

JAWAPAN KEPADA SAUDARA “ABDULLAH”



oleh **Al-Faqir Muhadir bin Haji Joll as-Sanariy**

Muqaddimah

Syukran jazilan kepada saudara “Abdullah” di atas respon beliau terhadap tulisan Al-Faqir tempoh hari. Respon beliau boleh dibaca di roskiman.com. Semoga Allah membalas kebaikan yang dibuat oleh pemilik blog ini atas usaha beliau menterjemah, menyusun dan memaparkan bahan-bahan ilmiah tulisan para ulama’ dan asatizah Ahlus Sunnah wal Jama’ah untuk dimanfaatkan oleh umum. Al-Faqir difahamkan bahawa saudara “Abdullah” berasal dari sebuah negeri di Malaysia Timur dan masih muda sekitar 20-an (mohon maaf jika tersalah orang). Mauqif Al-Faqir tetap sama, iaitu menghindari dari memberi komen terhadap tulisan orang lain. Walau bagaimanapun, atas permintaan saudara “Abdullah” sendiri dalam tulisannya: “Sekiranya tuan merasakan bahawa apa yang dituliskan dalam ulasan pertama itu ada kesilapan, tuan boleh membetulkannya dengan hujah yang tuan miliki.”, insyaAllah □ tulisan kali ini adalah atas tujuan tersebut dan berkisar pada tulisan dan persoalan yang beliau lontarkan sahaja.

Sebagai adab, dalam penulisan kali ini Al-Faqir akan menggunakan bahasa adik “Abdullah” untuk lebih memuliakannya sebagai orang yang lebih muda.

Kepada para Alim Ulama' yang melihat apa-apa kesilapan dan kekhilafan dalam tulisan ini, diharapkan dapat membetulkannya,
...

Semoga Allah membuka jalan kepada hati yang ikhlas untuk memperoleh kebenaran dan mengurniakan ilham dan wijdan, Amin...

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قضاء رمضان أم صيام الست من شوال؟

عن قضاء رمضان أم صيام الست من شوال سألت سائلة أصابها الحيض في شهر رمضان الماضي، فأمسكت عن الصيام حتى تطهرت، ثم أتمت صيام ما بقي من أيام الشهر، والآن تتنازعها رغبتان الأولى: أن تقضي ما عليها إبراء للذمة والثانية: أن تبادر فتصوم ستة أيام من شهر...شوال



مواطنة مسلمة كريمة سألت فضيلة الشيخ القرضاوي عن قضاء رمضان أم صيام الست من شوال وقالت انها أصابها الحيض في شهر رمضان الماضي

، فأمسكت عن الصيام حتى تطهرت، ثم أتمت صيام ما بقي من أيام الشهر ، والآن تتنازعها رغبتان الأولى : أن تقضي ما عليها إبراء للذمة والثانية : أن تبادر فتصوم ستة أيام من شهر شوال لتحظى بأجر من صام الدهر كما أخبر الرسول الله عليه وسلم

يقول الشيخ الدكتور يوسف القرضاوي :-

بسم الله ، والحمد لله ، والصلاة والسلام على رسول الله ، وبعد :-

اختلف العلماء حول جواز التطوع بالصيام قبل أن يقضي ما عليه من رمضان، فذهب بعض العلماء إلى أن ذلك لا يجوز، وأن على الإنسان أن يبدأ بقضاء ما عليه أولاً. ثم عليه أن يتنفل بعد ذلك، وذهب بعضهم إلى جواز التنفل قبل القضاء.

والذي أرجحه أن صيام النفل قبل القضاء جائز لأنه قد ورد عن عائشة أنها ما كانت تقضي ما عليها من رمضان إلا في شعبان المقبل، فماذا كان من أمرها طوال هذه الأشهر العشرة؟ أما كانت تتنفل بشيء من الصيام أبداً؟ هذا غير معقول، وهذا خلاف الوارد عنها.

ولكني أرجح أن المرأة تقضي ما عليها أولاً، ثم تبدأ في التطوع؛ لأن الإنسان لا يضمن عمره، فقد يمرض الصحيح، ويشيخ الشاب، ويضعف القوي. فالأولى أن يسارع الإنسان إلى تبرئة ذمته أولاً بأن يقضي ما عليه والله أعلم

Sumber: <http://qaradawi.net/fatawaahkam/30/1335.html>

[Apakah Hukum Menggabung Puasa Enam Syawal dan Puasa Qadha'](#)



oleh Mufti Muhammad ibn Adam

Dengan Nama Allah Yang Maha Pemurah Lagi Maha Mengasihani

Sayyiduna Abu Ayyub al-Ansari (moga-moga Allah merahmatinya) meriwayatkan dari Baginda SAW bahawa "Sesiapa yang berpuasa di bulan Ramadhan, dan diikuti enam hari di bulan Syawal, ianya sepertimana beliau berpuasa sepanjang tahun" (*Sahih Muslim no: 1164*). Berdasarkan hadith ini, para fuqaha dari' Mazhab Hanafi, Shafie dan Hanbali berpendapat ianya adalah disunatkan berpuasa enam hari di bulan Syawal. (Lihat: *Radd al-Muhtar*, *Mughni al-Muhtaj* dan *Kashshaf al-Qina'*).

Adapun menggabungkan niat Puasa Qadha' dan Puasa Enam Syawal, seseorang itu hendaklah terlebih dahulu berniat untuk melakukan Puasa Qadha'. Manakala niat Puasa Syawal adalah 'sampingan' sahaja dengan harapan atas kemurahan Allah SWT, Allah akan turut mengganjari seperti berpuasa enam hari di bulan Syawal. Yang penting di sini ialah, berniat dengan niat Puasa Qadha'.

Walaupun bagaimanapun, yang terbaik ialah melakukan Puasa Qadha' dan Puasa Enam Syawal berasingan kerana ada pandangan pada ulama' yang berpendapat seseorang tidak memperolehi ganjaran berpuasa di bulan sunat (Syawal) jika digabungkan dengan Puasa Qadha' (Lihat: *Fatawa Darul Uloom Deoband 6/495*).

Kesimpulannya, tanpa keraguan bahawa melakukan puasa berasingan itu lebih baik, dengan mendahului menyegerakan Puasa Qadha' dan diikuti selepas itu Puasa Enam Syawal. Ianya

juga akan memperolehi ganjaran yang lebih besar (berbanding menggabungkan niat puasa) dan juga ganjaran berpuasa sepanjang tahun. Namun menggabungkan niat Puasa Qadha' dan Puasa Sunat Syawal dibenarkan dengan syarat diniatkan Puasa Qadha' sebagai yang utama, manakala Puasa Enam Syawal hanyalah "sampingan" sahaja. Wallahu'alam.

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Sumber :

http://www.daruliftaa.com/question?txt_QuestionID=q-15354930

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The Amal of the Living for the Dead



by Shaykh Dato' Dr Muhammad Afifi al-Akiti

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Question:

"I read in the Reliance of the Traveller (p. 928)"

[which is a complete manual of Islam consisting, in the main part of the book, a translation together with a useful explanation in English of a beginner's level textbook on Shafi'i fiqh (but a post-Fard 'Ayn text), the 'Umdat al-Salik by Imam al-Naqib; while in the other parts of the book, there are various useful selections from medieval and also modern-but-reliable texts on a number of issues including the following mas'ala which past Muslims have accepted without question]

"that donating the reward of our worship to the dead is permissible. But where does it say this in a specific Shafiite fiqh reference?"

[Since the text that the Reliance refers to for this particular issue is a modern work called the Qada' al-'Ibadat written by a modern Shafi'i Mufti, which the questioner here, for reasons unknown to us, seems unwilling to accept the conclusions of this modern Shafi'i scholar.]

"Didn't the Qur'an say: "And that man can have nothing but what he does"? Is there an ahl tafsir who says that one can donate the reward of our worship to the dead? Can you please clarify this for me? Also what is established ruling in the Shafii school regarding donating the Fatihah, for example, to the dead?"

Answer:

Al-hamdulillah al-'aliyy al-kabir yarfa'u l-mutawadi'in wa-yudhillu l-murtabin fa-salawat rabbi wa-salamuhu 'ala sayyid al-mutawadi'in yad'u ila husn al-zann wa 'ala alihi wa-sahbihi wa 'ala ahl l-thiqqa ila yawm al-haqiqa ajma'in.

Allahumma ftah 'alayna futuh al-'arifin, ma sha' Allah la quwwata illa billah, wa qul: Rabbi zidni 'ilman!

My dear questioner, if I were allowed only to give you a one-line answer, it would have been sufficient for me to say only this: be humble, and learn to trust your scholars! May Allah make it easy for us to open our hearts to make us accept and trust what we have not found "proof" of, what we have not seen and what had been veiled from us; for we have been unworthy of it, Ya Rabb! Whereas if one wanted to express the epitome of the following answer in verse, I would only have to compose this for you; so learn them so you may be guided [min bahr al-basit]:

ajru l-qirA'ati ya'tI l-mayta mu'taqadu # fI mA salaf wa-khalaf wa-hum aqarrU bi-hi wa-ayatu n-nafI ma'nAhA 'adamu hudan # lA yaqbalUna wa-lam yaSghU siwA Haqqihi

[That the reward of the recitation reaches the dead is a point of belief, and both then and now, they have acknowledged this belief. Whereas the Qur'anic verse which (appears to) deny (this belief), its meaning is in fact loss of Guidance, since they can no longer receive, nor listen (to Guidance), save his own right.]

So what is there to clarify for you? Isn't the Qada' al-'Ibadat (a work of around 500 pages [in parts, reproduced in Keller, Reliance, 928-931 (w35.2)]) by Shaykh Nuh 'Ali Salman al-Qudat (may Allah protect him!), a Shafi'i mufti from Jordan, a good enough Shafi'iyya reference for you? Well, if you are finding it hard to follow his judgements then I doubt that the following medieval references will make any difference. If they will, then ask yourself what your

intention was in the first place and ask that Allah purify your intentions.

Of the many “specific Shafiite fiqh reference”, we only have to relate what is in the Fath al-Mu’in, a basic but important Shafi’iyya textbook that is read widely, from East Africa to South East Asia. In fact, this is a medieval topos that appears usually in the subsection of the Bab of Wasiyya [bequests] (following the famous statement in Imam al-Nawawi’s Minhaj: “wa-tanfa’u al-mayyita Sadaqatun wa-du’A’un min wArithin wa-ajnabiyyin”):

“The dead is benefited by charity [sadaqa] performed on his behalf whether by the heir [of the dead; warith; meaning his relation] or by others. Among them [i.e., the sadaqa] are: (1) to endow [waqf] a Qur’an and the like, or (2) to build a mosque, to dig a well, or to plant a tree whether by him while he was alive or by others on his behalf after his death, and [the dead is also benefited by] performing supplication [du’a’] on his behalf; and all of this is agreed by the Consensus of the Muslims [Ijma’]. In a Sahih [rigorously authenticated Hadith], it is said that Allah raises the rank of a slave in Paradise by means of his son asking forgiveness [istighfar] for him. [This is the meaning of the well known Hadith of Abu Hurayra which is related by Ahmad, Ibn Majah, al-Bayhaqi and Ibn Abi Shayba.] As for the words of Allah the Most High: “wa-an laysa li-l-insAni illA mA sa’A” [That [each] man can have nothing [i.e., no right to a reward] save what he strives for] (al-Najm, 53:39), it is General [‘Amm; a technical term used in Usul Fiqh to mean that this Qur’anic verse has a General meaning and that it may be subject to Takhsis [Specification of the General]; the point here is that the verse does not contain a Qarina [indication] that others might be prevented from helping him, and as it turns out, it is a verse] that has been Specified [Makhsus; i.e., it is being Takhsis] by that [rigorously authenticated Hadith and Ijma’]. It is also said, that it [i.e., this verse] had been

Abrogated [Mansukh]. The meaning of “the dead being benefited by sadaqa” [as opposed to “the dead being benefited by du’a’] is, it is as though the dead himself is the one performing the sadaqa. [Imam] al-Shafi’i (may Allah be pleased with him!) said: “[Among] the abounding favour from Allah is that He will also reward those who perform sadaqa [on behalf of the dead]. For that reason, our jurists have said that it is [legally] recommended [i.e., the hukm shar’i is Mandub/Sunna] for the one [who wishes to perform sadaqa] to intend [instead] to perform sadaqa on behalf of his parents, for example, for Allah the Most High will reward both of his parents without this decreasing in any way, his own reward.” [I’anat, 3:218-9]. (So, you should now correct the legal ruling found in your own statement from “donating the reward of our worship to the dead is permissible,” to “ is recommended!”)

From this single reference in the Fath al-Mu’in, most of your questions and suspicions have been answered for you; while this will be sufficient for those who understand.

In addition to what have been said above about the verse of Sura al-Najm, I hope you have noticed that your translation of the verse is inaccurate and it can easily be misinterpreted when read literally. The preposition “lam” used in this verse is what the grammarians called “lam li-l-istihqaq” or “a lam that is used to show that one has a right [Haqq] to possession”. Thus the correct sense of this verse is not simply: “That mankind can have nothing save what he strives for”, but “That [each] man can have nothing [i.e., meaning that he has no right to any reward] save what he strives for”. So the meaning of the verse is actually: if a person did not act righteously, he or she does not deserve to be rewarded. What is denied for in that verse is the Haqq of that



person, not the Haqq of another person and certainly, never the favour and mercy of Allah. So much so, that even when a person is neglectful and did not strive to do good in this world and therefore does not have a right to be rewarded in the next world, Allah may forgive him through His abounding Fadl and by His countless Rahma to whomsoever He sees fit. Indeed, as “yakhtaSSu bi-raHmatihi man yashA'u wa-Allahu dhU l-faDli l-'aZImi” [He selects anyone He wishes for His mercy; Allah's favour is boundless!] (Al 'Imran, 3:74). In order to illustrate this mute theological point, the scholars of Tawhid like to present the following example. Given Zayd who works for 'Umar: Zayd does not have a right and does not deserve to receive any payment from 'Umar except for the work Zayd has done for 'Umar. However, this does not mean that Zayd cannot receive any gifts from 'Umar or even receive help from another co-worker, Ahmad, for example, in the case when Zayd, for whatever reason, neglected to do the work for 'Umar; for then, it is no longer a question of Zayd's rights, but it is a case of the mercy of 'Umar and the charity of Ahmad. (But living on someone else's handouts is never satisfying and wouldn't it be better for us to aim to be 'rich' before the gift that have been given to us in this world, namely to be able to do 'amal, are 'denied' from us!)

What is more, never did Allah nor His Messenger prohibited the living from giving charity on behalf of the dead. Because if there was such a prohibition (for there is none), even if it be a Hadith which is Da'if and weak, those who prohibit and dislike this practice (such as the Mu'tazila) would have used it by now. (Despite the fact that Da'if Hadiths cannot be used to derive primary rulings in fiqh but can still be used for the fada'ils and illustrations.) Owing to the fact that our Prophet (may Allah's blessings and peace be upon him!) never said anything against this practice (and on the contrary, there are numerous rigorously authenticated Hadiths that encourage it), no one has therefore the right to prohibit and deny others a practice which our jurists have deemed good, and

indeed, to which the Umma has recorded a Consensus over the issue.

In fact, the verse which you quoted from Sura al-Najm (and others like it), turns out to be the scriptural proof that the Mu'tazila had used in defence of their position that the dead cannot benefit from our actions (or more precisely, to put it in a theological framework: the Mu'tazila believe that a person could not dedicate the reward of his or her 'amal to others (whether dead or alive), and if it is carried out, it will not reach them, nor will it benefit them). [cf. I'anat, 3:218-9; al-Zuhayli, Fiqh al-Islam, 3:2097]. (The point being, my brother, the Ahl Sunna will shy away from using this verse as a proof.)

As the Fath al-Mu'in makes clear, there is also the position maintained by some of our scholars (if the verse is to be read literally) that this verse had been Abrogated or Cancelled by another verse. (Hint: did you not read the verse that came before this one? This episode shows that we must be careful, not to quote the Qur'an out of its original and intended context.) The scholars of Tafsir have said: "This [verse] is also [found] in the Scriptures [Suhuf] of Ibrahim and Musa [may Allah send his peace upon them both!]...and it is said that that [i.e., the legal ruling apparent in this verse] is for the people of Ibrahim and Musa [may Allah send his peace upon them both!], while for this Umma, they can have what they have strived for and they can [also] have what others have strived for them." [al-Khazin, Tafsir, 4:199]. It was none other than Ibn 'Abbas (may Allah be well pleased with both of them!), the Imam of Tafsir among the Companions, who declared that this verse had been Abrogated by another verse: "The legal ruling [of this verse] has been Abrogated with respect to this [Umma's] Sacred Law [Shari'a] by the statement of Allah the Most High: "alHaqNA bi-him dhurriyyatahum" [We shall unite them [in Paradise] with their offspring] (al-Tur, 52:21), for, the offspring can be made to enter Paradise through the

righteousness of [their] parents.” [al-Khazin, Tafsir, 4:199]. Indeed, that is why in another Tafsir of the verse of al-Najm, some of our scholars have interpreted it to mean that the verse can be literally correct from the standpoint of Divine justice, but not from the standpoint of Divine mercy, which, again, is confirmed by what is in the verse of al-Tur. [al-Khazin, Tafsir, 4:199; cf. al-Zuhayli, Fiqh al-Islam, 3:2096]. And yet in another Tafsir according to al-Rabi’ Ibn Anas, a Tabi’in Mufasssir (may Allah be well pleased with him!), the verse is in fact a reference to non-Muslims. [al-Qurtubi, Tadhkira, 1:107]. The discussions arising from the verse of al-Najm is a famous topos among the Ahl al-Tafsir, and if you find yourself amongst those who have never heard of the various ta’wils and interpretations and tafsirs of it, to which our jurists have taken them for granted for more than a thousand years, then it is an indication that your company has no knowledge of this Fard Kifaya science. (I hope you will have understood the point of this exercise, namely that there is more than one reason why this verse should not be read literally on its own.)

In answer to your specific question of whether “is there an ahl tafsir who says that one can donate the reward of our worship to the dead?”; the answer is obviously yes, and even better, we can relate to you the statement of not any famous mufasssir but a Shafi’i one, Imam al-Khazin (may Allah be pleased with him!):

“In the two Hadiths [i.e., he means the two rigorously authenticated Hadiths of ‘A’isha (about the mother who died unexpectedly) on the one hand, and the moving Hadith of Ibn ‘Abbas (about the meeting at Rawha’), on the other hand (may Allah be pleased with all of them!), both of which are related, among others, by Muslim, al-Bayhaqi and Ibn Abi Shayba], there is the legal proof [dalil] that sadaqa performed on behalf of the dead benefits the dead and its reward reaches them. This [ruling] is reached by the Ijma’ of

the scholars, and likewise, the scholars have [also] reached Ijma' on [the fact that] performing du'a' [for them] and settling the debt [of the deceased] reaches [them], owing to the [numerous] scriptural proofs [Nass] that has reached [us] regarding it." [al-Khazin, Tafsir, 4:199].

Going beyond the specific reference of Fiqh, let us look at what Imam al-Nawawi (may Allah be pleased with him!), one of the most famous Shafi'i jurists, had to say about this issue. In his Sharh to the Sahih Muslim, he makes it unequivocally clear, again, about the Consensus reached by the Muslims:

"Those who want to do good to their [dead] parents, then by all means, perform sadaqa on behalf of them. For sadaqa reaches the dead and the dead will use them. There is no disagreement [about this] among the Muslims and this is the right [opinion]." [al-Nawawi, Sharh Muslim, 1:80]. For those who want to disagree with what is being said, the Imam had only this to say: "as for those who say that the dead does not get any reward after their death, [let him know that] it is definitely a wrong and mistaken opinion [madhhab] which is clearly against the scriptural proofs of the Qur'an and the Hadiths, and against the Ijma' of the Umma. So do not pay attention to it and do not turn to it!" [ibid.]

As for your question: "what is [the] established ruling in the Shafii school regarding reciting the Fatihah, for example, to the dead?" If you had understood all that we have said so far, then the following is easier to understand (because it will be like relating a story to you for which there will be no thinking required on your part in that you only have to absorb it) and may you be benefited by it!

Unique to our school (for the other schools do not have an issue with this) is a famous disagreement over the matter of reciting the Qur'an on behalf of the dead because our Mujtahid Imam was reputed to have two conflicting Fatwas regarding it (to which Imam al-Nawawi reported one of them (that the reward

does not reach the dead) as the Qawl Mashhur [Popular Position] of the school in the Sharh of Sahih Muslim as well as in the Adhkar) and over which, the Sultan al-'Ulama', 'Izz Ibn 'Abd al-Salam (may Allah be pleased with him!) was at the centre of this controversy after having single-handedly issued a Fatwa against this practice (to which he supposedly retracted his Fatwa and admitted his mistakes according to the testimony of his companions, albeit in a dream, as recorded by the trusted Maliki Mufassir and Muhaddith, Imam al-Qurtubi in his most popular work, the Tadhkira [al-Qurtubi, Tadhkira, 1:109, cf. al-Sha'rani, Mukhtasar, 25; and indeed, Imam al-Qurtubi himself interpreted the verse of al-Najm above (if read literally) as applicable only to bad deeds [sayyi'a] and not to good deeds; al-Qurtubi, Tadhkira, 1:108]). In the Adhkar, Imam al-Nawawi followed the opinion of the majority of the Muslims, thus going against the apparent [Zahir] meaning of the Qawl Mashhur which he himself reported in the Sharh to Sahih Muslim, and he held that the reward of the recitation reaches the dead especially if after the recitation, the reciter says a du'a donating the reward of his recitation to the deceased. [al-Nawawi, Adhkar, 150]. It was Imam al-Subki (may Allah be pleased with him!) who famously put the issue to rest for the Shafi'is by performing the necessary legal process of derivation [Istinbat] and set the Qawl Mu'tamad [Relied Upon Position] of our school concerning it as follows: that the reward of the recitation will reach the dead provided that the reciter wanted the reward of the recitation be transferred to the deceased, even if the reciter wished it after the recitation. And this, as the Fath al-Mu'in makes clear, is the legal position, "according to the three [other] schools, and is the choice of many of our jurists, and is made reliable by [Imam] al-Subki and others [in our school]." [I'anat, 3:221].

Later, Imam al-Bujayrimi, confirmed the Qawl Mu'tamad when commenting upon Imam al-Nawawi's reports (via Shaykh al-Islam Zakariyya al-Ansari):

“al-Nawawi: [reporting the Qawl Mashhur:] That its reward does not reach [the dead] (al-Bujayrimi: is a Qawl Da’if [Weak Position]). al-Nawawi: While some of our jurists say that it reaches [the dead] (al-Bujayrimi: is the Qawl Mu’tamad).” [al-Bujayrimi, Tajrid, 3:330].

As for the Qawl Mashhur that was one of the conflicting Fatwas of Imam al-Shafi’i (may Allah be well pleased with him!) reported by Imam al-Nawawi, this is understood by our jurists as referring to the case when the recitation did not meet one of the requirements that would enable its reward reach the dead because it lacked either: (a) the intention that the reward of the recitation is for the deceased; or (b) the du’a’ wishing that the reward reach the deceased. In other words, in this particular case (and Ma-sha’ Allah(!), just as in the case of the verse of Sura al-Najm above), the words of our Mujtahid Imam should not be read literally since, to put it simply, there was a ‘story’ behind them, as Shaykh al-Islam Zakariyya al-Ansari said:

“What [Imam al-Nawawi] said, that [the reward does not reach the dead] which belongs to the Qawl Mashhur of the school, is understood in terms of when the recitation is not done in the presence of the deceased and that the reciter did not intend that the reward of his recitation is for the deceased.” [ibid.]

It should be noted here that the two towering figures of our school, Imams Ibn Hajar and al-Ramli (may Allah be pleased with both of them!) disagreed over the minor details concerning the ‘conditions’ of making the reward reach the dead. The latter is of the opinion that in the case when one is not in the presence of the deceased (such as not being at the grave), the reward can still reach the dead even when the recitation is not followed by a du’a’ (while the opinion of the former is the more precautionary [Ihtiyat] position and that is to have both the niyya (before or during the recitation) as well as the du’a’ (after the recitation)

accompany the recitation).^{*} Both are valid opinions within the school and both opinions are practiced today by the Shafi'i community (the Hadramawt, South East Asia, and East Africa Shafi'is following Imam al-Ramli, while the rest of the community is said to follow Imam Ibn Hajar), and this is reflected by the fact that later manuals of our school (such as the the Fath al-'Allam of Imam al-Jurdani, for instance), confirm both opinions. [See for example: al-Jurdani, Fath al-'Allam, 3:322-323].

^{*}For students: It can be noticed here that when relating this legal ruling, we have been careful in not using the legal terminology of "shart" [i.e., the minimum condition required for a particular act to be valid] so that the inclusion or exclusion of the du'a' will therefore not be a matter of valid vs. invalid, but a case of what is more precautionary vs. what is more lenient.

The minimum du'a' is what Imam al-Nawawi has related in the Adhkar, and this is said after the recitation [al-Nawawi, 150]:

AllAhumma awSil thawAba mA gara'tuhu ilA "X"^{*} [O Allah, send the reward of what I have recited to so-and-so!].

^{*}In fact, according to our well-respected Faqih of Hadramawt, Sayyid Balfaqih (may Allah be pleased with him!), it would be preferable [Awla] to specify the name of the recipient, such as to say "X bin Y" or Zayd the son of Ahmad (and the hukm for not specifying the name would only be Khilaf al-Awla). [Ba'alawi, Bughya, 97].

You will have noticed by now that while some of our jurists have minor disagreements over the best method to send the reward of the Qur'anic recitation to the dead, these same jurists had already taken for granted that the reward of the recitation CAN reach the dead, and WILL reach the dead if the relevant conditions are fulfilled.

If after all this you are still uncomfortable with that modern reference found in the Reliance (perhaps sadly because that scholar is unknown to you), then I refer you to another contemporary scholar (perhaps, this time you are more comfortable with), Dr. Wahbah al-Zuhayli, who, in his work on khilaf [comparative fiqh] in the section concerning “Donating the reward of [our] actions to the dead”, said:



“The scholars are agreed that the reward of [our] du’a’, sadaqa and dedication reaches the dead on account of the previously mentioned [rigorously authenticated] Hadith [of Abu Hurayra]: “idhA mAta l-insAnu inqaTa’a ‘amaluhu illA min thalAthIn Sadaqatin jAriyyatin aw

‘ilmin yuntafa’u bi-hi aw waladin SAlIHin yad’u la-hu” [When a man dies, all but three of his deeds come to an end: (1) continuous works of sadaqa, (2) knowledge that people continue to benefit from, and (3) the du’a’ of a pious offspring [meaning, the Muslims.]] (Related by Ahmad, al-Darimi, al-Bukhari (but in his Adab), Muslim, Abu Dawud, al-Tirmidhi, al-Nasa’i, Ibn Khuzayma, Ibn Hibban, with only one variant). The majority [jumhur] of Ahl al-Sunna wa-l-Jama’ah say that a man can give the reward of his action to others whether it be [his] prayer or fast or sadaqa or recitation of the Qur’an, by saying [i.e., making a du’a’:], “O’ Allah, give the reward of what I do to so-and-so.” [al-Zuhayli, Fiqh al-Islam, 3:2095-2096].

We have reached the end of what needs to be said concerning this issue. If you have not by now committed to memory the above poem that was composed for you, then let us summarize again all that we have said here by listening to Sayyid Ba’ashn, the author of the famous textbook, Bushra al-Karim, which is a commentary to Sayyid Bafadl’s Muqaddima (may Allah be pleased with both of them):

“It has been established [tahqiq; by our jurists after the disagreements arising from the issue of donating the rewards of the Qur’anic recitation to the dead] that the dead can be benefited by the recitation [of the Qur’an by the living], through one of either three things: (1) that he intends that the recitation is on behalf of the dead, or (2) that his presence is near the dead [during the recitation], (3) or that his du’a’ that the same reward of his recitation is for the dead, even if done after [the recitation]. Whereas, the du’a’ and the sadaqa [on behalf of the dead] benefits them, without there being any disagreement [among the scholars about this].” [Ba’ashn, Bushra al-Karim, 2:39].

Now, all of the medieval Imams mentioned above, al-Nawawi, al-Khazin, al-Subki, Zakariyya al-Ansari, Ibn Hajar, al-Ramli, al-Bujayrimi, Ba’ashn, Balfaah, al-Jurdani and the authors related to the Fath al-Mu’in are not only the foremost Shafi’iyya Imams and are among the well respected guardians and representatives of our Mujtahid Imam, but they are also well established jurists and mufassirs who lived in different times and places. So ask yourself now whether the Shari’a ruling in the end about this matter would have been any different from the modern reference you found in the Reliance? Whether you have personally seen the “proof” for it or not will in no way change the legal ruling that has already been fixed, set and understood by those who know. Ergo, (although we have given what you originally asked for) the question of whether you yourself should see or indeed need another reference or “proof” is irrelevant. It is actually a question of trust and in your particular case it becomes a question of you accepting the judgements and testimony of a living Shafi’i scholar regarding this issue. Is it not sad (and would it not be a tragedy for us all from now on) if those who do not know are unable to trust a living jurist and that he would rather in this case (until someone digs the dead references that will suit his pleasure) deprive himself of the immense benefit that this well known practice, a practice which is accepted by the

Umma, brings to both the dead as well as the living amongst us, and especially for the sake of our own departed family members and of our loved ones? We will only know the extent of our folly and how our time have been wasted in the months and years of our arguing about the validity of it when we find ourselves needing that extra help and favour once we pass the point where we cannot anymore do things by ourselves. It is precisely then that we will be wishing those who are still alive to exercise their God given right; but by then it may only be wishful thinking on our part. Worse still, owing to our not thinking about the welfare of our own parents who have passed on to the other world and to our never showing this in front of our children, they might think it unlawful to make sadaqa for us once we are no longer in this world. What goes around comes around, and we ask that Allah save us from such a fate! Let us end with the du'a' that our Prophet had taught us to say for our Muslim brothers and sisters, always:

Allahumma ghfir li-hayyina wa-mayyitina!

[O Allah, forgive those of us who are alive and those who are dead amongst us!]

++Something extra and a fa'ida for us all at the end of the road++ Imam Ibn Hajar was asked about a man who passed by a graveyard and read one Fatiha and donated its reward to all of the members of the graveyard, whether (a: by subtraction), that one reward will be broken up equally and apportioned to all of them, or whether (b: by addition), every one of them will receive the same whole reward of a single Fatiha each. His answer was for the latter and for the reward to be added together, for it is the one worthy of the immeasurable mercy of Allah the Most High! [Ibn Hajar, Fatawa Kubra, 2:24; cf. Ba'alawi, Bughya, 97]. Subhanallah, so look, my dear questioner, at why we shouldn't restrict the Rahma of Allah, for we would deprive ourselves of this immense blessing!

Let us all say a Fatiha for the souls of all the scholars

mentioned here, al-Fatiha!

al-fAtiHata ilA arwAHi mani jtama'nA hunA bi-sababihim,
ajarakumu LLAhu l-fAtiHah!

The one in need of forgiveness,

Muhammad Afifi al-Akiti ©

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10 January 2004

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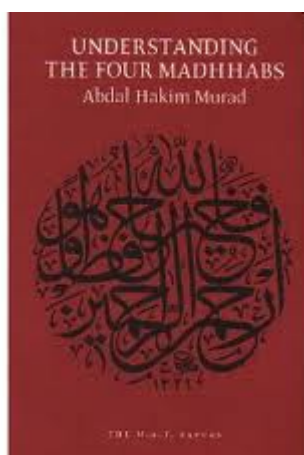
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Taqlid: Trusting a Mujtahid

by Shaykh Tahir Mahmood Kiani



Islām is like a fortress, or castle, that is guarded continuously by armed sentinels, within its many-feet thick walls that are impenetrable, save for one heavily protected gate and drawbridge that opens by falling over a crocodile-

infested moat, that is many metres wide, and cannot be crossed nor overcome. How do you destroy such a people who are so aggressively protected by revealed laws and sincerely adopted rules, yet are themselves so pure of presence, serene of spirit, modest of manners and content of custody?

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