MONTHLY AHKAM | MARCH 2019 - 15 /Mar/ 2019

Miscalculating the Canonically Specified Travel Limit

Q.1| Someone leaves town in the morning during the month of Ramadhan with the intention of breaking his fast. After reaching a point where he believes exceeds the canonical travel limit (masafat shar'ee)[1] of the place of his residence, he breaks his fast and then turns around and goes home. He does this for a few days only to realize that he had in fact made a mistake in calculating the travel limit so that the place where he broke his fast did not fall outside the travel limit but within it. What is his duty in relation to the days of fast that he thought he was legitimately breaking without committing a sin? Is he liable for the penalty (kaffarah) of deliberately breaking the fast of the month of Ramadhan, or does he just need to compensate for the missed days of fasting?[2]

A. The only obligation he has is to compensate for those days on which he erroneously broke his fast.

Checking Spouse's Phone

Q.2| Is it permissible to secretly check our spouse's phone and read their messages?

A. Without the spouse's consent, it is impermissible to check his or her phone.

Refraining from Informing Someone about a Commodity's Defects

Q.3| I am intending to sell my car. Some of the parts of my car have been replaced or repaired by an expert mechanic. Considering this fact, if I sell my car to someone without telling them about the repairs done on it, assuming that he does not ask either, is the transaction valid and the money that I receive legitimate?

A. In the scenario described in this question, the transaction is valid and the consequent financial gain is legitimate.

Rings for Men Made of Silver and Gold

Q.4| I sell men's rings that are made of silver and gold. As wearing gold jewelry is forbidden for men, what would the ratio of silver need to be in rings in order for men to be able to wear them?

A. If the amount of gold used in a ring is so little that in the common perception of the general public the ring cannot be characterized as a gold ring, it is permissible for men to wear it.

Making Ablution after Getting a Tattoo

Q.5| Can women who get their eyebrows tattooed make tayammum instead of wudu and ghusl until their skin fully heals?

A. Tayammum is not sanctioned in such cases. If tattooing the eyebrows causes a wound to which the application of water is harmful, women must perform the ablution of the wounded using water. That is, they must apply water to the surrounding area of the wound and, as a matter of mandatory caution, gently rub their wet hand over the wound, if this is not harmful. If, however, the application of water to the wound is not harmful in any way, they must perform the ablutions of wudu and ghusl as they would normally do.

Demanding Dowry from Husband to Perform the Hajj Pilgrimage

Q.6| If a woman's dowry[3] is sufficient in rendering her financially capable (mustatee') of performing the Hajj pilgrimage, must she demand that her husband pay her dowry so that she could perform her once-in-a-lifetime obligatory Hajj pilgrimage?

A. If her husband lacks the financial means, she cannot demand the payment of her dowry, and thus she is deemed financially incapable of performing the Hajj pilgrimage.[4] If, however, her husband does possess sufficient financial means, she must demand the payment of her dowry, if such demand does not entail any harm to her, and she is deemed financially capable of performing the Hajj pilgrimage. But if demanding the payment of her dowry would entail harm, such as if it would lead to conflict and separation, she does not need to demand the payment of her dowry, in spite of her husband's possession of sufficient financial means, and thus she is deemed financially incapable of performing the Hajj pilgrimage.

Khums on Annuities

Q.7| My father passed away a while ago. He was a government employee. As part of his employment contract, after his death my mother and I receive an annuity in the form of monthly payments. A part of the annuity goes to her account and a part of it to mine. Do we need to pay khums on this annuity?

A. Paying khums on annuities is not obligatory.

Usury

Q.8| My mother intends to lend some money to someone who will use the loan to start a business. The person receiving the loan has told my mother that he will give a percentage of his profits to her on a monthly basis (that is, in addition to repaying the loan), and he is doing this of his own accord. Does this constitute usury?

A. Any loan that is repaid with an interest constitutes usury, and thus offering such a loan is impermissible and sinful. If, however, in the agreement between the debtor and the creditor, there is no mention of an additional payment and the debtor decides to make an extra payment to the creditor as a favor and without in any way being compelled or required by the creditor, the additional payment is permissible. Furthermore, if the money one gives to another person is not given as a loan but is rather given in the framework of such canonically sanctioned commercial partnership agreements as muzarabah and musharakah, the interest given by the recipient of the money does not constitute usurious interest but is rather the share of the profits belonging to the provider of the money—that is, the owner of the capital on which basis the business operates.

The Liturgical Efficacy of the Adhan and Iqamah Broadcast on TV and Radio

Q.9| Common guidebooks on Islamic law (al-rasa'il al-amaliyyah) state that if we hear someone calling the adhan and iqamah,[5] we can commence our canonic prayers, without having to say the adhan and iqamah on our own, if we start our prayers without a considerable delay, and this is true even if we do not repeat the phrases of the adhan and iqamah in unison with the other person. Now, my question is: Does this precept apply to the adhan and iqamah broadcast on TV and the radio?

A. If the broadcast is live, the precept is applicable.

[1]The travel limit specified by Islamic law is 41 kilometers, at least 20.5 kilometers of which must be in the outgoing direction. That is, if the road that one takes to one's destination is 20 kilometers and that which one takes on the return trip is 21 kilometers, one's fasting and prayers are not affected by this travel. The outgoing trip must be at least 20.5 kilometers and the entire trip—the outgoing and the incoming trips considered together—must amount to 41 kilometers. Now, in relation to the above question, to say that a point falls within the travel limit is to say that the distance between that point and the city is less than 20.5 kilometers.

[2] Compensation (qaza') in this context signifies fasting a day for each day of fasting that one has missed during the month of Ramadhan.

[3] Dowry (mahr or sadaq in Arabic and mahriyyah in Farsi) in Islamic law, as opposed to Western law, is the gift of money or property given or promised by the husband to the wife in consequence of the marriage contract. Bestowal of a dowry to the wife is a financial obligation that is binding on every married man.

[4] The Hajj pilgrimage intended here is the obligatory pilgrimage that every Muslim is required to perform once in a lifetime if he or she is financially capable.

[5] Adhan and iqamah are the calls to prayer that are said out loud before every canonic prayer. Adhan is the longer one; it is said in a relatively louder tone, and it precedes the iqamah. Once the iqamah is said, the worshipper must commence his prayer without saying or doing anything that would invalidate the ritual state of the canonic prayer.