



## Prohibitive Commands in Acts of Worship: A Comparative Study Between Sunni and Shia Jurisprudence

Sayyed Rouhollah Amini<sup>1</sup>; Seyyed Mirtaqi Hosseini Gorgani<sup>2</sup>

<sup>1</sup>PhD Scholar in Jurisprudence and Principles, Al-Mustafa Al-Alamiyah University, Iran

<sup>2</sup> Member of the Faculty of Al-Mustafa Al-Alamiyah University in the Field of Contemporary Jurisprudence, Iran

<http://dx.doi.org/10.18415/ijmmu.v13i1.7320>

---

### **Abstract**

The implications of prohibitions within acts of worship hold significant weight in the process of jurisprudential reasoning and the derivation of religious rulings from sources such as the Qur'an and Sunnah. Scholars from various Islamic sects have engaged these prohibitions differently: in certain instances, a prohibited act of worship has nonetheless been deemed valid when performed by the legal agent, while in other cases, the same prohibition has rendered the act invalid. The root of such discrepancies lies in the nuanced understanding of the types of prohibitions present in religious texts. By distinguishing between authoritative prohibitions (*tahrīmī*), advisory ones (*irshādī*), and those indicating mere discouragement (*tanzīhī*, meaning "less reward"), this complexity can be clarified—an approach that constitutes one of the novelties of this research. Accordingly, if the prohibition is both authoritative and binding, it may apply to one of the following aspects: the essence of the worship, a component part, a condition, or a descriptive attribute of it. If directed at the essence of worship, the consequence is invalidity. If directed at a component, and the agent limits themselves to that prohibited part, the act as a whole is invalid. However, should they substitute it with a permissible component, the worship remains valid—unless other defects arise, such as incorporating detestable elements or deliberate additions or omissions, thereby disrupting its form. Where the prohibition targets a condition—particularly if the condition itself is a devotional act—then provided the condition is taken as an action or entity rather than a mere abstract noun, the ruling is also one of invalidity. This applies whether the defect arises from the absence of the condition itself or from the presence of an objectionable aspect within the act due to that condition. Finally, if the prohibition pertains to a descriptive attribute that is inseparable from the act, it entails invalidity. But if the description is separable and external, the act remains valid despite the prohibition.

**Keywords:** Authoritative Prohibition; Worship; Implication; Validity; Invalidity; Essence; Component; Condition; Attribute; Sunni and Shi'i Schools

## **Introduction**

The discussion on whether a prohibitive command indicates the invalidity of the prohibited act carries significant jurisprudential ramifications. Jurists have primarily examined these implications within the realms of worship ('ibādāt) and transactions (mu'āmalāt). However, this article is exclusively concerned with prohibitions in acts of worship in the strict sense, aiming not only to present the views of uṣūlī scholars regarding the implication of prohibition for invalidity but also to address the foundational arguments underlying these positions. Prior to that, several preliminary points must be clarified:

### **First Point**

There is a fundamental disagreement among uṣūlīs as to whether the implication of invalidity from prohibition arises through rational inference or linguistic signification. One group considers it a linguistic implication, asserting that the term of prohibition itself inherently denotes invalidity. Based on this view, the topic is classified under the discussions on expressions in the science of uṣūl.

Another group maintains that such implication is rational in nature; that is, the intellect infers invalidity from prohibition without any intrinsic indication within the linguistic form itself. This group categorizes the issue under rational evidences (Muzaffar, *Uṣūl al-Fiqh*, vol. 2, p. 411).

The crux of the matter lies in the relationship between prohibition (ḥurmah) and invalidity (fasād). When a command indicates the unlawfulness of an act, a crucial question emerges: does this unlawfulness entail invalidity and nullification, or not?

Thus, the implication of invalidity is more closely associated with rational inference, since the command of prohibition (a linguistic matter) is merely a conduit to infer invalidity, and it is reason that forges the connection between the two. Accordingly, the more precise inquiry is whether ḥurmah implies fasād, not merely whether nahy implies fasād. This allows the question to be situated within a broader framework: is there a necessary correlation between taklīfī rulings (such as prohibition) and wad'ī rulings (such as nullification), one prominent instance being the prohibition arising from nahy and the resultant invalidity?

### **Second Point**

In the technical language of jurisprudence, nahy signifies a command to abstain from an act, and it is categorized into multiple types: prohibitory (tahrīmī) and discouraging (tanzīhī), authoritative (mūlawī) and advisory (irshādī), essential (nafsī) and relational (ghayrī). There is disagreement among scholars as to whether each of these types implies invalidity, or whether only some do (Hakīm, *Haqā'iq al-Uṣūl*, vol. 1, p. 422).

Where the prohibition is advisory, serving merely to caution against harm or an impediment, it is classified as irshādī. But when it denotes inherent repugnance or vice in the object of the command, it is mūlawī. If the lawgiver forbids an act in an assertive and definite manner, it is deemed tahrīmī; otherwise—if the prohibition lacks firmness or does not extend to the act's contrary—it is viewed as tanzīhī (discouraged). This classification remains regardless of whether the prohibition is framed as an imperative or a declarative statement.

### **Third Point**

The term manhī 'anhu refers to anything that can be evaluated in terms of validity or invalidity, whether it pertains to worship or transaction (Muzaffar, *Uṣūl al-Fiqh*, vol. 2, p. 415). However, this article will not address the issue of validity and invalidity in transactional matters.

## Fourth Point

Scholars of jurisprudence have expressed differing opinions on the implication of prohibition for invalidity in acts of worship:

Some have held that prohibition does not entail invalidity in any case. Among the proponents of this view are Shaybānī and Abū Ḥanīfah from the Sunni tradition (*Makārim Shīrāzī, Anwār al-Uṣūl*, vol. 1, p. 585).

Others have argued that prohibition always implies invalidity—whether in worship or transactions. This view is attributed to *Shahīd al-Awwal*, *Ibn Ḥājīb*, and *Fāḍil Tūnī* (*ibid.*).

A third group distinguishes between acts of worship and transactions, stating that prohibition implies invalidity in worship but not in transactions. They argue that a prohibition relating to worship necessarily indicates corruption, whether the prohibition concerns the essence of the act, a component, a condition, or an attribute thereof. The rationale is that a prohibited act of worship possesses inherent vice (*qubh dhātī*), and the application of prohibition and unlawfulness entails invalidity—because what is repugnant to the divine will cannot be a source of merit or drawing near to God. Moreover, a prohibited act cannot be a means of obedience or devotion to the Almighty (*Muzaffar, Uṣūl al-Fiqh*, vol. 2, p. 416).

One of the key points of contention between the *Imāmiyyah* and the *Sunnis* centers on this very issue of prohibition in acts of worship. There are cases in which *Sunni* scholars do not view a prohibited act of worship as invalid, while *Imāmī* scholars assert the opposite. For example, in the matter of divorce—which is considered an act of worship in the broad sense—the *Sunnis* do not deem divorce during menstruation as invalid, despite acknowledging the presence of prohibition. In contrast, *Imāmī* scholars explicitly declare such a divorce null and void.

This necessitates a detailed inquiry into the foundational principles and arguments of both legal traditions to determine under which conditions a prohibition in worship entails invalidity or nullification.

### Section One: The Implication of Prohibition Concerning the Essence of Worship According to Both Schools

#### 1. The Shia View (*Imāmiyyah*)

According to the *Imāmiyyah*, a prohibition applied to an act of worship entails its invalidity (*al-‘Uddah*, vol. 1, p. 261). This is because such a prohibition signifies the inherent repugnance and undesirability of the act—it is something that the Lawgiver does not will. Consequently, if the legally responsible individual performs the prohibited act, their obligation is not fulfilled, and thus repetition or compensatory performance is required. This is precisely what is meant by invalidity.

Furthermore, in the performance of acts of worship, intention of nearness to God is essential. The agent must act with the aim of drawing close to God and fulfilling His command. However, in the case of a prohibited act, where there is inherent corruption and divine displeasure, such intention of nearness becomes logically and legally impossible. One cannot seek closeness to God through what He abhors.

#### 2. The Sunni View

First Opinion: Prohibition implies invalidity in both acts of worship and transactions. This is the dominant view among the *Shāfi‘i*’s. It is reported from *Imām al-Haramayn* that this opinion is held by the majority of the *Shāfi‘i* school, as well as *Mālik*, the *Zāhiris*, and some theologians (*al-Maḥṣūl*, vol. 1, p. 344).

Their primary reasoning is historical consensus: throughout Islamic legal history, whenever scholars have issued a fatwa declaring an act invalid, they have based it on the presence of a prohibition—regardless of whether it concerned worship or transaction. Thus, prohibition is understood to entail invalidity, and this, they argue, constitutes a kind of consensus (*Uṣūl al-Fiqh al-Islāmī*, vol. 2, p. 705).

**Second Opinion:** Prohibition does not entail invalidity in either worship or transactions. *Fakhr al-Rāzī* attributes this view to the majority of Sunni jurists (*Uṣūl al-Fiqh al-Islāmī*, vol. 2, p. 705).

Their argument is formulated in the structure of an exception-based syllogism:

If prohibition inherently implied invalidity, it would contradict instances where the Lawgiver expressly declared the validity of acts performed in violation of a prohibition (e.g. divorce during menstruation). Since such contradictions exist, the supposed implication must be rejected (*Fatāḥ al-Raḥamūt*, vol. 1, p. 428).

## Critical Assessment

For such a syllogism to hold, there must be a necessary link between the premise (prohibition) and the conclusion (invalidity). This raises two objections:

First, even if a link exists, it applies only to definitive, authoritative prohibitions in acts of worship in their strict sense—not to all forms of prohibition, and certainly not in transactional matters, where validity and invalidity fall under declarative rulings, not normative ones.

Second, the supposed link itself is questionable. The Lawgiver may prohibit something (e.g. divorce during menstruation) yet still declare it valid. This may be due to the operation of a secondary command, which renders the act effective despite the absence of a primary command. Validity, in such cases, is derived not from direct permissibility, but from an underlying value or purpose within the act itself—*independent* of its immediate prohibition.

**Third Opinion:** This view holds that if the prohibition specifically targets the act of worship itself, it entails invalidity. For instance, a prohibition against praying with impure clothing renders the prayer invalid. But if the prohibition targets something merely adjacent or incidental to the act (not intrinsic to it), the act remains valid.

**Fourth Opinion:** *Al-Ghazālī* maintains that prohibition in acts of worship entails invalidity, but the same does not hold for transactions.

His argument rests on the inherent contradiction between prohibition and worship: Worship is an act by which the servant seeks proximity to the Lawgiver and expresses submission. Prohibition, on the other hand, signifies that the act is not desired by the Lawgiver. Therefore, one cannot hope to attain nearness through an act that the Lawgiver has rejected. There is fundamental incompatibility between command and prohibition—thus, the intention of nearness cannot be realized through a prohibited act. Even making a vow to perform such an act would not resolve the issue of divine displeasure (*al-Mustasṭāfā*, vol. 2, p. 44).

**Fifth Opinion (Abū Ḥanīfah):** Abū Ḥanīfah argues that a prohibition does not invalidate the act of worship. His reasoning is also syllogistic:

If prohibition necessarily implied invalidity, then issuing a prohibition would be tantamount to forbidding something non-existent—which is impossible. But prohibition is not impossible, and the Lawgiver does issue prohibitions. Therefore, the prohibited act must be something that exists and is valid—hence, the act of worship is still valid despite being prohibited (*al-Mustasṭāfā*, vol. 2, p. 44).

This reasoning hinges on the idea that it is illogical to prohibit a void or impossible act. Since a void act (by definition) has no real existence, and prohibition presupposes the existence of its object, the act must remain valid. Accordingly, the act of worship, though prohibited, retains its legal effect.

### Conclusion of Section One and Common Ground Between the Two Schools

A prohibition that is authoritative and binding in nature, when applied to acts of worship, is—according to Imāmī scholars and a considerable number of Sunni scholars—indicative of invalidity. This is because such a prohibition reveals the inherent repugnance and undesirability of the act in the eyes of the Lawgiver. A deed that the Lawgiver does not will cannot be considered a means of nearness to Him. Rather than drawing the servant closer, it drives him further away, since acts of worship are intended to attain divine pleasure. Mere performance is not sufficient. It is not enough that an act be classified as worship in some other time, context, or condition. The individual must take into account their own situational, temporal, and spatial realities.

While the majority of Imāmī scholars agree that prohibition implies invalidity in worship, they differ in their modes of reasoning. Al-Ghazālī, for instance, distinguishes between worship and transactions, arguing that prohibition invalidates the former but not the latter—using essentially the same reasoning as the Imāmīs: one cannot draw near to God through a reprehensible act.

### Preferred Position on the Matter

The chosen view regarding authoritative prohibition in acts of worship (in the narrow sense) is that such a prohibition, whether direct or due to the presence of an impediment, renders the worship invalid. This is because an act tainted by prohibition cannot achieve divine satisfaction. Despite appearing devotional in form, such an act lacks the spiritual substance of worship and instead becomes a form of delusion or self-indulgence—ultimately rooted in submission to the carnal self, not to God.

## Section Two: The Implication of Prohibition Concerning a Component of Worship

### 1. Shia View (Imamiyyah)

A prohibition targeting a component, insofar as it is merely a part, does not by itself invalidate the act of worship. However, if the prohibited part is not substituted or omitted, and the worshipper performs the act with that same component, the entire worship becomes invalid (*Kifāyat al-Uṣūl*, p. 186). If, however, the prohibited component is replaced with a permissible one, the worship is valid—unless the act becomes invalid for another reason, such as deliberate additions or omissions. In that case, the invalidity is not due to the prohibition per se, but due to excess, deficiency, or improper sequencing.

### 2. Sunni View

For Sunni scholars, the implication of prohibition is that the subject of the prohibition becomes blameworthy and liable for divine punishment if disobeyed. It does not matter whether the prohibition applies to the entire act or merely to a part or attribute. In all such cases, the act is judged to be invalid (*Majāmi‘ al-Haqā’iq*, ed. Elias Qablānī, p. 304).

### Summary

Among Imāmī scholars, if one deliberately incorporates a prohibited component into the act of worship and relies on it, the act becomes invalid. However, if the person compensates for it with a different component, scholars are divided: some maintain the worship remains valid, while others still consider it invalid, arguing that the command was issued with an exclusive condition (e.g., “Perform the prayer without the surahs of sajdah”), and violating it breaches the intended form.

Among Sunni scholars, the dominant view is that prohibition of a component renders the entire act invalid—similar to the rule concerning the essence of the act. However, they differ on what qualifies as a “component.” For example, some consider occupying a usurped space during prayer as an integral component of the act, thus rendering it invalid due to prohibition. Others argue that space occupation is merely an external correlation and not part of the act’s essence, and therefore does not invalidate the worship.

### Preferred Position on the Matter

The preferred opinion is that an authoritative and binding prohibition concerning a component necessitates invalidity of the entire act. According to Imāmī thought, all divine rulings are grounded in real interests and harms within the object of command or prohibition. Therefore, a prohibition of a part reflects the presence of vice and repugnance, and any act that includes it cannot serve as a means of nearness to God. Performing an act that includes a prohibited component is not obedience—it is defiance and rebellion against the Lawgiver.

## Section Three: The Implication of Prohibition Concerning a Condition of Worship

### 1. Shia View (Imamiyyah)

A prohibition concerning a condition of worship, such as ablution, renders the act invalid (al-‘Uddah, vol. 1, p. 263). Those who hold this view argue that if the condition is itself a devotional act, its corruption due to prohibition nullifies the entire act. The rule “when the condition fails, the conditioned fails” applies.

An opposing opinion, found in Matārih al-Anzār (vol. 1, pp. 746–747), maintains that prohibition of a condition does not entail the invalidity of the act itself. If the condition is a devotional act like ablution or ritual purification, the prohibition corrupts the condition. But the worship becomes invalid not because of the prohibition, but due to the absence of a valid condition.

### 2. Sunni View

One prominent opinion holds that prohibition of a condition does not entail invalidity of the act itself (al-Mustāṣfā, vol. 1, pp. 212–213). For example, performing ṭawāf without ablution is prohibited due to the condition, not because the essence of the act is prohibited. However, prayer without ablution is invalid—again, not because of the prohibition, but because the required condition is absent.

### Preferred Position on the Matter

The preferred opinion is that prohibition concerning a condition of worship renders the worship invalid—absolutely. Whether the condition is devotional or procedural, its presence limits and defines the scope of the act. Legal validation of the condition transforms the command into one that applies only to a specific qualified act. If the condition itself is prohibited, any act that incorporates it becomes invalid, because it no longer corresponds to the object of divine command.

In other words, the condition is no longer available as part of an actionable obligation. The legal agent cannot form the proper intent to fulfill God’s command when the condition is inherently forbidden. Many scholars hold that in order for a duty to be fulfilled, a valid and immediate divine command must exist for that particular instance. When the condition is invalid, the act ceases to be commanded—and thus, it collapses in both form and substance.

## Section Four: The Implication of Prohibition Concerning a Descriptive Attribute of Worship

### 1. Shia View (Imamiyyah)

When the prohibition concerns an inseparable attribute of worship—one that is internal to and constitutive of the act—it entails invalidity. For example, the prohibition against reciting aloud in a position where whispering is required (and vice versa) renders the prayer invalid. This is because loud and soft recitation are not external traits but integral modes of performance; they are essential characteristics of the recitation itself, to the extent that one cannot imagine the act of recitation without one of these two modalities (*Maṭāriḥ al-Anzār*, vol. 1, p. 745).

In contrast, if the attribute is separable or external to the essence of worship—such as performing prayer in a usurped location—the prohibition does not necessarily lead to invalidity. This is because the object of the prohibition and the object of the command are not identical. Rather, the association is coincidental and due to the wrongful discretion of the worshipper, not due to the act itself (*Maṭāriḥ al-Anzār*, vol. 1, p. 746).

According to Mużaffar, if a prohibition applies to an attribute that is inseparably linked to the whole act or a component thereof, it renders the worship invalid. In his view, it is not essential to demonstrate that the prohibition "transfers" to the core act. The mere inclusion of a prohibited element within the act of worship is sufficient to corrupt it and render it repugnant (*Uṣūl al-Fiqh*, vol. 2, pp. 416–417).

### 2. Sunni View

As noted by ‘Abd al-‘Alī al-Anṣārī in his commentary on *Musallam al-Thubūt* (*Fatāḥ al-Rahāmūt*), the majority of Sunni scholars maintain that a prohibition targeting a descriptive attribute does not entail invalidity of the act itself. For example, a prohibition against praying in a usurped location is directed at the description—"being in a usurped space"—not at the essential components and integrals of the act. Hence, the prayer itself remains valid (*al-Muṣṭaṣfā*, with *Fatāḥ al-Rahāmūt*, vol. 1, p. 715).

The Ḥanafīs hold that the prohibition affects only the attribute, not the act as a whole. Thus, the worship remains legally valid and religiously effective (*Zuhaylī*, *Uṣūl al-Fiqh al-Islāmī*, vol. 1, p. 235). Their reasoning is based on the principle that the locus of command and the locus of prohibition are distinct. The core act of worship is legally commanded and carries essential merit, while the prohibition is applied to an incidental feature that merely accompanies it. In other words, the attribute is not part of the object of the command but rather an external circumstance.

### Summary of the Discussions

#### A) Shi‘i Usuli Perspective

Advocates of the first position hold that prohibition of an attribute that is inseparable from the act of worship necessarily invalidates the worship; however, prohibition of a separable attribute does not invalidate it. Their reasoning is based on the nullity of the worship because the attribute and the described entity form a unitive compound; thus, prohibition directed at the attribute extends to the described entity and causes nullification.

The second position states that prohibition of any attribute in worship absolutely invalidates the worship, since worship containing prohibited or disliked elements cannot draw one closer to God, nor can it be considered obedience. Hence, there is no distinction between necessary and separable attributes, because in both cases the prohibited attribute coexists with the act, making it invalid.

The third position argues that the concept of an attribute, whether necessary or separable, is distinct from the concept of worship itself. Legal rulings apply to concepts and titles, not to external realities or instances produced by the agent. The prohibited attribute is merely concomitant with the external act of worship because the agent causes this concurrence. Therefore, the prohibition does not apply within the worship itself but is rather an issue of the concurrence of command and prohibition.

Hence, the third view, which holds that multiplicity of titles entails multiplicity of meanings and prohibition of the attribute does not extend to the described entity because their meanings are not unified, critiques the first position as flawed. The first position depends on an inseparability between attribute and described entity, insisting on unity to argue that prohibition of the attribute invalidates the described act.

However, invalidity due to the presence of disliked elements or absence of the attribute is not rejected by the third view.

### **Sunni Scholars' Views**

The first opinion holds that prohibition of an attribute does not nullify the original validity of worship, as the prohibition relates to the attribute, not the essence or described act. Thus, prayer performed in a usurped place remains obedience with respect to fulfilling the command, but the agent is sinful due to usurpation.

The second opinion asserts that prohibition implies impermissibility, which conflicts with obligation; therefore, prohibition invalidates worship. Without indication to the contrary, prohibition denotes impermissibility, incompatible with obligation. Alternatively, prohibition of the attribute and command to perform worship conflict and cannot be reconciled; thus, worship is overridden and invalid.

The third opinion distinguishes between necessary and separable attributes: if prohibition attaches to a necessary attribute, it invalidates worship; if to a separable attribute, it does not.

### **Preferred Position**

The preferred view is that prohibition of any attribute of worship absolutely invalidates the worship, whether the attribute is necessary and inseparable from the act—such as loud or quiet recitation in certain prayers, which is integral to worship—or separable, such as the location and presence of the act in a usurped place. Even though the location can be separated from the act, worship performed in an illegitimate location is invalid.

In both cases, worship is invalid because acts of worship must correspond to what is intended and desired by God and the Sacred Legislator. The command indicates desirability, prohibition undesirability.

If the components of an act are desirable, the agent must not perform it with attributes considered reprehensible by God. For example, reciting the *Fātiḥah* quietly is required in certain prayers, but if the agent recites aloud, this is blameworthy and undesired. Such an act is not what God intends; the servant should not imagine they are obeying God but are following personal desires.

### **References**

1. Qur'an al-Karim.
2. Akhund Khorasani, Muhammad Kazim ibn Husayn, *Kifayat al-Usul* (Aal al-Bayt Edition), Qom, 1st Edition, 1409 AH.

3. Ansari, Murtadha ibn Muhammad Amin, *Matarah al-Anzar* (New Edition), Qom, 2nd Edition, 1383 SH.
4. Hakim, Mohsen, *Haqa'iq al-Usul*, Qom, 5th Edition, 1408 AH.
5. Dr. Wahbah Zuhayli, *Usul al-Fiqh al-Islami*, Dar al-Fikr, *Afāq Ma'rifa Mutajadida*, Maktabat al-Asad, Damascus, Syria, Published 1431 AH.
6. Sam'ani al-Jubari, Muhammad ibn Abdullah, *Qawati' al-Adilla fi al-Usul*, Edited by Muhammad Hasan Muhammad Hasan and Ismail al-Shafi'i, Published by Muhammad Ali Baydoun, Dar al-Kutub al-'Ilmiyya, Beirut, 1418 AH.
7. Sahalawi al-Lakhnawi, *Fawateh al-Rahmat*, with commentary on *Muslim al-Thubut* by Imam al-Qadi Muhibb Allah al-Bukhari.
8. Tusi, Muhammad ibn Hasan, *Al-'Udah fi Usul al-Fiqh*, Qom, 1st Edition, 1417 AH.
9. Ghazali, Muhammad, *Al-Mustasfa min 'Ilm al-Usul*, Dar al-Arqam Abi al-Arqam, Beirut, Lebanon, undated.
10. Muzaffar, Muhammad Rida, *Usul al-Fiqh* (Islamic Publications Edition), Qom, 5th Edition, 1430 AH.
11. Makarem Shirazi, Naser, *Anwar al-Usul*, Qom, 2nd Edition, 1428 AH.
12. Na'ini, Muhammad Husayn, *Ajwad al-Taqrirat*, Qom, 1st Edition, 1352 SH.
13. Naqshbandi al-Hanafi, Mustafa ibn Uthman, *Majami' al-Haqa'iq*, authored by Ilyas Qabbani, Published by Dar al-Kutub al-'Ilmiyya, Beirut, Lebanon, 1st Edition, 2009 CE.

## **Copyrights**

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).