

Bismillah

Class 1: Fiqh of Taharah

A brief look at the life of Ibn Hajr al-Asqalani

Ibn Hajr al-Asqalani was born in Egypt in the year 773 AH. His father was an eminent scholar of Shafii' Fiqh, but both of his parents passed away when he was a child.

Ibn Hajr began memorizing Quran at the age of 5, and his memory was very strong and precise. At the age of 12, he moved to Makkah where he led Taraweeh prayers. He then traveled to Damascus, Jerusalem, Yemen, and Madinah to seek knowledge and receive ahadith.

At the age of 25, he married Uns, the daughter of Karim ud Deen 'abd al Karim, a notable judge.

He taught his wife hadith until she herself became a notable scholar, and she would narrate hadith to some of Ibn Hajr's students, including Imam as-Sakhawi.

Al Hafidh Ibn Hajr is considered the Shaykh al-Islam in the hadith sciences, and his most famous works include:

--Fath al Bari, Sharh Saheeh al Bukhari

--Bulugh al Maram min Adilatil Ahkaam (the text we shall be studying)

--Tahdheeb at-Tahdheeb, an abbreviation of al-Mizzi's Tahdhib al Kamal in the science of the biographies of the hadith narrators.

He was noted for his extreme piety: Imam Sakhawi states that once, one of Ibn Hajr's students rejoiced when a critic of Ibn Hajr was sent to jail. Ibn Hajr disliked this, and said, only an evil person would rejoice at something like this.

In this class, I have relied upon the commentary of Shaikh ‘Atiyya Muhammad Saalam (may Allah have mercy on him), given in the Prophet’s Masjid in Madinah al Munawwrah.

Author’s Introduction

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ، وَصَلَّى اللَّهُ وَسَلَّم عَلَى رَسُولِنَا الْأَمِينِ، وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ، وَاللَّهُ أَسْأَلُ أَنْ يَرْزُقَنَا وَإِيَّاكُمْ الْعِلْمَ النَّافِعَ وَالْعَمَلَ الصَّالِحَ الْمَتَّقِبِلَ، وَاللَّهُ تَعَالَى التَّوْفِيقَ .

Stated the author, al-Hafidh Ibn Hajr, may Allah have mercy on him:

In the name of Allah, the Merciful, the Compassionate, All praise be to Allah for His blessings, apparent and hidden, old and new, and peace and blessings be upon His Messenger Muhammad, and his family and companions who strived to give victory to his religion, and those who followed in their footsteps and inherited their knowledge, and the scholars are inheritors of the Prophets.

This is a concise collection of essential ahadith upon which the rulings of Shariah are based. I have edited it as much as possible so that the one who memorizes it will excel over his peers, and the beginning student will take aid from it, and an advanced student will need to make reference to it.

Sharh: This speech by the author, may Allah have mercy on him, indicates that he spent a great deal of effort to make this collection as concise as possible, to collect only the hadith upon which rulings are based. There are no fabricated hadith in this collection, nor are any of the narrators accused of lying. The lowest level of any hadith in this collection in general is Hasan li ghairihi, i.e. there is some weakness in its chain, but it is strengthened by other narrations. He may mention a hadith, with its weakness, in order to explain the rulings given by some of the scholars.

And the one who memorizes this book will gain a vast amount of knowledge, skill in hadith and deep comprehension of religion. The chapters mentioned in this book are introductions to the subjects. No matter how much one has studied, they

will always make reference to this book, since Hafidh Ibn Hajr has chosen the concise ahadith containing rulings, unlike the other books of hadith (that contain many narrations).

He has explained the reference of each hadith at the end of each narration, so one does not have to research them.

He named it Bulugh al Maram min Adilatil Ahkaam.

Bulugh means to make reach, and Baleegh is someone who is eloquent and can make you understand what is in his mind and can make reach what he is thinking.

And Maram is the target that someone strives for, and there are many targets that people strive for. Some strive for the dunya, some for the akhira, or for knowledge of worldly sciences, or many other things.

But he explains, min Adilatil Ahkaam, the evidences for the religious rulings. Thus you will not find in this book stories of the Seerah and expeditions, since that is not the subject. Nor is it concerned with worldly knowledge, but rather it is Ahkaam.

Ahkaam has to do with either acts of worship, Ibaadaat, which are the rights of Allah on people, or Mu'amalaat, which are the rights of people on one another. What has to do with resurrection, the Fire, and Paradise, and the Howdh, if it happens to be connected to rulings, he mentions it, otherwise it is not the goal of this book.

May Allah accept from this work, and guide us to the Straight Path, and make it a proof for us, and not against us, and grant us the ability to act according to it.

شرح حديث: (هو الظهور ماؤه الحل ميتته)

وبعد: قال المصنف رحمه الله: [عن أبي هريرة رضي الله عنه قال : قال رسول الله صلى الله عليه وسلم في البحر : (هو الظهور ماؤه الحل ميتته) أخرجه الأربعة و ابن أبي شيبة واللفظ له، وصححه ابن خزيمة و الترمذي ، ورواه مالك و الشافعي و أحمد.]

قال المؤلف: أخرجه الأربعة، والأربعة هم من عدا أحمد و البخاري و مسلماً ، وهم: أبو داود و الترمذي و النسائي و ابن ماجة .

On the authority of Abu Hurayrah, the Prophet said, regarding the sea: “Its water is purifying, and its dead animals are lawful to eat.”

Sharh: This hadith was narrated by the four, Abu Dawud, Ibn Majah, An-Nasaai, and at-Tirmidhi. The wording was by Ibn Abi Shaybah, since Ibn Hajr thought perhaps that his wording was best.

He strengthened it with other narrators, such as Malik, and Shafii, and Shafii had a musnad in hadith, and likewise Abu Hanifa, but they were small.

This hadith, as Imam Shafii says, is a primary foundational hadith in the chapter of Taharah.

The words of Abu Hurayrah are a summary of what Imam Malik narrates in his Muwatta, that a man named Abdullah ibn Mudliji, who used to sail in the ocean, asked the Prophet: “We sail in the ocean, and we carry a small amount of water with us. If we make Wudu from it, we become thirsty. Should we make wudu from the water of the ocean?”

The Prophet replied, “Its water is purifying, and its dead are permissible.”

Ibn Abdul Barr states some of the benefits of this hadith:

1. The words of the Sahabi, “We ride the ocean...” shows tacit approval by the Prophet and is proof that it is permissible to sail the ocean. This is response to those who claim it is only permissible to sail the ocean for necessity, such as Abdullah bin Umar, who said that you can perish if you sail the ocean.

But this can be avoided by sailing the ocean under safe conditions. We even see that many insurance companies only allow ships to sail if the weather center forecasters state that the ocean is safe to sail. Since they will be responsible if the ship sinks. As you know, they measure the size of waves in meters, so if the waves are large, it is not permissible to sail. But if there is a

sudden storm that surprises the sailors, then this is from the Qadaa and Qadr of Allah.

2. “And we carry a small amount of water, and if we make wudu we will become thirsty. Can we make wudu from the ocean?” The Prophet replied, its water is purifying, and its dead are permissible.”

The scholars state that if a person has just enough water for his needs, and he is traveling, he should not make wudu from it, rather he should make tayammum. If he needs it to drink, or cook, or even for his animals that he is traveling with, he should not make wudu from it. Since wudu has a replacement, but drinking water does not. And one cannot drink ocean water.

3. We see that the Prophet replied with great eloquence, and this is from two perspectives. First, he answered them with more than they asked for, he explained that “its dead are permissible.” Also, he did not just say, “Yes,” rather he explained that the ocean water is purifying, since one may have thought that this was a special ruling for those sailing the ocean, and not for fisherman, or those visiting the beach, or traveling, and others. Rather the ruling is general, “Its water is purifying, and its dead are permissible.”
4. The reason why the Prophet added the statement, “Its dead are permissible,” was that since the Sahabah were concerned about the purity of the ocean, they must also have been wondering about the permissibility of its catch.

So the Prophet removed this ambiguity by saying, “Its dead are permissible.”

Some Ulema say everything in the ocean is halal, and some say only the fish, such as the Hanafiyyah, and they have their proofs. They also say in what is famous on them that if a fish dies and floats to the top, it is makrooh to eat.

The reason for this is not to contradict the hadith of the Prophet, or to not act according to it, but rather if a fish is taken and dies right away, it does not have time to spoil. But if the time after this death is a long time, the bacteria affect it and its weight reduces and it floats to the top, and it is harmful to a person to eat.

However, the Jumhoor (Majority) disagree with the Hanafi school about the permissibility of ocean animals other than fish, and within the Hanafi school there are differences of opinion. In Fath al Qadeer, it states that a Muhrim for Hajj is not allowed to eat sea creatures except fish. So it is a special ruling only for the Muhrim.

The Jumhoor also use as a proof of the general permissibility of all ocean animals the hadith of Abu Ubaidah ibn Jarrah, when they were on an expedition and found a whale called Anbar, and they ate it for a year. They took a rib from it, and a man rode a camel under it and did not touch it. They told the Prophet about it, and he said, “This is Rizq that Allah has sent for you.”

The Hanafiyya said: “This was a special case of necessity, since they were starving.”

But the Jumhoor mention that when Abu Ubaidullah returned to Madinah and mentioned the story to the Prophet, he said: “Do you have any to give me”. In Madina, there was no necessity to eat it, so the stronger opinion is that the words: its dead are permissible is general for all ocean animals.

5. Some scholars made exceptions, like Malik who excepted the pig of the ocean (dolphin) since he stated “Allah forbade the pig, and you call it a pig”, and the dog of the ocean (shark), and some forbade the crocodile, and the frog has been specifically forbidden, since a doctor asked the Prophet about using it for medicine, and he forbade it. Also some of them excepted the potential harmful creatures of the ocean like the crab, etc.

So the Prophet mentioned that ocean animals are halal in order that they could benefit from them.

Abu Bakr said, whatever died in the ocean, Allah has slaughtered them for you,

6. What about animals that live on both water and land, i.e. amphibious animals? There are three major opinions amongst the Ulema:
 1. They are considered ocean animals.
 2. They are considered land animals.
 3. The ruling depends on where they are found dead, if on the land, then land animal, if in the sea, sea animal.

Some of the scholars asked, what is the wisdom in that the dead of the ocean are allowed?

Land animals have carbon dioxide in their blood, and this is poisonous. As for fish, they take oxygen out of the water, this is why land animals' blood is red, and dries black, whereas fish blood is white when it dries and contains oxygen.

If a fish dies, its blood is not harmful to humans, except a spoiled fish that floats on the top of water, and eating this fish is makrooh, according to the Hanafi school.

Walhamdulillahi rabil 'alameen.

End of Class One