

Q: Salaah-53: (1) When sitting in salaah, some people lay their left foot on the ground and then place the top of the right foot upon the sole of the left. Is this permissible and from where did they derive this?

(2) A Hambali Imaam does not perform Qasr salaah even when he is a Musaafir. Is it permissible for a Hanafi to follow him? If he does, will it be Makrooh or not?

(3) Zaid maintains that Qasr for a Musaafir must be performed according to all the Madhaahib. Is this correct?

(4) Can a wealthy person give all, half or a third of his property to a selected few of his four or five sons as gifts during his lifetime? Will he be sinful if he does this?

Answer: (1) This manner of sitting is contrary to the Sunnah and Makrooh. The Masnoon manner for a man to sit in salaah is to lay down his left foot and sit on it. The right foot should be kept upright with the toes pointing towards the Qibla. If a person is unable to sit in this manner for a good reason, he may sit in any manner that is closest to this. And Allaah knows best.

(2) The salaah of a Hanafi who is not a traveller will not be permissible behind a Musaafir Imaam who does not perform Qasr. A Hanafi's salaah will also not be valid behind the Hambali Imaam at Arafah who is not a traveller, but who performs Qasr salaah. This applies regardless of whether the Hanafi is a Musaafir or not.

Note the following fatwa in this regard: "it is not permissible for a non- Musaafir (Muqem) to perform Qasr salaah whether he is a follower or an Imaam. It is neither permissible for a Musaafir or a Muqem to follow a Muqem Imaam who performs Qasr. In this case, neither will the salaah of the Imaam nor of the followers be valid.

(3) The Imaams of all the Madhaahib are unanimous about Qasr being permissible for a Musaafir. The difference is about whether Qasr is merely a concession (to be done at discretion) or whether it needs to be done in all circumstances. While Imaam Abu Haneefah RAH. states that it is Waajib compulsory), the other Imaams maintain that it is a concession (and therefore optional). And Allaah knows best.

(4) It is hoped that one will not be sinful if one heir is given more or all the Wealth if there is good reason according to the Shari'ah and if it is not merely done to harm or to deprive others. The Hadith states that actions are judged by their intentions. However, if the reason is wrong, punishment can be expected. A Hadith states that some people do good all their lives, but then make Jahannam their abode by causing harm to their heirs just when they are about to die. Some heirs should therefore not be given more than others for no valid reason. Allaah says in the Qur'aan that a person can never know whether it is his father or sons who will be more beneficial to him⁶. Only Allaah know this. And Allaah knows best what is most correct.

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