* (other than the opening *takbir*), or he forgets two *tahmeeda*, or one of the two *tashahhud*, or he forgets to sit for it - he should then make prostration before the *salaams*. This is the same with the one who leaves something out and adds something. If someone only adds something to the prayer; like his reciting aloud in a place where he should silence, he should make prostration after the *salaams*.

### **Alms**

Whoever is obligated to pay the alms, should give it from the best of his wealth with the best of his behavior.

### **The Alms of Breaking the Fast**

The alms of breaking the fast is obligatory upon every mature, youth, male, female, free or slave from among the Muslims. It is equal to a *sa`a* which is like the *sa`a* of the Prophet, may Allah bless him and grant him peace. A *sa`a* is equal to four handfuls from a handful of the Prophet, upon him be blessings and peace. It is to be given from the common foodstuff of the people of that land.

### **Fasting**

Fasting during the month of *Ramadhan* is obligatory. Fasting is to be done based upon sighting the new moon and the breaking of the fast should be done by sighting the new moon. The *sunna* of fasting is to hurry to break the daily fasting and to postpone the morning meal.

### **The Pilgrimage**

Pilgrimage to the House is an obligation upon everyone who has the ability from among the Muslims.

### **Sacrificed Meats**

Men, women, youth, the mature, the free or the slave can sacrifice an animal by cutting the gullet and the jugular vein of the animal. Less than this is not permissible.

### **Taking an Oath**

Whoever takes an oath by Allah, then breaks his oath, should make atonement. Atonement includes feeding ten destitute from among the free population of the Muslims, giving a handful for each destitute person based upon the handful of the Prophet, may Allah bless him and grant him peace. Or it can be a share where a man will receive a shirt and a woman a dress and veil. Or he should free of a believing slave girl. If this is not possible and there is no food, then he is to fast three consecutive days. However if he were to separate the days, this is permissible.

### **Swearing**

Whoever swears by Allah should be believed.

### **Marriage**

Whoever marries can marry two women, three or four. However he cannot exceed four women. If he is unable to marry multiple wives then only one women should be married. He should be just between his wives and he is obligated to provide financial assistance for them and a residence based upon his ability. He is not obligated to divide his time between his slave girl and the right hand possession, which has given him offspring.

## **Business Transaction**

Whoever sells goods should avoid fraudulent practices and treachery and he should mention the defects of the goods if there are any.<sup>1</sup>

### **Preserving the Outer Limbs From Disobedience**

It is obligatory upon every Muslim to preserve his ears from every empty talk and falsehood to his ability. He should preserve his eyes from looking at what is forbidden. He should preserve his ears from listening to slander, backbiting and calumny. He should preserve his tongue from defamation and from every utterance that is not permissible. He should preserve it from speaking falsely, dishonestly and with vilification. He should preserve his hands from stealing and other things. He should preserve his stomach from every forbidden food. He should preserve his private parts from fornication, adultery and homosexuality. He should preserve his feet from walking haughtily and from taking him to places of disobedience.



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<sup>1</sup> One of the best text produced by the Sakkwato scholar/warriors on the subject of business, commerce, trade and the obligations, *sunnan*, reprehensibility, merits and prohibitions of trade is the Kifaayat 'l-`Awwaam fi'l-Buyuu` by the uncle of this author, *Shaykh* Abdullahi Dan Fuduye'. He composed the text in poetic metre as a way of making the subject of trade easy to comprehend for the common person, as the title indicates. He arranged the text into an introduction, five chapters and a conclusion. The introduction deals with the legal foundation of trade in the Qur'an and the prophetic traditions. Chapter one deals with the fundamental principles of trade, which is the earth and what is connected to it from produce and forestry. The second chapter deals with merchandise like clothing and other commodities. Chapter three covers the legal rulings on foodstuffs and its produce. Chapter four deals with the legal rulings on the two coins, which gold and silver and what is permissible regarding them. Chapter covers the legal ruling regarding the trade in war captives, animals and related property. The conclusion deals with the different types of trade and commerce and what is permissible, reprehensible and prohibited among these.