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سفينة النجاة

في الفقه الشافعي

3. الْعَامِلِينَ

This is someone who is sent to collect the Zakah. If he is not paid already then he gets money from the Zakah.

This does not include charities, they cannot take Zakah money.

4. الْمُؤَلَّفَةُ قُلُوبُهُمْ To soften peoples hearts

There are people who if they receive money their heart becomes softened towards Islam or they at least do not do any harm against the Muslims.

For example a new muslim or someone who is not muslim yet.

The third is for disbelievers to keep their harm away so they give them money to stop harming.

For example money can be given to the Khawārij to stop killing the believers if the Muslims are weak and cannot fight them.

Umar (r) said in his time: There is no **الْمُؤَلَّفَةُ قُلُوبُهُمْ** in our times, we will fight you.

5. الرِّقَاب The slave

It is for a slave who is in a contract called **المُكَاتَبَةُ** between him and his master for him to be able to buy himself from his master for a set amount of money.

You are allowed to give a slave in this contract the money he needs to free himself.

6. الغارمين Those in debt

You can give Zakah for someone to pay off their debts but not all debts.

You can give it to a person who got into debt to fulfil him and his family's needs.

Also a person who got into debt for someone else's need's for الصُّلْح which is for example when two groups of people were fighting and he says: I will pay the blood money for everyone if you stop fighting and he got into the debt to keep the peace.

You are not allowed to give Zakah for someone who got into debt for luxuries.

7. فِي سَبِيلِ اللَّهِ In the path of Allah.

By consensus those who go to fight in Jihad can get Zakah to pay for their horse and weapons etc if they are too poor to go. So you can give them Zakah to fight.

Imam Ahmad takes the opinion and also Ibn Abbas that a person can take Zakah to go to Hajj.

Shaykh Albani mentions that Jihad and Hajj are the only two who can take Zakah in this category.

Others mention a third type which is a student of knowledge because like Jihad they are protecting and defending the religion. Also because of the hardship they go through.

8. اِبْنُ السَّيْلِ Traveller

This is a traveller who lost his money or ran out so he can take Zakah enough for the remainder of his stay and enough for him to go back even if he is rich back home.

He does not have to pay this back either.

There are certain groups of people who are not allowed to take Zakah:

1. العَنِيُّ بِالْمَالِ أَوْ الْكَسْبِ Someone who is rich either because of his money or he is able to earn.
2. الْكَافِرِ The disbeliever is never allowed to take Zakah except الْمَوْلَفَةُ قُلُوبُهُمْ to soften their hearts.
3. أَهْلُ الْبَيْتِ The Prophet (s)'s family because of the Hadith:

عَنْ عَبْدِ الْمُطَّلِبِ بْنِ رَبِيعَةَ بْنِ الْحَارِثِ - رَضِيَ اللَّهُ عَنْهُ - قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - { إِنَّ الصَّدَقَةَ لَا تَنْبَغِي لِأَلِ مُحَمَّدٍ, إِنَّمَا هِيَ أَوْسَاخُ النَّاسِ } 1. وَفِي رِوَايَةٍ: { وَإِنَّهَا لَا تَجِلُّ لِمُحَمَّدٍ وَلَا لِأَلِ مُحَمَّدٍ } رَوَاهُ مُسْلِمٌ

'Abdul Muttalib bin Rabi'ah bin Al-Harith narrated that The Messenger of Allah (ﷺ) said: "Indeed, Zakah ought not to be given to the family of Muhammad, it will be like giving them from the impurities of people." In another narration, "It is not lawful for Muhammad or the family of Muhammad(ﷺ).

Related by Muslim.

The family of the Prophet (s) is Banu Hāshim. The Shafīe Madhab also includes Banu Mutallib.

If they are poor then it is an obligation for the Muslims to look after them, which is why they get **الفَيْء** the spoils of the war. As this is not present today then out of necessity it is said they can take it.

The Shafīe's say you must give at least three of these groups Zakah but the correct opinion is that you can give any of them.

فصل: في ثبوت رمضان

Chapter: Establishing Ramadān

الصوم لغة: الإمساك

Sawm linguistically: To hold back

فَكُلِّي وَاشْرَبِي وَقَرِّي عَيْنًا فَمَا تَرَيْنَ مِنَ الْبَشَرِ أَحَدًا فَقُولِي إِنِّي نَذَرْتُ لِلرَّحْمَنِ صَوْمًا
فَلَنْ أُكَلِّمَ الْيَوْمَ إِنْسِيًّا

So eat and drink and be contented. And if you see from among humanity anyone, say, 'Indeed, I have vowed to the Most Merciful abstention, so I will not speak today to [any] man.' " [19:26]

Sawm technically: To hold back from that which breaks the fast from sunrise till sunset.

It is obligatory to fast in Ramadan from the Quran, Sunnah and إجماع unanimous consensus.

Anyone who denies the obligation of fasting is a disbeliever.

As for the one who does not fast but knows it is an obligation then he is not a disbeliever.

The fasting of Ramadan is made obligatory by one of 5 things:

1. By the month of Sha'bān being 30 days.

An Islamic month can be 29 days or 30 days. We know if it is 29 by seeing the moon and if we do not see the moon then it is 30 days.

2. Seeing the new moon.

It is obligatory on the one who sees the new moon to fast even if he is the only person to see it.

The Muslims do not have to fast but the one who sees it must.

We do not rely upon calculations with the moon. We can use them with the sun because it does not change and is the same. The moon changes between 29 to 30 days.

If the person is a فاسق (Fāsiq) then people don't have to fast based on his seeing but he has to fast.

3. For it to be established that the moon is sighted by a just person witnessing it.

The person who is عَدْلٌ ('Adl) just, is the opposite of a فَاسِيقٌ (Fāsiq). Someone who is not known for bad or has more good than bad.

The Shafi'iyyah say he must be a free male who does not have خَوَارِمُ الْمُرُوءَةِ (corrupt moral uprightness), he must be able to speak see and hear.

4. A person is told by a truthful person.

If it is someone who you know to be truthful and you believe them then you must fast.

5. Someone who does not know whether Ramadān has entered or not so he uses Ijtihād then fasts.

Someone for example in a desert and doesn't know the date so when he sees the moon he thinks its Ramadan then he fasts.

Also for example someone in a prison.

فصل: في شروط صحة الصوم

Chapter: Conditions for the correctness of fasting

1. Islām
2. Sane
3. Pure from menstruation or post-natal bleeding.
4. You must know this is the time of fasting.

This means you must know it is day time.

Someone who does not know when is night and day cannot fast.

فصل: في شروط وجوب الصوم

Chapter: Conditions for the obligation of fasting

These are the conditions which make fasting obligatory on a person.

1. Islām
2. مُكَّفَّ is someone who is sane and has reached puberty.
3. إِطَاقَةٌ Ability

A person who is physically able and in the Shariah he is considered able.

For example an old person or ill person doesn't fast. Also the woman on menstruation or post-natal bleeding.

4. صِحَّة Healthy
5. إِقَامَة Resident