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سفينة النجاة

في الفقه الشافعي

Introduction

الفِئَةُ لُغَةً: الفَهْمُ العَمِيقُ

Fiqh Linguistically: Deep understanding/Correct understanding.

It has been used in the Qurān:

قَالُوا يَا شُعَيْبُ مَا نَفَقَهُ كَثِيرًا مِّمَّا تَقُولُ وَإِنَّا لَنَرَاكَ فِينَا ضَعِيفًا^ط وَلَا رَهْطًاكَ لَرَجْمْنَاكَ^ط
وَمَا أَنْتَ عَلَيْنَا بِعَزِيزٍ - 11:91

They said, "O Shu'ayb, we do not understand much of what you say, and indeed, we consider you among us as weak. And if not for your family, we would have stoned you [to death]; and you are not to us one respected."

قَالَ رَبِّ اشْرَحْ لِي صَدْرِي - وَيَسِّرْ لِي أَمْرِي - وَاحْلُلْ عُقْدَةً مِّنْ لِّسَانِي - يَفْقَهُوا قَوْلِي
20:25-28

[Moses] said, "My Lord, expand for me my breast [with assurance], And ease for me my task, And untie the knot from my tongue, That they may understand my speech.

Fiqh Technically: Understanding of the commands of Allah that are pertaining to the outward actions of a slave.

The commands from Allah are two types:

1. طَلَبِي Actions

This is what we study in Fiqh. These are أَحْكَامُ الشَّرْعِيِّ الطَّلَبِيِّ.

2. خَبْرِي Beliefs

This is what we study in Aqīdah.

Chapters of Fiqh we are commanded with:

Each of these has many chapters within it.

1. العِبَادَات Acts of Worship

In this we study 4 of the 5 pillars of Islam which are Salah, Zakah, Siyām and Hajj.

Before the 4 pillars is a condition of the Salah which is طَهَارَةٌ Tahara (Purification) which is why scholars place the chapters of purification before Salah.

2. الْمُعَامَلَات Dealings with people.

This includes buying and selling البَيْع, gifting الهِبَة, renting الإِجَارَة etc.

3. الأَنْكِحَة Marital Law

This includes the conditions of Nikah, divorce law, types of separations, maintenance money النَّفَقَة, custody of children الحَضَانَة.

4. الجِنَايَات Criminal Law

This includes witnesses, judges, evidences, crimes, punishments etc.

We are studying the 1st part of Fiqh only which is acts of worship.

Why is it important? These are obligatory on every Muslim to know and act upon.

Principle: Everything that is obligatory on you to act upon is obligatory on you to know.

This book is called سَفِينَةُ النِّجَاةِ The Ship of Salvation because it is about the religion of Allah and anyone who follows it will reach salvation.

The book has an explanation called نَبْلُ الرَّجَاءِ. It is the smallest book in Shafiee Fiqh taught to children.

Muhammad Bin Idris Al-Shafiee is the 3rd of the 4 Imams of Fiqh. The schools of thought that are most known by people.

Yemen, Egypt, Somalia, Jordan and Palestine, Indonesia, Malaysia are mostly Shafiee.

We use a Madhab as a template to follow the Quran and Sunnah.

The author starts with the Basmala بِسْمِ اللّٰهِ which it is Sunnah to start with.

The Prophet (s) when he sent letters to kings started them with the Basmalah.

الْحَمْدُ (Al-Hamd) is to praise Allah with his names and attributes with love and veneration.

The Basmalah, praise and Salawāt on the Prophet (s) is a mannerism of starting books.

حَوْلَ (Hawl) means change of situation from situation. This cannot change except by Allah.

He starts his book off with the pillars of Islam because it is taught to children.

فصل: في علامات البلوغ

Chapter: Signs of puberty

We learn purification because it is a condition of Salah.

الطَّهَارَةُ: إِزَالَةُ الْخَبَثِ وَرَفْعُ الْحَدَثِ

Purification is to remove from yourself physical impurity and remove from yourself the state of spiritual impurity.

حَدَثٌ (Hadath) is a state of impurity. It is two types:

1. Major - it is a state of impurity that obligates upon you to do Ghusl.

2. Minor - it is a state of impurity that obligates upon you to do Wudhu.

خَبَث (Khabath) is physical impurity.

The book starts with puberty because this is when it becomes obligatory on a person to carry out commands and he is now accountable for his deeds.

حديث: عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا, عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: رُفِعَ الْقَلَمُ عَنْ ثَلَاثَةٍ: عَنِ النَّائِمِ حَتَّى يَسْتَيْقِظَ, وَعَنِ الصَّغِيرِ حَتَّى يَكْبُرَ, وَعَنِ الْمَجْنُونِ حَتَّى يَعْزِلَ, أَوْ يَفِيقَ {أحمد}

Narrated 'Aishah (RA): The Prophet (ﷺ) said: "There are three people whose actions are not recorded, a sleeping person till he awakes, a child till he is a grown up, and an insane person till he is restored to reason or recovers his sense."

There are 3 signs of puberty:

If you see any one of them then a person has reached puberty.

1. The reaching of 15 Hijri (Lunar) years of age for a male or female.

يَسْأَلُونَكَ عَنِ الْأَهْلِ قُلْ هِيَ مَوَاقِيتُ لِلنَّاسِ وَالْحَجِّ وَلَيْسَ الْبِرُّ بِأَنْ تَأْتُوا الْبُيُوتَ مِنْ ظُهُورِهَا وَلَكِنَّ الْبِرَّ مَنِ اتَّقَىٰ وَأْتُوا الْبُيُوتَ مِنْ أَبْوَابِهَا وَأَتَقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ - 2:189

They ask you, [O Muhammad], about the new moons. Say, "They are measurements of time for the people and for Hajj." And it is not righteousness to enter houses from the back, but

righteousness is [in] one who fears Allah. And enter houses from their doors. And fear Allah that you may succeed.

2. Experiencing a wet dream

You cannot reach the age of puberty before 9.

After 9 if you release reproductive fluid or semen then you have reached puberty.

3. Menstruation.

This is specific to the female and causes her to reach the age of puberty. Therefore they must pray and fast.

There is one more sign not mentioned in the Shafiee madhab, it is the Hanbali opinion and a strong opinion which is:

4. Pubic Hair

It is rough/coarse hair above the private part.

Imam Ahmad says this is a sign because of the Hadith of Banu Quraydha. When they deceived the Prophet (s) and were treacherous and so being punished. To see if someone was at the age of puberty the Sahabah would check if they had pubic hair to see if it was a man or a child.