

# Jurisprudence Made Easy

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## INTRODUCTION

There are certain matters which it is a must for every human being to believe in them, and they are called the principles of religion (*usul al-din*).

### The Principles of Religion

They are five:

- 1- **Monotheism:** This means that Allah is one, and He is the One Who created the universe with everything that it is in it, from the Earth, the sky, the Sun, the Moon, the human beings, animals, and all other things.
- 2- **Divine Justice:** This means that Allah is just and does not wrong anyone, and that he has made the reward for the good and the punishment for the sinners.
- 3- **Prophethood:** This means that Allah, in order to guide people to the good and to distance and warn them from the evil and the ugly deeds, ordered some of the good people and made them duty-bound to convey His teachings to the people. This person is called a prophet and is also called a messenger.

The prophets are many, the first of them being Adam (peace be upon him), and amongst them is Noah (peace be upon him), Abraham (peace be upon him), Moses (peace be upon him), and Jesus (peace be upon him). The last of them is our Prophet Muhammad bin Abdullah (peace be upon him and his holy progeny), whom Allah sent with the religion of Islam. Whoever believes in him and his message is called a Muslim; thus we are Muslims because we believe in the Prophet Muhammad (peace be upon him and his holy progeny) and that which he came with, and that is the religion of Islam.

- 4- **Imamate:** This means that the Prophet Muhammad (peace be upon him and his holy progeny) appointed a successor to succeed him in guiding the people and their affairs, and he is called the Imam.

The Imams are twelve, appointed in the following order:

- 1- **Imam Ali bin Abi Talib (peace be upon him), buried in Najaf.**
- 2- **Imam Hasan bin Ali al-Mujtaba (peace be upon him), buried in Medina.**
- 3- **Imam Hussein al-Shaheed (peace be upon him), buried in Karbala.**
- 4- **Imam Ali bin al-Hussein (peace be upon him), buried in Medina.**
- 5- **Imam Muhammad al-Baqir (peace be upon him), buried in Medina.**

- 6- **Imam Ja'far al-Sadiq (peace be upon him), buried in Medina.**
- 7- **Imam Musa al-Kadhim (peace be upon him), buried in Baghdad.**
- 8- **Imam Ali al-Ridha (peace be upon him), buried in Mashad.**
- 9- **Imam Muhammad al-Jawad (peace be upon him), buried in Baghdad.**
- 10- **Imam Ali al-Hadi (peace be upon him), buried in Samarra.**
- 11- **Imam Hasan al-Askari (peace be upon him), buried in Samarra.**
- 12- **Imam Muhammad al-Mahdi (peace be upon him), may Allah hasten his reappearance. He is our present Imam in the current era; he is called the Imam of the Age and the Proof of Allah upon us, and he is alive, absent, and will appear by the permission of Allah to spread justice in the earth.**

So whoever believes in the Imamate of these Imams is a Twelver Imami Shia, so we are the Shia of the Ahlul Bayt (peace be upon them) because we believe in their Imamate and believe in them.

**5- Resurrection:** This means that Allah will resurrect the people after their death and will take account of their deeds on the Day of Judgment; then he will enter the good, the obedient, into Paradise in which there is everything which a person could wish for, and He will enter the evil ones, the disobedient, to the hell fire wherein they will be punished.

It is incumbent upon us to obey Allah and abide by the religious laws, such as prayer, fasting, etc – as we will explain – and that we become attributed with the praiseworthy attributes such as truthfulness, trustworthiness, and justice, so that Allah is pleased with us, and enters us in to Paradise which the Prophets, Imams, martyrs, and all the good will inhabit.

### **The Branches of Religion:**

They are the laws of the religion of Islam, which are obligatory for every Muslim to abide by, and the most important of them are ten:

- 1- **Prayer**
- 2- **Fasting**
- 3- **Pilgrimage**
- 4- ***Khums***
- 5- ***Zakat***
- 6- ***Jihad***
- 7- **Enjoining the good**
- 8- **Forbidding the evil**

**9- *Tawalli* :** which means friendship and love for the Prophet and the Imams after him.

**10- *Tabarri*:** this is that a person disassociates from the enemies of Allah from the disbelievers and oppressors who are deviated from the truth.

## THE SIGNS OF THE SHARIA-DEFINED ADULTHOOD

The adulthood of a boy has three signs:

- (1) That he completes fifteen years according to the Islamic calendar, which equals approximately fourteen years and six-and-a-half months of the Christian calendar.
- (2) The discharge of semen due to a wet dream or any other cause.
- (3) The appearance of coarse hair on the face or the pubic area.

To establish adulthood, it is sufficient that one of these three signs appears without the others.

If a boy does not know whether he has reached adulthood or not then he should present the matter to one of his elders from his family, such as his father or his older brother, so that they may clarify it for him.

The sign of puberty for a girl is only one and that is the completion of nine years according to the Islamic calendar, which equals approximately eight years, eight months and twenty days according to the Christian calendar.

**Ruling 1:** If a boy or a girl reaches religious adulthood, then the time of childhood comes to an end, and it becomes compulsory on him to abide by the laws of the Sharia, by carrying out the obligations and refraining from the forbidden things. His ruling becomes like that of the adult, so Allah will hold him to account for his actions, will show him gratitude for his obedience, and will write for him a great deal of reward on the Day of Judgement. It is assumed that he will also carry out some of the recommended acts to increase his reward, such as helping the poor, visiting the mosques and the graves of the Prophet (peace be upon him and his holy progeny) and the Imams (peace be upon them), supplication, reading the Quran, and the supererogatory prayers. If he does not know about them then he should ask others so that the reward of these acts does not pass him by. And before all that he should rely upon Allah Almighty and seek His help in his affairs, as He is the best of masters and the best of helpers.

## EMULATION (TAQLEED)

**Taqleed:** Referring by the duty-bound person (*mukallaf*), in what he does not know of the laws, to a Mujtahid who knows them, and acting according to his edicts.

**Ijtihad:** This is the research in order to extract the laws from the reliable religious and rational sources. This is something that is not easy except for a few people, since they have specialised in the matters of religious jurisprudence (*fiqh*).

**Ihtiyat (precaution):** This is the carrying out of the duties in such a way that one is certain of being free of liability.

**Ruling 2:** It has been mentioned above that it is obligatory upon every Muslim to carry out the acts known as the branches of religion (*furoo' al-din*) and all the laws of the Islamic religion which Allah has commanded, so that Allah is pleased with him and enters him into Paradise after his death. However there is a problem which faces us here: The Prophet (peace be upon him and his holy progeny), to whom Allah conveyed the laws of the Islamic religion, died more than 1,400 years ago, so how can we know the laws of the religion if neither the Prophet (peace be upon him and his holy progeny) nor the Imams (peace be upon him) are present with us?

In order to solve this problem we say: There are religious scholars who study the religious sciences for many years, and specialise in them until they are able to know the laws of the Sharia. These people are called *mujtahids*.

So the *mujtahid* is that religious scholar who knows the laws of the religion, so it is obligatory upon us to refer to him, to follow his opinions, and to comply with them. This is the meaning of *taqleed*. So *taqleed* then is acting according to the opinion of the *mujtahid*.

**Ruling 3:** One may ask as to why we cannot follow somebody other than a *mujtahid* in the religious laws.

The answer is that only the *mujtahid* knows how to obtain laws of the religion, so for that reason we do not follow anybody other than him. Neither the businessman, nor the doctor, nor the engineer, nor others have studied the religious sciences and specialised in them.

The doctor, for example, studied medicine and specialised in it, so for that reason we refer to him in the case of illness, act upon his advices, and we do not follow the

advices of other than him in treating the illness. Similarly, the engineer studied engineering and specialised in it, so it is he that supervises the construction of buildings and bridges.

Thus in every situation we refer to the scholar who specializes in that knowledge, and so for that reason we have to refer to the *mujtahid* for the religious rulings.

**Ruling 4:** Two important criteria must be present in the *mujtahid* who is emulated:

(1) That he should hold a high level of *adalah*, i.e. that he is obedient to Allah and is committed to the laws of the religion; and that if he commits sins on a rare occasion, he hastens to repent.

(2) That he is more knowledgeable than all the other *mujtahids*. Just as a patient chooses the most knowledgeable of the doctors for treatment, similarly a person must choose the most knowledgeable of the *mujtahids*. In order to emulate him in his actions. And the most knowledgeable is the one who has a greater knowledge than others in the laws of the religion, which are also called the Sharia Laws.

There are other conditions also which are necessary for the *mujtahids* to possess: legitimacy of birth, being male – both according to obligatory precaution –, sanity, and belief in the twelve Imams (peace be upon them).

**Ruling 5:** Sometimes you may ask: How do I know that such and such a *mujtahid* is more knowledgeable than the others?

The answer is that there are scholars who are specialists in the religious sciences so you can ask one of these righteous scholars, and he will reply to you that such and such is a *mujtahid* and that he is more knowledgeable than others, so you follow him.

And if some of your family members or friends take on the task of asking the scholars about the most knowledgeable *mujtahid* then you can rely on them. However it is necessary that you ensure that your friend actually asked one of the knowledgeable and trustworthy scholars. However, if he did not ask a qualified scholar then do not rely upon his personal contentment with a certain *mujtahid*, for he does not know the most knowledgeable, due to the absence of his specialisation in the religious sciences.

**Note:** When the term ‘obligatory precaution’ is used, one has a choice of either acting upon the precautionary ruling, or following another *mujtahid*. The latter must be the most knowledgeable than the rest of the *mujtahids*, and he should have an edict rather than a precaution.

## RITUAL PURITY (TAHARAH)

### Introduction:

*Taharah* (ritual purity) is divided into two types: *Taharah* from *hadath*, i.e. incorporeal impurity, and *taharah* from *najasa*, i.e. physical impurities.

### *Taharah* from *Hadath*

There are certain incorporeal occurrences (*hadath*) which if they take place then the person is considered to be in a state of ritual impurity. The *hadath* is either minor, which is removed through *wudhu* (ablution by water) or *tayammum* (ablution by earth), or major, which is removed through *ghusl* (ritual bathing) or *tayammum*.

The things which cause minor *hadath* are as follows:

(1) & (2) The exiting of urine and faeces from their normal places, but the obligatory precaution is for even when they exit from other than their normal places, if it is correct to call the exiting substance urine or faeces.

(3) Exiting of wind from the back passage, and also from elsewhere according to obligatory precaution, if it is of the type which comes out of the anal passage.

(4) The sleep which overcomes the intellectual faculty.

(5) Anything which overcomes the intellectual faculty, such as unconsciousness, intoxication, etc. as an obligatory precaution.

(6) *Istihadha*, as will be explained later.

**Ruling 6:** *Madhi*, *wadi*, and *wadhi* do not break the *wudhu*. They have been defined as follows: *Madhi* is that which is discharged during or after foreplay, *wadi* is what comes out after urinating, and *wadhi* is that which comes out after semen.

**Ruling 7:** The *wudhu* is not broken with the coming out of blood, or pus, or the water of enema from the anal passage.

## THE *WUDHU* (ABLUTION BY WATER)

### How to Perform *Wudhu*:

- (1) It is recommended to rinse mouth with water, and also take it in the nose, three times each.
- (2) The face must be washed from the place where the hair of the head grows to the end of the chin in length, and width-wise: the area of the face encompassed by the span of the hand, between the thumb and the middle finger. The obligatory precaution is that the washing be from the top to the bottom.
- (3) Each of the two arms must be washed from the elbows to the tips of the fingers, and the elbows must be completely included in the washing, going from top downwards (i.e. elbow to fingers). The right arm must be washed before the left arm.
- (4) The top of the head, at the front, must be wiped with the remaining wetness from the previous actions in the *wudhu*, and based on obligatory precaution the wiping must be done with the inside of the right hand.
- (5) The top of both feet must be wiped from the tips of the toes to the ankle, or vice-versa. As an obligatory precaution, the right feet should be wiped with the right hand, and the left feet should be wiped with the left hand. It is also an obligatory precaution to wipe the right feet before the left feet.

### Rulings of *Wudhu*

**Ruling 8:** *Wudhu* is necessary before every compulsory act of worship which is dependent on it, such as the compulsory prayers, and the compulsory *tawaf* (the circling around the Ka'bah). It is also recommended to perform *wudhu* with the intention of being in a state of ritual purity.

**Ruling 9:** It is forbidden for a person who is not in the state of *wudhu* to touch the Arabic writing of the Quran and the names and attributes of Allah Almighty. As an obligatory precaution, the same applies to other languages. It is permissible to touch the translations of the Holy Quran without *wudhu*.

### Conditions of *Wudhu*:

- (1) Use of unmixed water.
- (2) Ritual purity of the water; so *wudhu* is not allowed with *najis* water, nor with *tahir* water if the part of the body being washed or wiped in *wudhu* is *najis*.
- (3) That it has not been used in the removal of major *hadath*.

(4) The intention, which consists of the objective, and gaining proximity to Allah Almighty. This necessitates that it does not take place in a way which is forbidden – provided that one is aware of it being forbidden.

There are a number of cases in which the *wudhu* can take place in a forbidden way:

- (a) That the water container is gold or silver
- (b) That performing the *wudhu* would mean putting oneself in a harm which is unlawful to put oneself in.
- (c) That performing the *wudhu* would mean usurping of somebody else's property – by either the water or the water container being usurped, or the place in which it is performed being so.
- (5) That the *wudhu* is performed directly by oneself.
- (6) That it is performed in a continuous manner (*muwalaat*).
- (7) That it is performed in the mentioned sequence (*tartib*).

### **Rulings:**

**Ruling 10:** As an obligatory precaution, the parts of the body in *wudhu* should be washed a little bit beyond the required limit, to ensure that the whole of the required area has been washed.

**Ruling 11:** Any barrier preventing the water from reaching the skin must be removed, and *wudhu* is not valid with the presence of such a barrier.

**Ruling 12:** Wiping of the parts which are washed in *wudhu* is not necessary, but it is sufficient that the water reaches to and covers the skin in the manner described above.

### **Important Principles:**

- (1) One who is certain of *hadath*, but doubts whether he subsequently ritually purified himself (by *wudhu*, etc.), he may consider himself as not having ritual purity.
- (2) One who is certain of having *taharah* and doubts whether he then lost it, he may consider himself as having *taharah*.
- (3) One who doubts about having *taharah* during prayer, he must break his prayer, obtain *taharah*, and then start his prayer again.
- (4) One who doubts about his *taharah* after having finished the prayer, he may consider it as valid, but obtain *taharah* for any subsequent prayers or acts requiring *taharah*.
- (5) If one doubts during the *wudhu* about a part of it, then he must carry out that part, and continue from there.
- (6) If one doubts about the correctness of the *wudhu* after having finished it, he can consider it as being valid.