

The issues in which two sides were mentioned in Imam Al-Omrani's Shafi'i book related to funerals

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Abstract

Praise be to God, Lord of the worlds, and the best of prayers and peace be upon the one who was sent as a mercy to the worlds, our Master, Prophet, and beloved Muhammad, and all his family and companions.

As for after

Since preserving money is one of the purposes of the Sharia, and one of the five necessities, we find that the Sharia has given great attention to preserving it, by enacting provisions and controls, which the jurists dealt with in research and study, in which their sayings were numerous, and their opinions varied in it; Therefore, in this research, I dealt with the jurisprudential aspects dealt with by Imam Al-Omrani in his book (The Statement), and related to some funeral issues, a comparative jurisprudential study.

Introduction

Praise be to God, we praise Him, we seek His help, we seek His guidance, and we seek His forgiveness, and we seek refuge in God from the evils of ourselves and from the evils of our deeds. May God bless him and his family and all his companions.

Next:

The virtues of this Muhammedian law and the Hanif religion are beyond enumeration, and it is beyond limitation, and it is sufficient for it to be an honor that God - Blessed and Exalted is He - preserved lives, souls, wealth, intellects and honours, and established with this law the foundations of justice between all creation, Muslims and unbelievers, so He made fear of God the basis of differentiation, and it does not happen Piety is only with knowledge, and among the scholars to whom people witnessed knowledge and piety is Imam Yahya bin Abi

Al-Khair Al-Omrani, who spent his life learning and teaching knowledge, and one of the best sciences in which Imam Al-Omrani excelled is the science of jurisprudence, and because of this knowledge of goodness, as the Prophet preached - peace be upon him God bless him and grant him peace - those who understand religion by saying: "Whoever God wants good for him, He gives him understanding in religion" (1), so I will deal in this research with some jurisprudential issues related to funeral issues that Imam Al-Omrani chose in his book (The Statement), - a comparative jurisprudence study - The research included an introduction and two sections. In the first section, I dealt with the life and books of Imam Al-Omrani in a brief manner. The second section included three issues, then the conclusion, and a list of sources and references, as follows:

The first topic

Introducing Imam Al-Omrani and his book (Al-Bayan)

The first requirement: the imam's personal life:

1. His name: Abu Al-Hussein Yahya bin Abi Al-Khair bin Salem bin Asaad bin Abdullah bin Muhammad bin Musa bin Imran bin Rabia bin Abbas bin Zuhair bin Ghalib bin Abdullah bin Ak bin Adnan, Al-Omrani Al-Yamani Al-Shafi'i (2).

2. His birth: Through the reading of the books of biographers, there was no disagreement about the date of his birth.

3. His Lineage: The lineage of Imam Al-Omrani extends back to Imran Bin Rabia Bin Abs (4).

4. His kunya: Imam al-Amrani, may God have mercy on him, was given kunya, including: Abu al-Hasan (5), Abu al-Khair (6), and Abu Zakariyya (7).

5. His title: Imam Al-Omrani, may God Almighty have mercy on him, was given titles, including: Al-Omrani (8), Sahib Al-Bayan (8), Shafi'i Sheikh in Yemen (10).

6. His death: Imam Al-Omrani, may God Almighty have mercy on him, passed away in the village of Dhu Al-Sufal (11), he died on the last Wednesday night after dawn on the sixteenth of Rabi' Al-Akhar in the year (558) AH.

The second requirement: definition of the statement book:

Everyone who mentioned translations of Imam Al-Omrani, his book is considered the most famous Shafi'i book in Yemen, and in it he explained the book Al-Muhadhdhab by Abi Ishaq Al-Shirazi. Education, because he was

busy compiling the book (The Statement), and there are copies of the manuscript in the library of the Great Mosque in the city of Sana'a in Yemen (12).

The second topic

There are two aspects of it in the book Al-Omrani related to funeral issues

The first requirement: the price of the deceased wife's shroud:

The shroud in the language: "Shroud, shroud, shroud, the dead: clothed by the shroud, which is the clothes they wear for the dead, the thing: covered and hidden" (13).

And the shroud in the terminology: "What the dead wear before burial of the loincloth, shirt, and garment" (14).

The Shafi'i jurists mentioned that the shroud and provisions for washing and burial from the capital of the deceased take precedence over others and over the debt, whether the dead was well off or insolvent (15), and the jurists, may God Almighty have mercy on them, differed as to whether the deceased was a woman with a husband, so should the shroud of the deceased wife be spent at the husband's expense ?, Imam Al-Omrani - may God Almighty have mercy on him - mentioned two aspects of the Shafi'i view of this matter:

The first side: "It is obligatory for her husband" (16), and a narration from the Hanafis (17), and it was said by the Imamis (18), and the Zaidis (19), and a narration by the Ibadites (20).

Their argument:

1- The Almighty said,

Significance:

The noble verse indicates that one of the principles of the Sharia is that everyone who is obligated by the Muslim to spend and clothe them during their lifetime, and also among the things that he is obligated to spend on them after their death, and also the husband is among the things that he must spend on the wife in terms of clothing, dowry and maintenance during her life. What she needs after her death, and in confirmation of that, the texts indicating that it is positive for marital alimony (22).

2- The hadith of Hakim bin Muawiyah, on the authority of his father, he said: I came to the Messenger of God, may God's prayers and peace be upon him, and I said: What is the right of the wife of one of us over him? He said: ((You feed her when you feed, clothe her when you clothe yourself, do not strike her on the face, do not revile her, and do not desert her except in the house.)) (232).

Significance:

This hadith is an indication that feeding and clothing the woman are among the things that are obligatory for the husband, so this indicates that it is general and includes her in the event of her life, and if she dies, then the shroud is from the husband's disposal (4).

3- Because it is obligatory to clothe it on a person in the event of life, then it is obligatory to shroud him in death, like a slave (25).

4- Because their clothing during life is a precursor, so after death it is provided. Because sanctity

The believer is alive and dead, one and the rest, and this is supported by the reason stipulated in preventing the sale of his residence after his death (26).

The second aspect: "It is not obligatory for the husband" (27), and a narration from the Hanafis (28), and it was said by the Malikis (29), and the Hanbalis (30), and a narration by the Ibadites (31).

Their argument:

1- Because the clothing was obligatory on the husband during her life in order to enable her to enjoy herself, and if the obligation of the clothing was on the husband in order to enjoy it, then that was removed by her death (32).

2- Because alimony, dowry, and jealousy over the wife were in exchange for the enjoyment of the wife, and the enjoyment ended because she died, so the obligation of marital alimony ceased (33).

most correct:

After presenting and discussing the sayings of the jurists and their evidence, what seems likely to me is that the first saying is the most correct one, due to the strength of the evidence and argument they used. In confirmation of that, what was mentioned in the texts indicating that it is necessary for marital alimony, and that the value of the man is in her life and after her death, and God knows best.

The second requirement: the ruling on spices and camphor for the deceased:

Al-Hanout in the language: "Al-Hanout and Hannat are one: it is that which is mixed with perfume for the shrouds of the dead and their bodies in particular" (34).

Al-Hanout in the terminology: "Al-Hanout is with the opening of the Ha and the addition of the Noon, and it is said that Al-Hannat is broken, and it is a type of perfume that is mixed especially for the dead" (35).

Camphor in the language: it is something from the mixtures of perfume, with which it is perfumed, or it is mixtures that are collected from the perfume compounded from camphor pollen, that is, the shroud of the dead is anointed with it (36).

And camphor in the term: "It is the smell of perfume and pure oil of all kinds" (37).

There is no difference of opinion among the jurists regarding putting spices and camphor on cotton stripped of grain, and it is placed on the places of prostration on the body of the dead. Because the living makes them perfumed by putting perfume on that place (38), but the difference between the jurists is whether spices and camphor are obligatory to be put for the dead?

The first aspect: "must" (39).

Their argument:

1- Because it is customary to put perfume on the dead, out of respect for him and as a perfume for his body (40).

The second side: "It is not obligatory" (41), and it was said by the Hanafis (42), the Malikis (434), the Hanbalis (4), the Imamis (45), the Zaidis (46), and the Ibadis (47).

Their argument:

1- Because Al-Siddiq - may God be pleased with him - said: ((Do not put sweet scents on my shrouds)) (48).

Significance:

In this narration there is an indication that perfume is not placed on top of the shroud, as well as on the casket from above it, which indicates that it is not obligatory, according to the saying of Al-Siddiq, may God be pleased with him, in the narration (49).

2- The hadith of Umm Atiya al-Ansariyya, may God be pleased with her, who said: The Messenger of God, may God's prayers and peace be upon him, came to us when his daughter died, and he said: ((Wash her three, or five, or more than that, if you see fit, with water and lotus leaves and place camphor in the Hereafter, or some camphor, so when you are done, give me permission" (50).

Significance:

There is an indication that the scent and the continuation of the perfume should be made at the end of washing the dead, but camphor was singled out for that; Because it is the strongest of the good smells with what is in it of burning and preventing what is in the dead from the stench and other smells that accompany the stench.

3- The hadith of Jabir, may God be pleased with him, who said: The Prophet, may God's prayers and peace be upon him, said: ((If you bribe the dead, then bribe it three times))(52).

Significance:

In this hadith, there is an indication of the legitimacy of burning the deceased, giving him perfume, and fumigating it, putting it on the body of the deceased and on the shroud, with any kind of perfume. Because it was mentioned at all, and it was not mentioned in the hadeeth as an indication of its obligation, as it is not obligatory here, and that is to indicate it (53).

most correct:

After presenting and discussing the sayings of the jurists and their evidence, what seems likely to me is that the second saying is the most correct saying, due to the strength of what they used as evidence; And because it was reported to put perfume at all, and there

was no hadith about it being obligatory, and God knows best.

The third requirement: wearing perfume for the waiting period after death:

Al-Tayyib in the language: "It is what women perfume themselves with from saffron and khuluq, and it has no deterrent" (54).

And the good in the terminology: "It is everything that has a pleasing scent, such as saffron, wars, camphor, amber, musk, and the like." 55).

The waiting period in the language: "The waiting period: the source of enumerating the thing apart from the waiting period, and the waiting period of the woman was months or readings, or the delivery of a pregnancy that was carried by the one from whom it is obligatory, it is said: the woman used her waiting period from death Her husband and whoever divorces her by waiting, and the waiting period is a number, and that is continued It's all from counting" (56).

The period in terminology: "It is a waiting period that obliges the woman when the certain marriage is terminated or is similar to it" (57).

The jurists forbade the woman in waiting period to put some kind of perfume, for reasons of adornment, by avoiding what is adorned for her (58), but they differed as to if she died in waiting after death, so does the prohibition of perfume for her fall? :

The first aspect: "It does not fall, like a woman forbidden" (59), and it was said by the Hanafis (60), the Malikis (61), and a narration from the Hanbalis (62), and the Ibadites (63).

Their argument:

1- The hadith of Umm Salamah, may God be pleased with her, who said: The Messenger of God - may God bless him and grant him peace - entered upon me when Abu Salamah died, and I had placed patience on my eyes. There is no perfume in it, he said: It makes the face brighten, so do not put it on except at night and take it off during the day, and do not comb your hair with perfume or henna, for it is a pigment)) (64).

Significance:

In the hadeeth is an indication that the woman in waiting period after death should not put any perfume, and in the hadeeth of Umm Salamah, the Prophet, peace be upon him, forbade her to put something on her face, and also when combing her to put some perfume on her hair while combing it, because women They used to comb their hair with some kind of perfume

That is, it did not waive the prohibition of applying perfume for the waiting period, so it was measured against it in the event of death that no perfume was placed for the deceased while she was in her waiting period from the death of her husband (65).

2- The woman who is waiting for the waiting period should not approach the perfume because she died and perfume was forbidden to her, so the prohibition of it was not waived by death, by analogy with the forbidden (66).

The second side: "It falls" (67), and a narration on the authority of the Hanbalis (68).

Their argument:

1- The hadith of Umm Atiya, may God be pleased with her, according to which the Messenger of God, may God's prayers and peace be upon him, said: ((Do not marry a

woman for a dead person more than three, except for a husband, four months and ten days, and do not wear dyed wax, except for a bandage garment, and do not apply kohl, nor touch well, unless it is purified, a scrap of a handcuff or a nail)) (69).

Significance:

This hadith is an indication that the woman who is observing the waiting period should be perfumed with any type of perfume, even if it is perfume, incense, or ointment, in the event of her life. Just as perfume was forbidden from her in life, so it is forbidden from her in the event of death (70).

2- Get close to perfume, because perfume was forbidden to her during her waiting period, so that putting on perfume does not lead to marriage with her, and that was removed by death (71).

3- Because the woman who is observing the waiting period is not permitted to wear perfume so that this does not lead to her entering into marriage, and this does not exist after death, as it falls as a prohibition (72).

most correct:

After presenting and discussing the sayings of the jurists and their evidence, what seems likely to me is that the first saying is the most correct saying, due to the strength of what they used as evidence; Because just as perfume was prevented from her during her life while she was in the waiting period, she died for the sake of adornment, and perhaps that was necessary for marriage, because she died and perfume was forbidden to her, so the prohibition of it was not waived by death, by analogy with the forbidden woman.

Conclusion

Praise be to God, Lord of the worlds, praise be to God who has enabled us to do righteous deeds, so that ranks are raised, and sins are expiated through him, and prayers and peace be upon our Prophet Muhammad, may God's prayers and peace be upon him, who was sent as mercy to the worlds, and on his family and companions and those who followed them and followed their path until the Day of Judgment.

Next:

After God has blessed me with His grace to facilitate the completion of this research, I would like to summarize some of the results that I reached, as follows:

- The married woman while she is still with her husband in his custody, so one of her duties is to spend on her during her life, and after her death and her supplies such as washing, shrouding, etc. The price of that mother does not fall from the husband; Because guardianship is for the husband during her life and after her death from the first.

- When the deceased is washed and shrouded, one of the desirable things that is not obligatory is to put something on him of good scents; Because these things have been customary to put them on the body of the dead, in order to improve his body.

- The woman who is in waiting period after death, one of the things that is forbidden to her is putting on perfume, because that is one of the matters of adornment that is forbidden to put it in the death waiting period; Because it is considered one of the reasons for adornment and it is forbidden to her, and also if she dies while she is in her waiting period from the death of her husband, then the perfume is not used for her, because the perfume was

forbidden to her before her death, so that prohibition does not fall with death.

In conclusion, I ask God, the Blessed and Most High, to make this work purely for His honorable sake, and to reward us for it with the best and fullest reward, and to overlook our inattention, and may God's blessings and peace be upon our example, Muhammad, and all his family and companions.

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