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سفينة النجاة

في الفقه الشافعي

فصل: في موجبات الغسل

Chapter: The things that necessitate Ghusl

The things that cause Ghusl to be obligatory are 6:

1. إِبْلَاجُ الْحَشْفَةِ فِي الْفَرْجِ - A man's private part to enter a woman's private part.

This means when the top of the head of the man's private part is no longer seen. This is when Ghusl is required.

وَعَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - { إِذَا جَلَسَ بَيْنَ شَعْبَيْهَا الْأَرْبَعِ, ثُمَّ جَهَّذَهَا, فَقَدْ وَجِبَ الْغُسْلُ } مُتَّفَقٌ عَلَيْهِ

Narrated Abu Huraira (rad): Allah's Messenger (ﷺ) said that, "If one of you sits between her legs (of a woman) and penetrates her, Ghusl (bath) is obligatory." [Bukhari and Muslim].

2. Ejaculation

As for مَنِيّ (ejaculatory fluid) for the man it is غَلِيظٌ a thick sticky substance which comes at the highest point of sexual arousal. It shoots out and does not spill or drip slowly.

It is less common for woman than men.

According to the Hanbali and Shafiee Madhab the مَنِي (ejaculatory fluid) is pure, so if it is on clothing then it is allowed to be prayed with.

لَقَدْ كُنْتُ أَفْرُكُهُ مِنْ تَوْبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرَكًا، فَيُصَلِّي فِيهِ {مسلم}

In the version of Muslim: “I used to scrape it (the semen) off the garment of Allah’s Messenger (ﷺ) and then he offered prayer with it.

Maliki’s and Hanafi’s believe it to be impure.

3. Menstruation

It is blood that comes out from the womb of the woman and it is the sign of puberty and good health.

The reason for the blood is that the wall of the womb sheds when the woman is not impregnated that month.

The blood is used to feed the foetus when a woman is pregnant.

Ghusl is obligatory after the menstruation has finished.

The maximum amount of time for menstruation is 15 days according to the Shafiee Madhab so bleeding past 15 days is considered إِسْتِحَاضَةٌ (Istihādha) which is a constant state of impurity which requires Wudhu to be done every Salah time.

4. Post-Natal Bleeding

This is the bleeding that happens to a woman after she gives birth which lasts for an average of 40 days.

When the bleeding stops, Ghusl becomes obligatory on her.

5. Child birth

6. Death

It is an obligation on the community to wash the body.

فصل: في فروض الغسل

Chapter: Obligatory acts of Ghusl

There are only 2 obligations which is the minimum that is required in Ghusl:

1. To have intention to raise from yourself the state of major impurity.
2. That water touches the whole body including the roots of the hair.

You should have **عَلْبَةَ الظَّنِّ** meaning you believe most likely water has reached your whole body, you do not need **يَقِيْن** 100% certainty.

The Sunan of Ghusl are many but they are not mentioned in this book but the explanation of the book mentions some:

1. **الْقِيَام** Standing.

They mention this because it allows water to go everywhere.

2. Facing the Qibla
3. Doing Wudhu before
4. التَّسْمِيَةَ To say Bismillah
5. Making sure you wash all the difficult parts
6. To rub the body
7. To repeat 3 times
8. Starting from the right

فصل: في شرائط الوضوء

Chapter: Conditions of Wudhu

A condition is something that must precede an action and must be there throughout the action for it to be valid.

1. الإسلام Islam
2. التَّمْيِيزُ (Al-Tamyeez)

This is to be at the age of understanding the difference between right and wrong.

3. To be pure from menstruation and post-natal bleeding.
4. Anything that prevents water touching the sin must be removed like nail polish or paint.

A cream which has gone but there is an oily residue does not affect it because it does not prevent water touching the skin.

There should not be something on the skin which changes the water like ink.

5. Knowledge

You must know the obligations of Wudhu and how to do it.

6. You cannot believe any of the obligatory acts of Wudhu are Sunnah (recommended).

7. ماء طَهُور You must have pure water.

Also according to the Shafiee Madhab it cannot be water that was already used for ritual purification meaning Wudhu or Ghusl was already done from it.

The last 2 conditions are for a person in **دَائِمُ الْحَدَثِ** a constant state of impurity.

Some people have illnesses like urine incontinence in which they cannot control their urine.

8. The time for Salah must have entered.

They must wait for the Salah time to enter to Wudhu and not do it before.

9. Continuity

The Wudhu must all be done continuously.

Usually this is not a condition in the Shafiee Madhab so a person can wash their face and do something then come back and wash their hands.

The correct opinion is that you cannot separate the Wudhu and everyone must do it all continuously.

فصل: في نواقض الوضوء

Chapter: Nullifiers of Wudhu

There are 4 things:

1. الخَارِجُ مِنْ أَحَدِ السَّبِيلَيْنِ Anything that comes out of the private parts of a human being, front or back, wind or other than it.

The Shafiee's say except for مَنِي (ejaculatory fluid) because it requires Ghusl.

2. زَوَالُ الْعَقْلِ Loss of consciousness.

This is by falling sleep or fainting or intoxication etc

Imam Shafiee makes one exception which is a person who sleeps while his backside is on the floor.

This is because of the Hadith of Anas bin Malik who said: We would sit before Isha and wait for salah and our heads would fall down out of drowsiness.

The scholars considered why this did not break their Wudhu.

Some said it was because it was not deep sleep.

Others said it was because they sat on their backside on their floor.

The reason sleep breaks Wudhu is because you could pass wind without knowing so if your sitting upright it doesn't break the Wudhu.

The safer opinion is that if it is not deep sleep then it doesn't break the Wudhu.

Deep sleep means when you do not know what is around you, or can't hear what is around you and some say it is when you would drop something that you were holding.

وَعَنْ مُعَاوِيَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْعَيْنُ وَكَاءُ السَّهْلِ فَإِذَا نَامَتِ الْعَيْنَانِ اسْتَطْلَقَ الْوِكَاءُ {أحمد}

Narrated Mu'awiyah (rad): Allah's Messenger (saW) said: "The eye (when awake) is the string of the anus (to stop air escaping), and if the two eyes sleep the string is untied".
{Ahmad}

3. Skin to skin contact between opposite genders that are not related.

This is according to the Shafiee Madhab.

Another opinion is that it breaks it if there is sexual desire.

The other opinion which is stronger is that it does not break the Wudhu.

4. A person to touch their private parts directly with the palm of their hand or the inside of their fingers.

Some scholars mention that a mother who is changing her baby is an exception because of the difficulty.

فصل: فيما يحرم على المحدث

Chapter: Prohibitions for the one in a state of impurity

There are 4 things that are Harām on a person who does not have Wudhu:

1. Salah
2. Tawāf
3. Touching the Quran
4. Carrying the Quran

In the Shafiee and Maliki madhab you cannot even carry the Quran if it is in a bag.

حَدَّثَنِي يَحْيَى، عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ حَزْمٍ، . أَنَّ فِي الْكِتَابِ الَّذِي، كَتَبَهُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِعُمَيْرِ بْنِ حَزْمٍ " أَنْ لَا يَمَسَّ الْقُرْآنَ إِلَّا طَاهِرٌ .

Yahya related to me from Malik from Abdullah ibn Abi Bakr ibn Hazm that in a letter that the Messenger of Allah, may Allah bless him and grant him peace, sent to Amr ibn Hazm it said that no-one should touch the Qur'an unless he was pure.

The one in Janabah has 6 things Haram on him:

1. Salah
2. Tawāf
3. Touching the Quran
4. Carrying the Quran
5. Staying in the Masjid - They must leave the Masjid and do Wudhu.
6. Reciting the Quran

The women in menstruation or post-natal bleeding has 10 things Harām on her:

1. Salah
2. Tawāf
3. Touching the Quran
4. Carrying the Quran
5. Staying in the Masjid - They must leave the Masjid and do Wudhu.
6. Reciting the Quran
7. Fasting
8. Be Divorced

A man cannot divorce his wife whilst she is on her period.

9. Passing through the Masjid

This is if she fears she will make it dirty, if she does not fear this then she can walk through.

10. She cannot have sexual activity between the navel and the knee.

These are all according to the Shafiee Madhab.

The other opinion regarding the menstruating woman staying in the Masjid is that she is allowed if there is a need and this is the correct opinion.

According to the stronger opinion she can also recite the Quran.

There are also 2 opinions in the Shafiee Madhab regarding sexual activity. The other opinion is that it is only sexual intercourse that is not allowed.