

Miscellaneous

Introduction

The respected reader will find in this chapter some laws, questions and answers related to a variety of important issues that could not easily be classified under one or the other of the previous chapters, hence the "Miscellaneous" title.

General Rules

575. It is recommended to **give children** names that reflect servitude towards Almighty Allah [for example, ‘Abdullah; ‘Abdur Rahman; ‘Abdur Rahim] just as it is recommended to name them by the name of the Prophet Muhammad (s.a.w.), and the other Prophets and Messengers (a.s.). It is recommended to name the children as ‘Ali, Hasan, Husayn, Ja‘far, Talib, Hamza, and Fatima.

It is disliked to give them names of the enemies of Islam and Ahlul Bayt (a.s.).

576. The **custody**, upbringing, and care of the child whether male or female for the first two *hijri* [lunar] years is the right of both parents equally. Therefore, it is not permissible for the father to separate the child from its mother during these two years.

When these two years come to an end, the right of custody is the father’s alone. However, based on precaution, it is recommended that the father should not separate the child from its mother until he or she reaches the age of seven.

577. If the parents separate because of divorce before the child —whether male or female— reaches the age of two (by *hijri* account), the mother does not lose the right of custody of the child as long as she does not marry another man. Therefore, it is necessary for both parents to agree on exercising their common right in custody by alternating [the right] or by any other method on which both agree.

578. If the mother marries after separating from the father, she forfeits her right of custody, and the custody will be the exclusive right of the father.

579. The term of custody ends when the child reaches the age of mental maturity. When the child reaches mental maturity, no one has the right of custody over him or her, not even the parents let alone others. The child, then becomes independent in his affairs; and so he can choose to join either of the two parents or anyone besides them. However, if his separation from both of them causes distress to them out of their concern for him or her, it is not permissible for the child to disobey them in that matter. If the father and the mother differ [in the case of distress], the priority is given to the mother.

580. When the father dies, the mother has greater right of custody than anyone else until the child reaches the age of maturity.

581. When the mother dies during the term of her custody, the father gets the exclusive custody.

582. Just as custody is a right of the father and the mother, it is also the right of the child, in the sense that if they refuse to take the custody [and fulfill their duties towards him], they can be forced to comply.

583. If both parents disappear, the right of custody belongs to the paternal grandfather.

584. Whoever from the two parents or others have the right of custody is allowed to delegate it to a third party, ensuring that they would fulfill their responsibility as required by Islamic Law.

585. The person —parents or others— who shall have the custody of the child, must be Muslim, sane, and trustworthy to ensure the safety of the child. So, if the father is a *non-Muslim* and the mother is a *Muslim*, the child is considered as a Muslim and the mother shall have the sole custody of the child. Similarly, if the father is a Muslim while the mother is a non-Muslim, the father shall have the right of custody.

586. It is obligatory on the son **to provide** for the parents.

587. It is obligatory on the father to provide for the child, male as well as female.

588. The obligation of providing for a person who is closely related to you is conditional on him being poor, in the sense that he does not have the basic necessities of life like bread, food, clothing, bedding, comforter, shelter, etc.

589. In Islamic law, there is no fixed amount for providing to those who are closely related to you. What is obligatory is to provide whatever is needed to sustain them, i.e. bread, food, clothing, shelter, and other things in line with his status as well as the standard of living for that place and time.

590. If a person who is obliged to provide for the needs of his close relation refuses to provide [e.g., a husband refuses to provide for his wife], it is permissible for the one who has the right to force him to do so, even by resorting to the courts.

If it is not possible to force him to provide maintenance and he has some wealth [that is easily

accessible], the person who has the right can take the rightful amount from it after seeking the permission of the *mujtahid*.

[And if the wealth of that person who must provide maintenance is not easily accessible], the person who has the right can take out a loan in the name of the first person with the permission of the *mujtahid*. In this case, that first person will become liable to pay the loan back. If it is not possible to have recourse to the *mujtahid*, he should resort to some just [morally upright] believers and take out a loan in the name of the first person who shall then be obliged to repay it.

591. If the protection of the faith and its sacred laws as well as the honour of Muslims and their lands depend on providing for a person or persons from the wealth of Muslims, it is obligatory to do so. In this case, the Muslim who provides will have no right to ask anyone for compensation of what he has spent in this cause.

Questions and Answers

592. Question: Is it permissible to draw or produce a scene which shows the Prophet Muhammad (s.a.w.), one of the past prophets or the infallible Imams (a.s.), or other luminaries and show it in cinema, on television or theatre?

Answer: If due deference and respect is observed, and the scene does not contain anything that would detract from their holy pictures in the minds [of the viewers], there is no problem.

593. Question: Is it permissible to give away as gift, copies of the Holy Qur'an, prayer books, and amulets to non-Muslims?

Answer: There is no problem in it, if such is not exposed to desecration and insult, and they are shown the requisite respect.

594. Question: How could one go about dispensing with papers carrying the names of Allah or the Infallibles, as well as some loose pages of the Qur'an, when it is not possible for us to throw them in the sea or the river? That said, we do not know where would the garbage end up and what is done with it?

Answer: It is not permissible to put them in rubbish bins because that involves desecration and disrespect. However there is no problem in erasing the writings on the papers even by using some chemicals burying them in a clean place, or shredding them so that they turn into dust.

595. Question: Has *istikhara* any basis in the *shari'a*? Is there a problem in repeating the *istikhara* [for the same intention] by paying alms [before it] in order to get a guidance that is to one's liking?

Answer: One may resort to *istikhara* (albeit with the intention of *raja'an*) in situations where he is confused and cannot prefer one side [of the issue] to the other, after having pondered over it and having

consulted [those who know about it]. Repeating the *istikhara* is not right, unless it is for a different issue.

596. Question: What is the limit that you have allowed your agents and representatives (*wukala'*) to utilize for their personal use from the religious dues that they collect [from the people]?

Answer: In our *ijazas* (authorizations for apportioning the religious dues), we have mentioned that the authorized person is allowed to utilize, for example, one-third or half of whatever he collects of religious dues for the purposes that have been defined by the *shari'a*. This does not mean that the percentage mentioned [in the *ijaza*] is especially for the use of the authorized person himself, because it could happen at times that the use of that due would not apply to him at all — for example, if he is a *sayyid* while the religious dues that he has collected are from the charity of non-*sayyid* or other charities like it.

In the light of this, if the authorized person considers himself —in keeping with Allah as the witness in this matter— eligible for the religious dues in accordance with the conditions mentioned in the Manual of Islamic Laws —for example, if he is needy in the religious definition and is among those who deserve the right of *zakat* or *sihm-e sadat* or *radd madhalim* etc— he is allowed to take from it according to his need and proportionate to his status and not more than that.

Similarly, if he is providing general religious services and strives for upholding the word of Islam, he deserves the *sihm-e* Imam (a.s.) according to the level of his work and the service that he does for Islam.

But, if he is not spending the religious due that he has collected, he must utilize the percentage mentioned [in the *ijaza*] in its appropriate causes as defined by the *shari'a*.

597. Question: If a person has doubts about the integrity of a representative of the *marja'* as a result of alleged misappropriation of religious dues;

(a) Is he allowed to talk about it to other people, even if he is not certain about the truth of the allegations levelled against the representative? What if he is certain about them?

(b) Is he allowed to still pay his religious dues to that representative as long as he is uncertain about his not being trustworthy?

Answer: (a) It is not permissible for him [to talk to the others about it] in both situations. In the second case [of certainty], he can inform the *marja'* directly in complete confidence about the real situation so that the *marja'* may take whatever action he deems appropriate.

(b) He should rather pay his religious dues to a representative who is known for his integrity and honesty in acting according to his *ijaza*, i.e. in using some portion of what he has collected of it in their appropriate causes as mentioned earlier and sending the rest to the *marja'*.

598. Question: Is it permissible to use the *sihm-e* Imam (a.s.) without seeking the permission of the

marja' if a person can ascertain the need of any kind for its use with which the Imam (a.s.) would be pleased?

Answer: It is not permissible; and one cannot attain the approval of the Imam (a.s.) by using his portion of the khums without seeking the permission of the most learned *marja'* —in that it is possible that the *marja'*'s permission is part of the approval of the Imam (a.s.).

599. Question: Is it permissible to use the *sihm-e* Imam (a.s.) in charitable projects while there are tens of thousands of believers who are in need of bread, cloths, etc.?

Answer: In using the *sihm-e* Imam (a.s.), it is important to consider the principle of priorities. It is a matter of obligatory precaution, the determination of “most important *vis-à-vis* the more important” should be left to the discretion of the most learned jurist who is well informed about the general situation.

600. Question: At times while washing the dishes, rice grains go down the drain. Is this allowed? Is it necessary to prevent the rice from going down the drain, regardless of the quantity, knowing that it is difficult to prevent it?

Answer: It is not permissible to let it go into the drain if its quantity is big enough to be used in feeding the animals. But if it is small or dirty, then it can be put in the dustbin in a way that is not considered an disrespectful, in eyes of the people, to the blessings of Almighty Allah.

601. Question: Is it permissible for a poet to organize a gathering where poetry is recited and where he knows that women without *hijab* and indecent dress would also attend?

Answer: By itself, there is no problem in it; but he must fulfill the duty of enjoining the good and forbidding the evil, if the conditions exist.

602. Question: Students are asked to draw a human being or an animal; the requirement is such that it is difficult for the student to refuse the assignment. Are they allowed to do the drawing? What is the ruling if they are asked to do a sculpture work instead of the drawing?

Answer: Drawing a non-sculptured figure is allowed. Based on obligatory precaution, it is necessary to refrain from drawing a sculptured picture of a living being. And to say that it is a compulsory part of the school work does not justify violating the obligatory precaution. This prohibition is relaxed, only in the event of necessity; for example, if not carrying out such an assignment would lead to the student expulsion from the school and that would put him in difficulty of the kind that is normally intolerable.

603. Question: Is it permissible to buy a carving or statue of a totally naked human being, male or female? Is it permissible to buy a carving or statue of an animal and hang it for decoration?

Answer: There is no problem in the second [case of the animal]; as for the first case, if it is [considered a way of] promoting indecency, it is not allowed.

604. Question: Fortune tellers and palmists claim to foretell a person's future. Is it permissible for the palmist to do so, if the customer is going to plan [his life] according to his predictions?

Answer: Since the information given by the palmist has no value, it is, therefore, not permissible for him to give information with certainty, just as it is not permissible for the customer to plan according to it, except on legal or reasonable grounds.

605. Question: Is hypnotism permissible? Is invocation of spirits permissible?

Answer: If it puts a person in harm's way, it is *haram*, and therefore forbidden.

606. Question: Is invocation of the jinn with a view to solving the problems of the faithful permissible?

Answer: The same rule mentioned earlier is applicable here.

607. Question: Is cockfighting and bullfighting with permission of their owners allowed?

Answer: It is permissible but disliked as long as it does not cause loss of property.

608. Question: What is the [minimum] limit of the difficulty (*al-haraj*) that lifts the prohibition? Is exorbitant price [for a *halal* item] that could still be bought with [financial] strain or by getting a loan a [valid] example that would make a *haram* [but cheap alternative] item permissible religiously?

Answer: The circumstances are different in this [case], and the criterion is the extreme hardship that is not normally tolerable.

609. Question: What is the present day equivalent in *mithqal* or grams of the weight in gold known as "*al-himsa*"?

Answer: *Al-Himsa* is 1/24 of the *mithqal as-sayrafi*; and the latter is 4.64 grams; so the weight of *al-himsa* will be 0.193 grams.

Source URL:

<https://www.al-islam.org/a-code-of-practice-for-muslims-in-the-west-ayatullah-sistani/miscellaneous>