

# **Notes of Lectures on Fiqh by Maulana Sadiq Hasan Lecture # 2 (Friday 23 February 2001)**

## **Importance of Fiqh (continued)**

✳ According to Hadees of our 1<sup>st</sup> Imam Ali (AS), anyone who follows Islam without the knowledge of fiqh is on the right path but is going in the wrong direction.

✳ In Islam, lack of knowledge of fiqh (shariah) is not an excuse for not following tenets of Islam correctly.

✳ Lack of knowledge of fiqh about a good deed can sometime lead to punishment (azaab) instead of reward (sawab) from Allah even though the intention may initially be good. There are many examples of this.

✳ Story of a wife, who after the death of her husband, donated all his property and wealth to the poor, but she earned hellfire because she did not know the rules of fiqh that after the husband's death, his property and wealth must be distributed to heirs according to the Islamic laws of inheritance. According to fiqh, the wife gets only a small portion of husband's property and wealth. After husband's death, she can not even spend his money on his children unless the husband has made her as his wali (guardian) during his life time or through a will. Writing of Will (wasiyah) is very important for people living in the West.

✳ Charity in the way of Allah has greatest sawab but only if it is done with your halal earning. Shaitan acts very strongly against charity givers.

✳ Sadqa is the the best protection from problems of this world and also of akhirah.

✳ Sadqa becomes sadqa and is effective only when it reaches the poor. Collecting sadqa in a box on a daily basis has no effect of sadqa unless it reaches the poor immediately.

✳ How to get sawab of Sadqa if poor are not available where you live? Knowledge of fiqh offers solutions to this problem. There are three methods:

- (i) If you know some poor person overseas or anywhere whom you send money on a monthly basis or regularly, get permission from him that you will be sending sadqa on a monthly/quarterly basis to him; or
- (ii) Get permission from Mujtahid or his wakil (representative) for giving sadqa by collection in a box and sending it to the poor after a fixed duration. This method can also be used for collection of sadqa at Islamic Centres or Mosques; or
- (iii) Give loan (Qarzae hasna) to some poor in lump sum in advance, then give sadqa (by intention) to that person from that loan as and when required. Thus the loan will be written off through sadqa.

✳ Method no (iii) above is known as ‘IBRA’ in Arabic, and this method can also be used for paying fitra or sehme sadat in advance.

### **Conditions for Following Fiqh (Sharaet-e-Takleef-e-Sharai)**

✳ Acting on fiqh is wajib only if a person meets four conditions:

- i) Alive (Zinda)
- ii) Mature (Baligh)
- iii) Sane (Aqil)
- iv) Capable (Akhtiyar)

✳ If someone’s life is in danger then all haram becomes halal or vice versa except in two situations:

- a) Jihad is wajib even if life is in danger
- b) Killing another Muslim is haram even if one’s own life is in danger.

✳ Islam and knowledge of fiqh are not the necessary conditions for a person for following the fiqh.

✳ Hukm (Laws) are of two types:

- Hukme Takleefi (regarding sawab or azaab)
- Hukme Waz-ee (regarding other characteristics like right or wrong)

✳ From Fiqh point of view, a girl becomes baligh at the age of 9 Islamic years even if her monthly period has not started. A boy becomes baligh at the age of 15 Islamic years or at an earlier age if he starts discharging semen (Ehtelam) or pubic hairs appear below his navel.

✳ If a na-baligh child offers salat, sawm etc, he will get the sawab of these acts if he is of such age that he can distinguish good from bad or right from wrong (Mumaiyaz in Arabic).

✳ It is wajib on wali (guardian) to stop na-baligh children from certain major haram things, which include Wine, Pork, Haram Meat, Music, and Stealing.

✳ When a non-shia becomes shia, then he has to re-pay zakat and fitra paid during the period he was non-shia. Why? Because in shia fiqh, the zakat and fitra must go to poor shia. However, he does not have to repeat salat, saum, hajj etc performed earlier.

✳ When a kafir becomes a Muslim, he does not have to offer qaza of salat or sawm missed during the period of kufr. But he has to pay khums and zakat on his previous year's savings/items on the day he becomes a Muslim.

✳ On the Day of Judgement, a kafir will get punishment of not accepting Islam, and also for not offering salat, sawm etc during his period of Kufr.