

HYPOTHETICAL ISSUES OF FUNERALS IN THE RETINUE OF AL-BAGOURI PREPARED BY

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Introduction

Praise be to God who created man, taught him the explanation, and provided the hard-work with a thought that they strive hard for the coming of time, and with which they assume issues that were not taken into consideration, and blessings and peace be upon our Prophet Muhammad, the teacher of mankind, who came with a law that is valid for every time and place, and informed his companions of what will be until the end of time, and on His family and his companions, the people of knowledge, knowledge and charity, and delivered a lot of recognition until the day when a balance is set for creation, and after:

Because of what God has blessed and whoever has on human kind is to set up flags for it that guide people with their knowledge, preserve the Sharia with their understanding, and bring people out of calamity before descending into their circle, then assume issues that did not occur from their imaginations for fear of their occurrence. This was evidence of the readiness for the calamity before its descent, and the breadth and tolerance of the Sharia, and made it valid for every time and place. Ibn al-Qayyim, May God have mercy on him, says: "For the Sharia is based on judgment and the interests of the servants in the life and restitution, and it is all justice, mercy in all and all interests, and wisdom of all. It is compassion to impose issues and build upon them future rulings that illuminate the way for future generations and guide them in how to deal with events every time, and be indicative of the false claim of those who claim that this Sharia is subject to intellectual stagnation, and that it is limited to previous rulings and does not develop with the development of the age, so it appeared. We have talented scholars who assumed issues that did not happen, so they enriched jurisprudence with many issues that were a way out and a path for every time and place, and since our era was an era of renewal, change and modern technology, we were in need of this knowledge without an age, and when this science was widespread and famous that more From the work of the Hanafis, we find that this knowledge has its roots extending from the time of the Prophet, may God's prayers and peace be upon him, until it developed and flourished in the time of Abu Hanifa al-Nu'man, upon him be mercy and satisfaction, and this knowledge did not remain present in the corridors of Hanafi jurisprudence, rather we find that Shafi'i jurisprudence Assume issues that were not assumed by the Hanafis, and this is what prompted us to appear and clarify in this research drawn from our thesis issues in funerals in hypothetical jurisprudence assumed by Sheikh Al-Bagouri in his entourage, who is one of the most prominent of the Shafi'i scholars, and let us demonstrate the extent of work.

The hypothetical jurisprudence of the Shafi'i scholars, and this is what I will explain in this paper, which includes an introduction, two topics and a conclusion. As for the introduction, I have mastered you with it. As for the two topics, they are as follows:

The first topic: Definition of hypothetical issues and it has two requirements.

The first requirement: Defining hypothetical problems as a complex.

The second requirement: Defining hypothetical issues as a title.

The second topic: hypothetical issues in the funeral and it has two demands.

The first requirement: If he died then was shrouded and then revived, he must be prepared again.

The second requirement: If we saw the angels washing it, the washing would not be waived.

The first requirement: Defining hypothetical problems as a complex and a title.

Define hypothetical problems as a complex.

Each science has two definitions, an additional definition and a title definition for this science, so I will define the subject as a compound and as a title and a flag for this science.

Issues: Collecting an issue, which is a meme source for whoever asks a question and a question and a question and a question and a question, which is what a person asks, and I asked him about a thing I asked him. He said al-Ragheb said: The question is to summon knowledge, or what leads to knowledge. Responsible and alert

Issues idiomatically: Al-Kafawi defined it as: a theoretical issue that is mostly composed of its argument, and it is its trustworthy constructs, and it may be necessary and needing caution. A knowledge of the sciences, and knowledge of it is required.

Assumption is a language: the source of an assumption that presupposes an assumption, and posits a matter that he considered existing or taken for granted, and took it in proving an issue or solving a problem in a hypothetical or probabilistic manner. The concept is that if he refuses to impose his truthfulness on many, then it is partial. The mind is about matters that it assumes and proves on in a speculative or probabilistic manner, which is what is meant in this study.

The assumption idiomatically: It is the one that does not match reality and is not considered in the first place and is intended to be reasonable, not merely estimation.

Al-Taouni and others knew that there are two types of assumptions:

One of them is extractive, which is to force what is present in the thing to be taken into action, and the reality is not that which contradicts the assumption.

The second: my invention, which is labor and the invention of something that is not present in a thing by force at all, and reality is something that contradicts the assumption, so the assumption in their meaning is conceived in the mind, but the perception in the seizure is identical to reality and the inventive is contrary to it and on both definitions they agree that the assumption is confined to the mind perception and not reality for him.

The second requirement: Defining hypothetical issues as a title.

I have not found in what I have read of the books of our old jurists, may God have mercy on them, a comprehensive definition prohibiting this science, even if its issues are spread in their books except God that we say that this term is new in the science of noble jurisprudence except that through perusal I find some sayings that are understood to be a perception or definition of this Knowledge is where Abu Hanifa said about him when he asked Qatada about an issue that did not happen, so Qatada said to him, did it? He said: No, he said: Why did you ask me about what did not happen? Abu Hanifa said: We are preparing for calamity before it descends. This statement from Abu Hanifa was a conception of this knowledge, which is a preparation for calamity before it descends. Likewise, it is understood from Al-Hajwi's saying, when he said: It is impartiality to impose issues, assess their occurrence and impose their rulings, either by analogy with what happened, or by incorporating them in the general. But it is taken for these two sayings that they do not give a comprehensive concept that prevents this science, but rather they are satisfied with the content of the hypothetical jurisprudence without indicating its nature and its limits. Therefore, the hypothetical issues or the hypothetical jurisprudence of the ancients did not have a specific aspect in the jurisprudence of one of the diligent imams of the followers of the schools of thought. His explanation of the message of removing blame from the media imams by saying: The difference in editing the doctrine is from the hypothetical jurisprudence that does not agree, and this is what some of our companions may express in the possible, and he says: If he did such-and-such, he would tolerate such-and-such, and Al-Ezz bin Abdul Salam says: "And I say, say, I said, and someone said, if I say, and if I say, and it was said: It is customary for the jurists to formulate questions on the tongue of others and they are from themselves, and then answer them themselves too until he said: This may be

considered a form of hypothetical jurisprudence. " Some of our contemporary scholars from p He added this flag, and I consider some references to some of them, for Imam Muhammad Abu Zahra knew it:

Qutb Al-Raissouni defined it by saying: "It is the fatwa on matters that did not take place and the branching of opinion on matters before they were established, and their occurrence is imposed by an abstract mental conception." Dr. Hani bin Al-Jubeir defined it by saying: "It is the jurisprudence of the jurist in setting the Sharia ruling on what There have not yet occurred from the accidents and calamities that are assessed with the intention of exercising and understanding, whether they are possible or not. "Dr. Anas Abdullah Al-Qaraan defined him by saying," A legal precautionary conception that may occur in the future governed by the purposes and interests of Sharia. "Dr. Abdel Nasser Abu Al-Basal defined it by saying: Presumably out of mind without actually having a picture

However, it is objected to these definitions that they are devoid of the meaning of the linguistic presumption, which is mental permissibility and appreciation, as they did not refer in their definitions to the controls of this science. However, it can be said that what Dr. Saeed bin Mutab Al-Qahtani knew by saying: "The knowledge related to the jurist's permissibility of legal and practical issues and the answer to the questions of the respondents in what does not happen and the estimation of the law's judgment in that." This definition is mentioned in its content of rational permissibility and appreciation, which is derived from the linguistic meaning of the assumption. The two types of assumption are also the perception of the permissibility of the occurrence of issues that did not occur, and the fatwa on issues that the mujtahid asks about and answers them, but what is objected to in this definition is that he did not mention the controls of this knowledge even as a hint, in addition to that he did not mention issues that did not occur in terms of the possibility of their occurrence or Its impossibility, as the hypothetical issues are either most likely or impossible to occur. We can define hypothetical issues as "it is permissible to assume a mind-conceived issue or a fatwa for a matter that did not happen. The mujtahid assesses the ruling for It is based on legal evidence that is most likely to occur or it is impossible for it to occur, so we say that it is permissible to assume an issue that is perceived by reason. The issues that are supposed to be imagined are the mind. The mujtahid assumed it before it occurred, and we say that the mujtahid assesses the ruling for it. The mujtahid jurist when he conceives the issue is the one who makes the judgment for the hypothetical issue if it occurs. Because it is the work of the mujtahid and not someone else, and we say that it is legal evidence, because the ruling on the supposed issue must be based on evidence from the legal evidence and not on a mental perception, and our saying is conceivable or impossible. The hypothetical issue is either thought most likely to occur, which is the well-known, or impossible and it is rare, but it may happen. We have seen in the books of fiqh issues spread that the forerunners thought it impossible to happen, and it actually occurred as the reversal of sex from masculinity to femininity and vice versa and so on.

The second topic: hypothetical issues in the funeral and it has two demands.

The first requirement: If he died, was shrouded and then revived, he must be prepared again.

The second requirement: If we saw the angels washing it, the washing would not be waived.

The first requirement: If he died, was shrouded and then revived, he must be prepared again.

Since preparing the dead person is a fulfilling duty unanimously and is sinning by leaving everyone behind, the Imam and other Shafi'i jurists assumed that if he dies a real death and is prepared and then revives a real life, should the preparation be repeated or the obligation of sufficiency on our behalf is waived by the first preparation, and the imam's saying is a real death and a real life. The heart stops, or fainting, etc., but death in which the soul is robbed of his body, and before starting to judge the issue, it must be noted that is this possible or not? This is what I will explain in this request and divide it into two branches:

The first branch: the possibility of a person's life after his death.

The second branch: the judgment of someone who was equipped with death and then revived a real life and then died.

The first branch: the possibility of a person's life after his death.

God has indicated in His Book that if the soul dies, it cannot return to life. The Almighty said: *چہہنگ وُو وُو وُو وُو* The Almighty said: □ □ □ □ □ □ □ □ □ □ However, God Almighty revived some of His servants after their death to confirm his ability to do so. He said: *چہہنگ وُو وُو وُو وُو* Likewise, God spoke about the

dead of the children of Israel and revived him after his death, and it was authentic in the hadith on the authority of Muhammad bin Jahsh who said: We were sitting with the Messenger of God, may God bless him and grant him peace, and he raised his head to the sky, then put his rest on his forehead, then he said: Glory be to God, what came down from the stress, so we were silent and panicked. When it came the next day, I asked him: O Messenger of God, what is this stress that was revealed? He said: "By whom my soul is in his hand, if a man was killed for the sake of God then I revive, then he was killed and then I revived, then he was killed and owes a debt, he would not enter Paradise until his debt is paid on his behalf." So his saying, peace be upon him, was killed, then revived, then killed, and then revived is evidence of the possibility of That is, Ibn Abi al-Dunya wrote a book called Who lived after death and mentioned people who died then God revived them. Ibn Hajar said that it is not contrary to the revival of the dead who is in dignity. The dead does not live except for the resurrection. This is when there is no dignity, but then it is like reviving him in the grave for the question, and what we mentioned previously confirms that this is possible and we mentioned that the assumption was not in the circle of the possible, it is permissible to assume.

The second branch: the judgment of someone who was equipped with death and then revived a real life and then died.

Portraying the issue: Sheikh Al-Bajouri said: "If a person dies a real death and is prepared and then revives a real life and then dies, then the face is undoubtedly necessary for him to prepare another."

Since washing the deceased is a duty of sufficiency by consensus, as we mentioned previously, if he dies then revives and then dies, does he have to be prepared a second time. The Shafi'i jurists differed on that to two views:

The first view: Most of the Shaafa'is are of the view that it is necessary to prepare him a second time, and their evidence for that is the general evidence for washing the dead after his life, and because whoever was returned after his death, his assignment will remain so that a sane person would not be devoid of an assignment. The face in which there is no doubt that it is necessary for him to prepare another, contrary to what he was deluded and said, contrary to what he was deluded, intended by the saying of Ibn Hajar, which we will mention.

The second saying: Ibn Hajar went to the conclusion that whoever dies and then revives it is not necessary to wash him, except that Ibn Hajar's statement is detailed and not based on his release.

The first: He who dies a dead person whose life cannot be with him, like someone who cut off his head and then revive him, because this does not have to be washed, and neither his heirs nor his wife will return to him. And his argument for that:

First: He who is certain of his death will have no trace of his life. Because it happened extraordinary, and what happened like that is not judged that he who is like this often does not live.

Second: That this is legislation for what he did not want, nor its counterpart, but rather anything close to it, and legislation that is so is undoubtedly excluded.

Third: The legal rule says: There is no lesson in life after certain death.

The second: to die a natural death and then to revive, this must be prepared as if he died the first time. Because we have judged that he was only in him deceit or something similar, and that we have his wives remaining in his infallibility and his money in his possession.

And it appears that Ibn Hajar, may God have mercy on him, said that he died after the second life, a death that does not live after that, then I revive, he does not wash or pray over him, rather he is obliged to pass it by only. By telling him the infallible, all the rulings of the dead are proven to him, from dividing his estate, his wife's marriage, and the like, and that the second life is unreliable because this is a legislation that is not wanted by him, nor his counterpart, nor anything close to it. He should not pray for him, but he should be defeated only. If his death has not been realized, our judgment is that he was in it, or something similar, and this detail in this issue is evident, even if I did not see who authorized it, and God knows best.

The most correct opinion:

I think that what the owners of the first opinion went to is the most correct, because Sharia commanded us to wash the dead as long as he is still alive then he died, as there is no difference between the first and second life even if it is a dignity as long as life is established in it, so preparing the dead revolves with life, existence and nothing, and because the cause of preparation and shrouding It is death, and it has been found. Whenever the cause is found, the cause is found, and God knows best.

The second requirement: If we saw the angels washing it, the washing would not be waived.

Portraying the issue: Sheikh Al-Bajouri said: "If we see the angels washing him, he will not fall for us."

When washing the dead is obligatory for those charged and that it does not fall except by one of them doing this deed. If we assume that we have seen the angels washing dead from the dead, does washing them fall away from us? The jurists differed on this, according to two views:

The first view: Some of the Hanifa, Shafi'is, and Malikis in the most prominent and most Hanbali, Zaydi and Imamate groups went that washing the dead does not fall away from the one who is tasked with washing the angels, and they quoted the following as evidence:

First: Hanzalah, may God be pleased with him, when he was martyred, was washed by the angels, so the Messenger of God, may God's prayers and peace be upon him, asked his family about his condition.

The indication is that the task of washing the dead is assigned to us, the sons of Adam, and not others, and as for the angels' washing of Hanzalah, it was only an honor for him.

He is answered in two ways: that your saying that it is obligatory to wash human beings and not to wash the angels is excluded. Because what is required is the washing, but the washer is permissible, whoever he is.

The second: that the Prophet, may God bless him and grant him peace, did not repeat the washing of a hanzala indicates the fall of the washing of the dead with the angels. Because duty was performed according to the evidence of the story of Adam, peace be upon him, and his children no longer washed him.

Second: The washing of angels is not the usual washing with water, but rather a matter of honor, because they are not charged with the branches, and because we are the cohabitants of those who are charged with being obligated to wash the dead of our own kind, and therefore if washing himself with dignity is permissible.

Third: What a person worships is not lost by the action of others, so if he drowned and then died, his washing does not fall away from us, rather it is obligatory.

He will be answered: that the one who drowned did not see his washing, so there is no washing in it, so the obligation for the obligated ones is not waived.

What appears to be the case is that the owners of this saying stipulate that washing the deceased should be of the same type as the person responsible. Therefore they assumed another assumption that if he washes himself or someone else with dignity, this is what the Shaafa'is declared, where they said: It is sufficient to wash the dead himself or others with a dignity that does not wash the angels, so it is not sufficient, i.e. not assigning them. .

The second view: Some of the Hanafis, some Maliki, some Shaafa'is, some Hanbalis and the Imamate went to say that washing the dead is forbidden from the one who is tasked with washing the angels, and the Hanbalis stipulated their knowledge of this and they cited the following:

First: Hanzalah, may God be pleased with him, when he was martyred, was washed by the angels, so the Messenger of God, may God's prayers and peace be upon him, asked his family about his condition, and his wife said: "He hit me, and he heard the haste to do ablution, so he was martyred while he was junub, so he said, may blessings and peace be upon him, that the angels washed him."

Second: On the authority of Aisha, may God be pleased with him, who said: The Messenger of God, may God's prayers and peace be upon him, said: "... Gabriel came to me, or a king said, and he said, O Muhammad, who from your nation has died today, the people of heaven have been glad for his death. Saad, and they said, "Get hold, O

Messenger of God, and his people came to him, so they carried him to their home." She said. So the Messenger of God, peace and blessings of God be upon him, prayed the morning. To Handala ..".

Third: On the authority of Abi Ibn Ka'b, on the authority of the Prophet, peace and blessings be upon him, who said: "Adam was a man who felt long enough for Adam, as if he was a crushed palm tree, and when death was present, the angels descended with his prudence and shroud from heaven. When he died, they washed him with water and cedar three times, and made a third of unbelief They wrapped him in a string of clothes, and dug a border for him and prayed over it. And they said: This is the year Adam was born after him.

The significance of these hadiths is of two ways:

The first aspect: If the washing of the dead was not abolished by the washing of the angels, the Messenger of God, may God's prayers and peace be upon him, would repeat the washing of the children of Adam, and the children of Adam, peace be upon him, did not wash them again, indicating that the washing of the dead had fallen by washing the angels.

The second aspect: that the Prophet, may God's prayers and peace be upon him, hurriedly walked to wash Sa'ad and said: lest the angels wash him ahead of us is evidence of the omission of the angels' washing from those charged.

He answered him: That the washing of Hanzalah may be intended because he is a person who is not of death or as a matter of dignity, and that the washing of angels to Adam was the first to teach him to be obligatory, so it was permissible for him to fall by the action of the angels, unlike what came after the first, so that he does not fall except by the action of those charged.

He responds to him: That washing for impurity or death are both one and there is no difference between them because both are obligatory, and that the angels wash Adam and teach him if he did not fall, the angels would command them to return him.

Fourth: The action of the angels, with the permission of God Almighty, is the permission of the one who has the right to be satisfied with the actions of those charged, and because the duty is to wash, and as for the wash, it is permissible whoever he is.

The most correct opinion:

After presenting the two views, I see that what the owners of the first opinion have said has its merit, in that the person is responsible for washing the deceased and not someone else, and if this reasoning clashes with a text, which is what was correct in the hadith of Sa'd, the Prophet's hastening and washing, which is stronger than the hadith of Hanzalah in terms of inference. God be upon him: "For fear that the angels will wash him before us in a handful." An indication of it, may God's prayers and peace be upon him, that the washing falls by the angels washing the dead, and an indication from him that there are people who are washed by the angels for a matter that God has assigned them to, and when the evidence found no explanation, but This text favors the one who said it, if there was a prophet who told us what the angels did, but after the prophethood was interrupted, who would tell us assertively that the angels were washed dead even if it was among the righteous, so it remains to tell them not like telling the prophets, so I see what the owners of the first say went to is the most correct and God knows best.

Conclusion

Praise be to God who bestowed upon us with completion, and blessings and peace be upon our master Muhammad who held the end, and upon his family and companions the flags and after:

After we spent a period of time diving into the sayings of the jurists and their fragrant biography in search of results in which we might serve our glorious law, and after the grace and facilitation of God for us to complete this research, there is no doubt that every work has a conclusion, and my conclusion of this research I put in it what I get from the results Show it as follows:

1- Explanation of Sheikh Al-Bajouri's effort in the service of great knowledge, and this is evidenced by his scientific career and his writings, and his proposition of proposing issues, which indicates the breadth and scientific instincts of God upon him.

2- It is permissible for a person to live after his death.

3- The necessity of preparing the dead second, if he revives after his death and then dies.

4- Washing does not fall on those in charge, even if the angels wash it.

I conclude this conclusion by beseeching our Master to improve our conclusion in all matters, to protect us from Hellfire and its shame, and to accept this work from us, and forgive us for what has gone astray, and may God bless our master Muhammad and his family and companions and grant them peace.