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سفينة النجاة

في الفقه الشافعي

فصل: في أسباب التيمم

Chapter: Reasons to use Tayammum

Tayammum is the replacement for Wudhu.

A person may not be able to do Wudhu or use the water to do Wudhu so Allah gave us an alternative to make it easy for us.

There is a consensus that Tayammum is legislated for us.

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّىٰ تَغْتَسِلُوا ۗ وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُمْ مِنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ ۗ إِنَّ اللَّهَ كَانَ عَفُورًا غَفُورًا - 4:43

O you who have believed, do not approach prayer while you are intoxicated until you know what you are saying or in a state of janabah, except those passing through [a place of prayer], until you have washed [your whole body]. And if you are ill or on a journey or one of you comes from the place of relieving himself or you have contacted women and find no water, then seek clean earth and wipe over your faces and your hands [with it]. Indeed, Allah is ever Pardoning and Forgiving.

In summary you can do Tayammum either when you do not have water or are not able to use the water you have.

There are 3 reasons a person can do Tayammum:

1. Not having water.
2. Sickness:
 - A. If you fear using the water will make you sick.
 - B. If you fear using the water will worsen your sickness.
 - C. If you fear using the water will delay the healing process.
 - D. If the water will cause unbearable pain.

A person can do Tayammum instead of Wudhu if any of these reasons are present.

3. You need the water to fulfil the thirst of a living being which is مُحْتَرَم respected.

Those that are not respected are:

- A person who does not pray. This is after the court judges that he is a تَارِكُ الصَّلَاةِ (Abandoner of the prayer).
- The fornicator who got married and then committed fornication.
- A person who has left Islam.
- A disbeliever who is at war with you. This means he is from a non-muslim country that is at war with your Muslim country.
- A vicious dog.

- The pig.

The common factor in all of these is that their **حَدّ** legal punishment in a Muslim country is execution.

فصل: في شروط التيمم

Chapter: Conditions of Tayammum

1. It must be done with **تُرَاب** dust from anything from the earth like soil.
2. The **تُرَاب** dust must be pure.
3. The Shafiee's say the **تُرَاب** dust cannot have been used for a previous Tayammum.
4. The dust must not be mixed with something grainy like flour.
5. You must have intended for the dust to go onto your hands.

This is emphasised in the Shafiee Madhab that a person cannot have accidentally gotten dust on his hands and then wanted to do Tayammum with it.

6. You must wipe the face and the hands with two different strikes on the earth meaning you must get dust on your hands twice.

This is the Shafiee opinion.

7. You must remove any impurities first.

8. Some of the Shafiee's condition that you must look for the Qibla before you do Tayammum to prepare for Salah.

This is because the Shafieeyyah are strict when it comes to taking alternatives. So you must look for water till it is near the end of Salah time then use Tayammum if you have to.

The correct opinion which is the opinion of Al-Ramli is that this is not a condition.

9. Tayammum must be done after Salah time has entered.

10. You must do a Tayammum for every single obligatory Salah.

فصل: في فرائض التيمم

Chapter: The obligatory acts of Tayammum

There are 5:

1. Move the dust.

This means it cannot be that the dust came on you, you must intentionally get dust on your hands.

It is permissible to use dust on a table etc.

2. Intention.

You must have an intention for the permissibility or praying not raising حَدَّث ritual impurity because Tayammum doesn't raise حَدَّث ritual impurity like Wudhu does.

It is a concession that allows you to do things that you couldn't have done without Wudhu but doesn't mean you are not in a state of حَدَّث ritual impurity anymore which is why you must use water when you find it.

3. Wiping the face once.

Principle: Wiping in the Shariah is always done once.

4. Wiping the hands till the elbows.

This is the Shafiee opinion.

5. The order.

You must wipe the face first then the hands.

How to do Tayammum:

You don't have any water or you can't use it.

First you must look for water.

When you cant find it and the Salah time has come in.

You get dust on your hand.

With it you wipe your face fully once.

Then get dust again.

With your left hand wipe over your right hand till the elbow then with the right hand over your left hand till the elbow.

This is Tayammum.

The second opinion is Hanbali Madhab's which seems to be stronger.

You only need to get the dust one time, wipe your face and then wipe your hands till the wrists only.

Tayammum is also permissible if one is in a state of major impurity and requires Ghusl.

If you do not have enough water to do Wudhu you do Tayammum.

فصل: في مبطلات التيمم

Chapter: Nullifiers of Tayammum

1. Anything that breaks the Wudhu breaks the Tayammum.
2. Apostasy - a person leaving Islām.

3. Finding water if you did Tayammum because you did not have water.

فصل: فيما يطهر من النجاسات

Chapter: Impurities that can become pure

النجاسة: كل ما يستفذر شرعا

An impurity is: Anything that is seen to be impure in the Shariah.

If it goes on your clothing or your body or place of prayer you cannot pray with it.

It is when the Shariah considers it impure not what a person considers impure.

Three things are impure but can become pure:

1. Alcohol if it changes into vinegar.

There is a process called الإستحالة (to make Halal).

This is when something changes it's substance from impure to pure.

According to the Shafieeyah the only thing that is in this category is wine changing into vinegar.

Wine is made by getting a fruit and putting it into a container till it ferments.

This is why the Prophet (s) prohibited drinking juice that was left out in the sun for 3 days because it would ferment and become wine.

Then a process can make the wine change into vinegar.

Any liquid which intoxicates cannot be prayed with according to Shafieeyyah.

According to the majority scholars the change of gelatine is not allowed. Others allow it.

2. The skin of a dead animal that is tanned.

A مَيْتَةٌ is an animal that died without being slaughtered according to the Shariah. It can become pure if is tanned.

Some scholars say this is only for animals that were pure when they were alive.

3. Something impure that became an animal.

This is like maggots. An animal that is dead, maggots come out of it but they are pure.

فصل: في أقسام النجاسة

Chapter: Types of impurities

Impurities are 3 different categories:

1. المَعْلَظَةُ Heavy impurity.

This is the impurity of a dog or a pig. This means the saliva, urine, sweat or anything liquid that can transfer to something else from these animals.

2. المَخْفَفَةُ Light impurity.

This is the urine of a baby boy who only consumes milk for his day to day food not that he has never tastes food and that he is below the age of two.

3. المُنَوَّسَطَةُ Moderate impurity.

This is all other impurities such as:

1. Alcohol

2. الفَيْح Pus

3. Blood

Small amount of blood is forgiven.

4. Dead animals that do not become Halāl by being slaughtered Islamically.

The exceptions to this is a dead human who is not impure as well as dead fish and dead locusts.

5. Urine

6. المَذْيِ pre seminal fluid which is a fluid that comes from a man during sexual arousal which scholars describe as thin, yellow and sticky.
7. الوَدْيُ is a discharge from a man due to sickness or after urination which is thin.
8. الرُّوْتُ Stool
9. The milk of an animal which is impermissible to eat.

The animals which you cannot eat are:

- Any carnivore with canines.
- Any bird with claws like a hawk, falcon or eagle.
- Any animal we have been commanded to kill in the Shariah like lizards, rats, snakes and scorpions.
- Dogs
- Pigs
- Donkeys

The exceptions to this are:

Animals which live in the ocean whether it is a shark lobster prawns etc (If they breathe in the sea it is allowed).

عَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللهُ عَنْهُ - قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فِي
الْبَحْرِ: { هُوَ الطَّهْرُ مَاؤُهُ، الْحِلُّ مَيْتَتُهُ }

Narrated Abu Hurairah: Allah's Messenger (ﷺ) said regarding the sea, "It's water is purifying and its dead (animals) are lawful (to eat)."

How to clean impurities:

Heavy impurity: You must wash it 7 times, the first time with earth.

Some scholars say you can use soap instead of earth.

Light impurity: You just have to sprinkle water to cover the area with water.

Moderate impurities: You just need to use water to remove it.

Moderate impurities are two types:

1. **عَيْنِيَّة** ('Ayniyyah) This is an impurity you can see.
2. **حُكْمِيَّة** (Hukmiyyah) This is an impurity that you know is there but cannot see it for example it dried up.

The **عَيْنِيَّة** ('Ayniyyah) you must remove it till you cannot see it or smell it.

Stains are overlooked.

The **حُكْمِيَّة** (Hukmiyyah) you just pour water over it and it is enough.