MONTHLY AHKAM | November 2019 - 11 /Nov/ 2019

Two Roads Leading to a Village

1. question| Our village has two roads connecting it to the nearby town. One is 19 kilometers, and the other is 22. If we take the shorter road to go to town and the longer one to come back, would our four-segment canonic prayers be curtailed?

answer| According to Islamic devotional law, in order to be deemed a traveler, one of the criteria is that the outgoing leg of one's trip must be at least 20.5 kilometers (four farsakhs). Therefore, in the scenario described in the question, your four-segment canonic prayers are not curtailed.

The Travels of an Honorary Servant of the Shrine of Imām Riḍā

2. question| I am an honorary servant of the Shrine of Imām Riḍā. In this capacity, I must travel once a week to Mashhad to serve at the Holy Shrine. My home is 130 kilometers away from the Shrine? How am I to perform my four-segment canonic prayers when I travel to Mashhad?

answer| So long as in the common perception of the general public your work as an honorary servant of the Shrine of Imām Riḍā is not viewed as your occupation (shughl), you are canonically a traveler when you go to Mashhad, and consequently, absent an intention of staying for a minimum of ten days, your four-segment prayers are curtailed. If, however, this honorary work is deemed as your occupation, your four-segment canonic prayers remain unaffected by your travel to Mashhad.

Performing Ablution while Wearing Artificial Hair

3. question| How is someone wearing artificial hair supposed to rub his head in performing the ablution of wuḍū? What is his duty in performing the ablution of ghusl?

answer| If the artificial hair in question is a wig, it must be removed prior to rubbing the head in the ablution of wuḍū and prior to washing the head in the ablution of ghusl. If, however, the artificial hair is implanted, such that removing it would involve unbearable hardship (ḥaraj), one may rub the artificial hair in performing the ablution of wuḍū and wash the head in the ablution of ghusl just as if it were one's natural hair, even if the implanted hair prevents water from reaching the scalp or the base of one's natural hair.

The Possibility of the Presence of Water-Impervious Substances on Ablutionary Body Parts prior to Commencing the Ablutionary Process

4. question| If one is in doubt as to whether there is an obstacle on an ablutionary body part that prevents water from reaching it, what is one's duty?

answer| If one's doubt is generally recognized to be credible, such as if one has been working with a substance that could be a water-impervious obstacle (say, for instance, one has been working with paint), one must examine the body part or rinse it sufficiently so as to ensure the absence of any obstacle on the ablutionary body part.

Uncertainty regarding the Utterance of the Quaternary Glorification

5. question| If we are uncertain as to we have said the Quaternary Glorification two or three times in the third or fourth segment of a canonic prayer, what do we have to do? If this uncertainty becomes a repeated pattern, turning into an impulsive obsession (waswās), what is our religious duty?

answer| You may say it once more. If, however, it turns into an impulsive obsession (waswās), one must ignore one's doubt entirely and assume, when in doubt, that one has already uttered it three times.

Liability of Gifts to Khums

6.question| I presented an amount of money to my wife as a gift toward the end of my religious fiscal year (at which time the payment of khums becomes due). Do I have to calculate this gift into my surplus income that is liable to the religious tax of khums?

answer| If the financial gift is in the common perception of the general public viewed as befitting your station, not as an unwise and wasteful disposal of your money, it is exempt from khums, provided that the gift is not a disingenuous attempt intended to evade the duty to pay khums.

Financial Help Offered by Banks for the Purchase of Household Items

7. question| In order to circumvent the problem of interest on loans, which amounts to usury and is therefore impermissible, banks in the Islamic Republic of Iran, instead of offering the traditional loan, grant a certain amount of money to the client who is bound

by a contract to act as the bank's agent (wakīl) to use the money to purchase household items on behalf of the bank and then sell them to himself at a higher price in the form of an on-credit purchase (nasī'ah) payable in installments. Now, I have two questions in this relation. First, does the purchase of the household items have to be made using the exact same money received from the bank? Second, if we genuinely want the money received from the bank to buy household items, as required by the terms of the contract with the bank, but defer the purchase for a few months while paying the installments to the bank (before even buying the items), are we paying impermissible interest to the bank? If so, what is our religious duty if we have already made such payments to the bank?

answer|
(1) As regards your first question: If the bank has specified in the contract that the purchase must be made using the same money received from the bank, it is impermissible to use any other money for this purpose. If, however, such a provision is not specified in the contact, you may use any money to purchase the items.
(2) Concerning your second question: Returning the higher rate to the bank prior to the purchase of the items is canonically illegitimate. Therefore, if such payments have already been made, you must refer to the bank officials and redress the matter in accordance with the pertinent laws and regulations. If the relevant bank officials have the authority to introduce a new contract in order to remedy the matter, you may enter into a new contract with the bank bearing on your specific circumstance, even if only orally and without any written documentation.

The Khums of Retirement Pension

8. question| Government employees in Iran are generally required by their employment contracts to pay a small percentage of their salary to the Social Security Insurance, and their employer is also bound by work regulations to pay a certain amount to the Social Security Insurance on behalf of the employees. After the employees retire, the Social Security Insurance is required by law to provide a fixed pension to them. Is this pension liable to khums?

answer| Retirement pension is a form of income and is therefore subject to khums.

Stipulation of Provision in a Binding Agreement Giving the Seller the Right to Nullify Contract and Demand a Penalty

9. question| In a contract made between two individuals regarding the sale of a house, the seller has included a provision in the contract that endows him with the right to nullify the contract and demand a penalty from the buyer should the latter fail to provide the price agreed upon by a certain date. That is, if the buyer fails to provide the money by the specific date, the seller regains ownership over the house and also receives an extra amount from the other party as a penalty. Is such a contract valid and is such a provision legitimate?

answer| The provision mentioned in the question is legitimate. If the buyer fails to make the payment by the designated date, the seller must, if he wishes to implement the provision, first demand the penalty and then nullify the contract.

Saying the Quaternary Glorification Twice to Keep Up with the Leader of the Congregational Prayer

10. question| In the third and fourth segments of a congregational canonic prayer, if one of the congregants has uttered the Quaternary Glorification only twice when the leader of the congregation goes into the bowing position (rukū'), can the congregant follow the leader immediately and go into the bowing position without repeating the Quaternary Glorification for a third time?

answer| The congregant in question may refrain from repeating the Quaternary Glorification for a third time in order to keep up with the leader of the congregation and join him in the bowing position.

The Obligation to Marry

11. question| If someone is persistently in a position in which he runs the risk of falling into sin due to sexual temptations, is he obligated to marry in order to avoid sin?

answer| Marriage in the situation described in the question is not necessarily obligatory, but the believer is required to refrain from sin, and if the only way to refrain from sin is marriage, then he is obligated to marry.