بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى صحبه أجمعين

اللهُمَّ لا سَهْلَ إلا مَا جَعَلْتَهُ سَهْلا وَ أنتَ تَجْعَلُ الحزْنَ إذا شِئْتَ سَهْلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

We begin with the name of Allāh (subḥānahu wa taʿāla), we praise Him, and we hope that He will help us remember Him, we hope that He will help us thank Him--because we're pretty bad at that, to be honest, when left to our own devices--and we hope that He will support us to perfect our worship of Him.

This used to be one of the most common prophetic duʿāʾ and it's something which I hope everyone will learn as soon as possible. It's one that can be recited in the prayer, after the prayer as well, and in general, when one feels the need.

I ask Allāh (subḥānahu wa taʿāla) to make this easy. There is no ease, and nothing happens except by His will, He is the one that makes the difficult things easy. This is a difficult thing, and it's no small issue. This is the issue of knowledge, of ʿilm. ʿIlm itself, and the seeking of knowledge is a very difficult, long, often boring exercise that requires a lot of patience and resources.

Sheikh ʿAbdalGhaffar will recite from the Qurʾān so that we can hopefully start this journey with some barakah, and some ayāt which I think are very pertinent to the reason why we're here, what the goal of the journey is.

تَبَارَكَ الَّذِي جَعَلَ فِي السَّمَاءِ بُرُوجًا وَجَعَلَ فِيهَا سِرَاجًا وَقَمَرًا مُّنِيرًا

Blessed is He who has placed in the sky great stars and placed therein a [burning] lamp and luminous moon.

وَهُوَ الَّذِي جَعَلَ اللَّيْلَ وَالنَّهَارَ خِلْفَةً لِّمَنْ أَرَادَ أَن يَذَّكَّرَ أَوْ أَرَادَ شُكُورًا

And it is He who has made the night and the day in succession for whoever desires to remember or desires gratitude.

وَعِبَادُ الرَّحْمَٰنِ الَّذِينَ يَمْشُونَ عَلَى الْأَرْضِ هَوْنًا وَإِذَا خَاطَبَهُمُ الْجَاهِلُونَ قَالُوا سَلَامًا

And the servants of the Most Merciful are those who walk upon the earth easily, and when the ignorant address them [harshly], they say [words of] peace,

وَالَّذِينَ يَبِيتُونَ لِرَبِّهِمْ سُجَّدًا وَقِيَامًا

And those who spend [part of] the night to their Lord prostrating and standing [in prayer]

وَالَّذِينَ يَقُولُونَ رَبَّنَا اصْرِفْ عَنَّا عَذَابَ جَهَنَّمَ ۖ إِنَّ عَذَابَهَا كَانَ غَرَامًا

And those who say, “Our Lord, avert from us the punishment of Hell. Indeed, its punishment is ever adhering;

إِنَّهَا سَاءَتْ مُسْتَقَرًّا وَمُقَامًا

Indeed, it is evil as a settlement and residence.”

وَالَّذِينَ إِذَا أَنفَقُوا لَمْ يُسْرِفُوا وَلَمْ يَقْتُرُوا وَكَانَ بَيْنَ ذَٰلِكَ قَوَامًا

And [they are] those who, when they spend, do so not excessively or sparingly but are ever, between that, [justly] moderate

وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَٰهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ ۚ وَمَن يَفْعَلْ ذَٰلِكَ يَلْقَ أَثَامًا

And those who do not invoke with Allah another deity or kill the soul which Allah has forbidden [to be killed], except by right, and do not commit unlawful sexual intercourse. And whoever should do that will meet a penalty.

يُضَاعَفْ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَيَخْلُدْ فِيهِ مُهَانًا

Multiplied for him is the punishment on the Day of Resurrection, and he will abide therein humiliated -

إِلَّا مَن تَابَ وَآمَنَ وَعَمِلَ عَمَلًا صَالِحًا فَأُولَٰئِكَ يُبَدِّلُ اللَّهُ سَيِّئَاتِهِمْ حَسَنَاتٍ ۗ وَكَانَ اللَّهُ غَفُورًا رَّحِيمًا

Except for those who repent, believe and do righteous work. For them Allah will replace their evil deeds with good. And ever is Allah Forgiving and Merciful.

وَمَن تَابَ وَعَمِلَ صَالِحًا فَإِنَّهُ يَتُوبُ إِلَى اللَّهِ مَتَابًا

And he who repents and does righteousness does indeed turn to Allah with [accepted] repentance.

وَالَّذِينَ لَا يَشْهَدُونَ الزُّورَ وَإِذَا مَرُّوا بِاللَّغْوِ مَرُّوا كِرَامًا

And [they are] those who do not testify to falsehood, and when they pass near ill speech, they pass by with dignity.

وَالَّذِينَ إِذَا ذُكِّرُوا بِآيَاتِ رَبِّهِمْ لَمْ يَخِرُّوا عَلَيْهَا صُمًّا وَعُمْيَانًا

And those who, when reminded of the verses of their Lord, do not fall upon them deaf and blind.

وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا

And those who say, “Our Lord, grant us from among our wives and offspring comfort to our eyes and make us an example for the righteous.”

أُولَٰئِكَ يُجْزَوْنَ الْغُرْفَةَ بِمَا صَبَرُوا وَيُلَقَّوْنَ فِيهَا تَحِيَّةً وَسَلَامًا

Those will be awarded the Chamber for what they patiently endured, and they will be received therein with greetings and [words of] peace.

خَالِدِينَ فِيهَا ۚ حَسُنَتْ مُسْتَقَرًّا وَمُقَامًا

Abiding eternally therein. Good is the settlement and residence.

قُلْ مَا يَعْبَأُ بِكُمْ رَبِّي لَوْلَا دُعَاؤُكُمْ ۖ فَقَدْ كَذَّبْتُمْ فَسَوْفَ يَكُونُ لِزَامًا

Say, “What would my Lord care for you if not for your supplication?” For you [disbelievers] have denied, so your denial is going to be adherent.

— [Qur'an 25:61-77] —

Okay, bismillāh. In this class, I want to talk about so many things subḥānAllah. I want to talk about the reason we’re here, and I want to clarify a few principles I think that would be beneficial for Muslims to know.

Why are we on a journey in this life? Allāh (subḥānahu wa taʿāla) has made it clear as a journey because we’re going somewhere.

فَأَيْنَ تَذْهَبُونَ [81:26]

Allāh says, where are you going? It’s a question. It’s a rhetorical question, in that some people know where they’re going and others have no idea where they’re going, and others unfortunately have put their lives on autopilot. The life of this dunya cannot be allowed to remain on autopilot. If that’s happens, you’re going down. It’s as simple as that. There needs to be a guide, a steward (…or stewardess, ya’ni. Cause we’re PC like that) to take you by the hands and move forward to the objective.

It’s beautiful that we mentioned those ayāt from Sūrat Al-Furqān– a beautiful, beautiful selection of verses in any situation. In this situation they’re perfect, because actually none of these verses talk about knowledge or the seeking of knowledge per se. Rather what Allāh (subḥānahu wa taʿāla) describes is the people on whom the effects of knowledge can be seen. He describes them in so many wonderful ways: how they are when they’re approached with ignorant people, the way that they walk and conduct themselves in public, the way that they speak to other people, what happens when they are put under fitnah or when they are exposed to faḥshāʾ (indecency). So many aspects that Allāh is describing; their reward, their duʿāʾ, so on and so forth. It’s a reminder of the objective.

My brothers and sisters, we are going to get so involved in the text. The text here, is not the text that you have in your hands. I am talking about ʿilm being the text. The text is a metaphor for knowledge itself. So many people get so involved and lose sight of the wood for the trees. That’s that wonderful English saying, right? ‘To lose sight of the wood for the trees’. Meaning that you need to take a step back and think ‘okay, where am I?’ and have a satellite sort of view. It’s very important to be able to take a step back and know the importance of where we are, and make sure we don’t let that moment or that opportunity to overwhelm us from the main goal.

To get closer to Allāh (subḥānahu wa taʿāla), to develop a relationship with Allāh (subḥānahu wa taʿāla) in a strong and perfect way. I say in a perfect way because subḥānAllah this nation has been blessed with a prophet who didn’t know (he was ummīy) and then he got to know, whether he liked it or not.

He thought he wasn't able to do it, he kept saying "mā ʾana biqāriʾ" when Jibrīl was applying pressure on him.

You know, Ammar AlShukry just released a poem 'Until I Meet You'. It's so beautiful, subḥānAllāh. It's so nice. Wallāhi it made me cry so much. I have no shame in telling you that. He's just a brother that puts things together, but you know what he did? He reminded us of the objective.

On a daily basis, we go to work, get hooked up on family, we have all these stresses and issues. The whole reason why I wanted to have this class is because *I* wanted to have this class. I wanted an opportunity every week to chill with the angels and to meet with the Muslims on my time. You know, this is so selfish as a class.

People are thinking why on Wednesdays, why not on Fridays? Why am I sitting up against this random wall? Wallāhi you don't know how much I love this wall. I love this wall and I love this position. This is what I've missed for the last 5-10 years, just chilling against my wall, relaxing with a small group of people, just talking about Allāh, talking about His deen, talk about purification, dirt, filth, letting water run, water that's not good enough to make wuḍūʾ… random stuff.

I'll tell you what it's about. It's about perfecting your worship of the One who is there to be worshipped. We have no other reason to be here. That is what he wants us to do. He wants us to worship Him, He wants us to wash with clean water, and not dirty water. He wants us to pray five times a day and not six. He wants us to stand and not sit. He wants us to do this and not to do that. This religion is a barakah for us. It's a blessing for us. It's a favour upon us. Without it, we would be nothing. The way that we live our lives makes us forget the objective.

We don't understand why we're taking all these little footsteps to learn the religion, we don't understand the reason why we study Qurʾān, and when I read that poem, it just connected me with the Prophet ﷺ. Beautiful, beautiful, beautiful.

And you know what I like so much because he talks about Jannah, and he uses these words talking about it and our deficiencies. We have so many deficiencies to the Prophet ﷺ, and we have no idea. We really have no idea about his Sunnah, how he used to live his life everyday, what he used to do, how he would wake up, how he used to treat people, how he would roll with them, his companions, his wives, societies, and non-Muslims.

So I've been thinking to myself for so long 'I wish I had the opportunity to remind ourselves of that every single week' and I wish that we'll be able to put it into context of The Journey.

What's great is that he ends it with 'all I want to do is give you a hug'. It's just great because as Sheikh AbdulBary Yahya says, the teaching of the Prophet began with a hug. But not that kind of hug, you know? It was Jibreel giving him a hardcore hug, a very painful one. He was telling him to read,

establishing our religion for us, establishing our legacy. The Prophet ﷺ said 'I can't, I can't'. And sometimes you just need a teacher to push you beyind what you think you're capable of. WAllahi that's what you sometimes need and Jibreel AS, may Allah reward him, he doesn't need a reward, but may he be rewarded anyway. He's a chief of the angels. He pushed the Prophet ﷺ and kept pushing the Prophet ﷺ, and because of his persistence, we're sitting here now, 1400 year later. Billions of us, benefitting from his teachings.

I hope to force you in one way or the other, to take the same path, in just getting close to Allah SWT, through studying this religion.

Through studying this religion.

So anyway, I do want to emphasize to everyone that this class is primarily a very relaxed session. It's very tense at the moment, there a far too many people focused on some kind of fireworks that are about to go off. What you need to know is that this session today is going to be the most preachy session of the entire series. This is so not representative of what this dars is going to be like. It's funny, that's what it is. This class will develop into a much more relaxed style, We'll have a continuous conversation, we'll be checking with each other points, questions, so on and so forth, and there will be no preaching. The introduction, of course, has to be in this way because you need to know what it is you're getting yourselves into.

It's important that you know that the nature of this game is that there's always hype. There's always lots of hype about these things in the beginning, look at these numbers. It's ridiculous, right? And then you've got thousands of people online as well. Hype. The truth of the matter is that a lot of these people will just fade away back into their lives. They will succumb under the fitnah.

I was speaking to Sheikh Muhammad AlShareef about this today, and he said something really nice. He said: "Don't fight human nature. Human nature is, unfortunately, to fade away." All you can do is remind the people, encourage them, and that's it. I like that, because that's my kind of manhaj. Join us, and if you don't want to, then good luck to you, ya'ni go enjoy the football match. That's what I would be doing if I wasn't here. The reality is, you're either up for the game, or you're not. Everyone will be up for the game for the first couple of weeks. There's excitement, all your mates are around, it's nice. But the real people will be here in six months. I expect these five or six thousand people to dwindle down to one or two percent of that. I'll be happy with that. I'll be delighted with that.

I was very happy 6-7 years ago when we were doing our little circle here, and there was only two sisters, and our small group of brothers. I was very happy with that. We would sit and discuss until the cows come home. We would argue and debate, find some miskeen volunteer to show howto do __ and bring him up here. There was one brother, miskeen, we did it on him to show how to do it on the dead, and he never came back. We are so upset for Imran __ may Allah reward him and forgive him. I hope he comes back, I promise I won't touch you or __ you, I'll just let you chill out.

I'm just saying that a lot of people have been complaining like 'oh, registration's closed, oh registration'. Registration had to close! Our system crashed completely. I mean, we were expecting a couple thousand, we got to five thousand, our system got maxed out. Today it sent out usernames and passwords to everyone like about 36 times, and confused everyone online like 'what am I doing here and how am I getting in' and everyone's all confused at the moment. So the reality is that

Judging from the feedback and the desires of the people, we'll see if we open up the registration again. But the truth of the matter remains the same: I want to start the cull. I want to start the cull. I know, you guys are looking at me like what does cull mean. Please tell me you know what cull means. The cleansing process, right? People who are not up for it, we need to thank you, please don't come back again, and please deregister online. I want to make up space, because I want to be in contact with a lot of people myself personally. And at the moment, it's just been taken over by people who are more excited than they are serious.

And we have people—by the way, massive shout-out to the people in Malaysia. We have people awake right now… four o'clock in the morning over there right now, it is. They've been waiting all night to do this dars. I know that some of these people, they're not just buzz-merchants. They're actually up for it. There are motivated people out there, and we need to make space for them.

The reason I'm saying this is because I want to make a few things clear. All the FAQs out there, I want to answer all the question people have. Wait, I didn't thank the people, did I? Isn't it the standard that I should do that? You know, the Oscar flex, thank this and thank that… I should, I should.

First of all without any doubt, all thanks goes to Allah SWT, and I'll tell you why. Without his tawfeeq, nothing like this happens. Without his blessing, you can't do this kind of flex. You can't get all the people, you can't get them all excited, you can't get people actually eager to study. I mean, that's unheard of, right? Either that, or you are watching United play on the back wall behind you or something. I don't know why people are motivated—actually I know, because Allah SWT blesses some efforts, and he has blessed this one, so we ask Allah SWT to keep us sincere and pure, because that's a big fitnah itself. I'm the miskeen who's been chosen to front this, and there's plenty of people out there who are more qualified and eloquent, very few are as good-looking or cool, I admit that. I mean, let's just put the facts on the table, you know what I'm saying, son? Yeah? Anyone more good-looking? That's right, my boy. No, no, you're not that good-looking Bobs. Bobs' putting up his hand, that cheeky one. I don't think you're that good-looking, bruv, But Allah SWT chooses us, and that's how it goes. So all thanks goes to Allah SWT first.

Then the reason that someone like myself is chosen, is because we're able to do it with support. So my second thanks goes to a team of people are behind this da'wah. At the head of this team, and ya'ni of course before any team even gets built, is my own team. My personal team, and that's my wife. My wife is someone that I'm unbelievably dependant on. Too dependant, ya'ni it's ridiculous, you know? It makes a man weak, when you're that dependant. That's what I am, I'm weak, miskeen.

My wife has had to have sooo much patience with me, to be honest. Oh, so much patience, and you can't do anything, you can't think, you can't make clever comments and cuss people (in a good way), and you can't be funny unless you know that everything's chilling at home, you know what I'm saying? You can't be cool on Facebook and excellent at AlMaghrib if there's divorce going around and people offering to walk out, and complaining. You can't do that. Stability is absolutely key for any teacher. So my living respect goes out to the ulama, goes out to the duaat, speakers, lecturers, all over the world. They have such a hard job, you'll never know. To be the wife of a teacher, public figure, or someone who's busy is a mission. Then children as well? Even a bigger mission. Then you're invested in teaching and dealing with other kids? An even mission.

I, myself, have a class about this, called Protect This House. I'm going around preaching about family family family and my family and house are only protected because my wife does that protecting. One of the key, key goals is to educate our sisters here so they can be as good women and wives as my wife is. MashaAllah tabarak Allah. Really, I can't emphasize enough. I know, it's so soppy innit? It's a bit pathetic but it's okay, no one's watching. It's not being recorded or anything.

On a very serious note, it's not easy. WAllahi it's not easy to teach children. I've got two of my young lads here, they're the eldest, and I've got the other kids at home. Teaching them is such a mission, and my wife has been involved in that. WAllahi let every single person reflect on that when they get home today.

So I want to thank my wife, then I want to thank the wives of everyone else on the team, the PG team. You know how people have pictures of people that they throw darts at? I am that figure in everyone's home. Just ask Hakeem, if he's here. Umm Musa, she hates my guts. You know what I like about her? She tells everyone as well. She doesn't hide it. She tells Hakeem in the morning when he comes to pick me up for Fajr, he tells me "Yeah. What are you picking him up for? What's he taking your time for? And why's he wasting this and that" I get hated on sooo badly. And I have nothing but love and respect for all of them. I love them all, man. I'm married to all of them. Can you believe that? Is that even allowed? I'm married to all these people. I've hijacked all their husbands, I've hijacked the team. Abuzer, miskeen, you don't know how much stress he gets at home. Sulaiman is just starting to realize now, Bobby's protected, he hasn't gotten married yet, but no one wants to marry him cause they know what will happen. I'm only joking, we need to find someone for Bobby, yeah?

I want to name a couple people: Shazad and Sabira are at the top. Sister Sabira is the one who runs the show, like big time. Brother Shazad, the ameer, runs everything. Sulaiman, Zafar, Bobs (Mahmud, by the way, but we call him Bobs). Abuzer, and Ghulam, and Hakeem, and so many other people. Ammar, miskeen is outside on car park duty. We've got to stop this car park duty flex. Please don't do this mass car parking all over the place, We want people to be inside chilling, not outside stressing in the freezing cold with gloves, scarf, whatever. This is England, it's not America. People are at home watching this thinking why are we worried about outside. It's freezing out here at the moment. So we don't want people outside stressing, we need to be chilling out. My thanks to all of them.

I need to tell you about the organizations that are supporting us. This is a Prophetic Guidance initiative, and these guys have worked so hard. We need support, so if anyone can help inshaAllah either through volunteering, or financially, this is a great opportunity for sadaqa for those people who are clever about their money. I say clever because those who know about money and its effect on the akhira, think very carefully when choosing where to put it. They're looking for maximum return, as you would if you had half a brain ya'ni. So you know that a continuous charity, a sadaqa jariya is one that continues on and on and on, and there is nothing which is more continuous and more spreading than ilm itself. Knowledge.

That's why the Prophet ﷺ said that when son of Adam passes away, everything is cut off from him except three: a pious child that makes duaa for him, a knowledge which everyone benefits by, and the continuous charity [in Sahih Muslim]. So by supporting PG and it's projects and it's da'wah, then you are promoting the knowledge and it spreads to everyone else. So if you can, please check it out online.

Let's discuss very briefly, the concept behind logical progression. What's the aim? The idea is to study and the idea is to give ourselves a break. What do I mean by that? Study in that we're going to study the deen of Allah SWT, we're going to start at the beginning, we're going to go to the end, hence the name 'Logical Progression'. Ya'ni it doesn't take much of a genius to figure that one out, but the idea being that we will take a text. A classical text which is called a matan in Arabic, yeah?

Traditionally speaking, what a sheikh would do is take young students and start from the beginning, and teach the the ABCs of their deen. So they would start off with purification, and it's common sense to start with that. We know if we're going to worship someone, we're going to worship Allah SWT according to a system which is Islam, which needs to be done via worship. Worship requires acts to be done, acts require preparation to be done, and the primary preparation is purification. So in a logical kind of way, all texts of Fiqh start in this kind of order. Focus on purification, then they go into main actions, which is the action of salah, then they go into next more important topic and so on. This is what's called the ibadat, the chapters of worship.

Then we go into a second kind of section, effectively, the mu'amalat. That's the interactions and transactions between people. Not only financially, but social interactions and transactions as well. Such as the social transaction of marriage, divorce, inheritance, whatever. That is covered in any basic matan in any madhhab.

What I want you to know, is the reason—and I'm not even exaggerating. Well, yes I am a bit when I say that mu'amalat we'll probably come to in 2020. Ya'ni in ten years' time we'll get to mu'amalat and that's just the nature of things. I'm in no rush as you can probably see by the way I'm chilling out, yeah? Alhamdulillah, this kind of study, regular, proper, in-depth study takes a lot of time and is very long and is very arduous. It is.

So it should come to no surprise to you that the most studied subject in the history of the universe is

water and purification. Because a million people start off teaching it to a million other students, and they take like about six months by the time they've gotten to purification, everyone's exhausted. Khalas, job done, we don't get into salah, we don't get into zakah. No one even ever taught divorce, like who has ever got to divorce, yeah? Who has ever got to inheritance? It's like a distant dream. I remember when we first started, we spent like two years just on salah and wudoo, then that was the end of it. I'm just saying that's the nature of the way that these subjects develop, okay?

I want you to know that the most important lesson that you can take away from today (because there is no other lesson. We're not going through any text today) is that you will have to rise up to the challenge if you want to be a proper Muslim. You have to rise up to the challenge. WAllahi you have to, and you have to show incredible endurance and stamina. It can be done, but it's done by far too little people. All these masses here, it will dwindle down very very quickly when people realize that their lives won't change every week.

People are coming here thinking I'm going to see the great stand-up performance, or this week I'm going to go and cry my eyes out. Mate, you ain't crying nothing ever again. I'm telling you. You're not crying over the types of water we're going to use, believe me. I can make that as emotional as you want, I can talk about filth ya'ni and about how you take it off, and I'll even sing it to you, and you're still not gonna cry. Okay? It's just not interesting.

I'm just saying it requires a motivated mind that is able to separate that you know what, there's times for excitement and there's times for a social experience, etc. Like I'm a massive promoter of AlMaghrib. I'm a big believer in the institute, and I teach for it, and I will be increasing my classes with AlMaghrib. One of the key reasons that I do it, is because you see people can't sustain long study. Everyone here has great intentions and I respect you for it, but it's all kalam fadi. You'll see how it is in a couple of months' time, and how many people are here. That's just the nature of people. Alhamdulillah it's not an Arabic class because they're completely doomed to failure from the very beginning. Arabic is the funniest, everyone starts off like yeah I'm gonna learn Arabic yeah and there's like a hundred people. Fiqh usually drops to about half about six lessons in. Arabic goes to about 5% on the second lesson. Everyone goes in and learns about ana, anta, anti, huwa, hiya, and then rahhh that's enough of this bakwas, and they drop out. Man, what a mission. I remember my younger brother began to teach Arabic and I started to laugh at him and I told him son you've taken the poisoned chalice. Enjoy yourself.

From that point of view, we don't have the death subject, we don't have Arabic. Although we will be going through the Arabic text whenever we can, and what I hope to do is cater to everyone. That's why we have these two boys here who are yawning away. They're very important because when they have the text in front of them, these two will be the pace of the class. Meaning if I feel that they don't understand a point, I'm going to keep going back to make them understand. As a side effect, that will hopefuly mean that anyone who's on a basic level will also understand the point.

When I look back, I think that was the original intention of the mu'alifeen, the original authors. Ibn Qudamah, who we're going to look at, you'll see that he wrote so many books. He starts off with Al-

Umdah, a very basic text, and takes it up through 5 levels, writes it again, writes it again, effectively adding meat, adding meat, and then the final thing he presents is wedding banquet. Called Al-Mughni, like in about 36 000 volumes where it takes about 300 pages to discuss one point, and he brings every single hadith on the face of the earth, and every single opinion, all the scholars get involved and it gets all very nerdy.

So who do you think the first level is for, where it's just words, a couple sentences? That's meant for a kid. And that's what the system was. So that's going to be the guiding principle. We use the kids as the pace. At the same time, there are plenty of students who are of a higher level, maybe even higher than me, I'm sure there are. Whilst we'll be going through the text in Arabic, we'll pick up on some nice points, so on and so forth.

So I do want to say that the class will be applicable to everyone. But there will be a burnout and that's no problem, I just want you to get out of the way quick, is all. Why should I fluff about? Why beat around the bush? I want to connect with my students. I don't want to delay that more than a couple of months. People who've studied with me know this. They get 24-hour access. I mean that.

If they need any support from me—and there's a myth out there. The main reason to teach this class was just to slap those people in the face who give me a headache, who say unnhh you know what there's no teachers out there, unnhh we need to study. You know this nonsense, yeah. They're so full of bakwas it's unbelievable. It makes me sick. There's plenty of teachers out there. They just want to find students, that's all. They want to find real men and women, they want to find committed people. A lot of talk, man. So much talk. This is all talk, right here. You guys haven't even said anything masakeen, and it's still all talk. This is talk. And talk will be next week, and the week after.

The walking… when I see the people who walk, it'll be six months from now when you've got notes, and you're here, and you're not scared of some exam. You look at an exam and you say, you know what, this is a good opportunity to test myself. What's going to happen? Am I going to lose my 200 pound deposit? No, because there si no deposit. The team wanted to do that is for you to be able to judge where you are, where you stand, then we're going to help you develop that. How are we going to do that? We've got half of that sorted, and we need you to help with the other half.

The half that we've got sorted is that we already have a team of senior students who will be answering questions. We will need support from people to transcribe the lecture, to write excellent notes. There's some incredible talent out there. People who can transcribe very well, who are able to reference, and they know that when they're here, they have the principle of study.

If I was sitting on your side, and my teacher was giving this lesson, despite having studied with him 15 years plus, or studying the lesson 20 times over, I'd be sitting there writing every single thing that came out of his mouth. Because I never know what extra he's going to say, I never know what experience he's had that has changed his mind, I never know that he's got a new reflection. I just write. What does it matter to me that I write? More paper? More ink used? I write and I write and I write. Most students

know that I write everything my sheikh says, and he's on the phone having a conversation and I'm writing that down as well. I'm even benefitting from those, ya'ni. I'm just enjoying his chitchat.

You need to write every single thing, as much as possible, as much detail, every single reference, every single point. And then you go back and compare with your own teachers. Go and sit with other people. This class, by the way, has no intention of making any clones. You can't make AE clones. AE is un-clone-able. Actually to clone AE would be a national security hazard. That would be a big problem, a major fitnah. So take the notes, compare with other people, with other madhahib, with other issues, and feel free to develop.

I want you guys to develop. I want you guys to take it to the next level, to become students, to become free. I want you to enjoy Islam as much as I do. Man, I love this deen so much. Oh my God. You know how much I love it? I love it more than watching United play on a Wednesday in Champions League. See you guys are thinking about today and that Dutch team. Today doesn't matter because we've qualified. What matters is next year. Next year on Wednesday at this time, they'll be playing in the finals at class time. That's commitment, brothers and sisters. Semi-finals will be Barcelona, quarter finals are going to be Madrid, finals are going to be Dortmund, andI'm going to be here, teaching you guys this. That's some serious commitment.

I know there are some serious note-takers. For example I've been sitting with Sister Sameera from AlMaghrib, very good note-taker. There are others as well, especially sisters. With their red, green, bubbles, rulers, kisses. All that kind of bakwas. I'll be honest with you, I'm a bit feminine like that. Back in the day I used to be like that as well, I used to love my red pen. I used to love my ruler. I can connect with that. So I want you guys to come forward, and in three weeks, I will tell you guys what to do. I'm starting you off now, then in 3-4 weeks time, I'll put the shout out again, to people who are here and online, and I'm going to give you a personal email to send your work to me, that yes, you are writing everything in a manner, and that if you are, we'll invite you to become part of a project.

A small aspect of that bigger project is that we're going to start a forum. A forum which will be dedicated to this class. It will have every question that has been put and it will have all the answers. All the class notes and discussions will also be put there. People who submit questions on the comments, they will also be answered by the team, and by myself. A big resource is going to be built up from this class.

The second, wider aspect of this project, is (I hope, very easily) if we keep this up for the next few years, that we will be able to produce an incredibly detailed and beneficial encyclopedia. Certainly a detailed commentary to Fiqh and this text. To partake in the reward of that, and that might spread out and become popular. It will be in the English language, and I hope you will be a part of that, and inshaAllah be motivated to try and aim for that.

Like I said, there's a lot of talk out there, that there are no teachers and there is no time. Here's the thing: We only give theh time to people who deserve it.

I told people the story of how I started to practice Islam. The reason Logical Progression is what I want to do with people, I want to take them from A-Z, I want to cover everything, and if things happen along the way like current issues, books are closed—we're going to discuss that. A lot of people are here to try and just keep a contact with the religion, just to have the social experience. A lot of people think that the teacher will not connect with you on an individual level, because they've never tried, or never shown commitment..

Number 2 reason why it's called logical progression is because—and this is not very good but I don't mind telling you, because no one's listening or watching—when I was not practicing back in the day, I used to be a DJ, as most of you know. I used to be involved in a lot of experimental stuff. There was a certain genre of music that London town sort of started that was drum and bass. D&B had this pioneer called LTJ Bukem who on white label started to release D&B and he put a collection together called Logical Progression. It wasn't very known at the time, and later was released in the early nineties, which is when I started to practice a little. Before then, he released it on the black market. It was very nice and we used to enjoy ourselves very much and whatever. Anyway, those are bad days gone but the name of the album, I never forgot, to be honest. I like it so much. I thought, you know what? Everyone's on the internet listening to some bakwas, let's change the status quo, and let's talk about some other stuff called Logical Progression instead.

So that's why I called it Logical Progression, is because I wanted to remember the good old times. Not the good old times of D&B, I mean the good old times of when I used to teach. That's what we used to do. My first circle that I taught in London (which is going back to the Dark Ages) was called Logical Progression. It was aimed at converts that came to the deen because I wanted to do a circle for non-Muslims and very basic Muslims which takes them from the very basics of life and bring them to the deen. SubhanAllah it was so successful, people weren't doing that kind of flex where we had Logical Progression nice posters, it looked like the D&B cover. Lots of people came, people became Muslim, it was all very nice so we moved on, came to Manchester, and it became boring and started to rain and became cold and that was that. I just wanted to go back to feel al little bit of that flavour inshaAllah. Those are the reasons why we have this class.

The next thing I'd like to talk about is the subject. Fiqh.

Fiqh is going to be dominant in this, there's no doubt about that, because the text is a text of fiqh. As I said, we're using it for direction. We're using it for discipline. One thing you'll all learn is that I am very undisciplined. A monkey would be very ashamed of my attention span. Which animal has got a short attention span? Who? A dolphin? A goldfish! A goldship would be embarrassed for me. So a monkey was a wrong analogy, yeah? Monkeys have good attention spans. They do, yeah? Okay Yahya is telling me they have good attention spans.

So the good thing with having a guide text is that whenever we get distracted—and often times distractions will be be about the deen, but still, we need some kind of direction. That's why the text is

there, and the text is a text of fiqh. What is fiqh? Oh, so many people give themselves a headache talking about fiqh. 'Fiqh means this, fiqh means that, fiqh is the science of deriving Islamic law from the sources', which I think is probably the best technical definition. The word 'fiqh' is translated as jurisprudence, which is a little more specific than the word 'law', and a little more specific than the word 'shari'ah', which is the entire system. If you look at the word shar'iah, it is the entire religion- all the adab of it, the aqeedah, the sources (Quran and sunnah), and everything that we do accordingly as Muslims. Fiqh, you can say, is the science of the deriving positions/law points from the sources of the religion.

The word 'fiqh' itself, means to deeply understand something. That's why when the Prophet ﷺ praised the people of fiqh, he said: "When Allah wishes good for someone, يفقه في الدين ", meaning He bestows upon him the understanding of Deen. Which means a deep, stable understanding, and the ability to derive, an ability to move out of the mundane, and ability to look at a text that says one thing and take out something else from it, an ability to look at a legal source and derive many legal points for use of the people.

Now, what you need to know that is absolutely essential, is that it's a human process. My brothers and sisters, any human process is prone to error. Therefore we have to de-mystify, we have to de-… de-whatever, I don't know the word. We've got to make sure that fiqh is not taken as serious as people make it. Things are a lot more chilled out now, because back in the day Hanafis, Shafi'is, Sufis, Salafis, you la madhabis, you la blah blah blah. Day and night, people hitting each other on the head with titles and whatever. What used to upset me more than anything else is that they were fighting over everything but aqeedah. Let's at least fight about aqeedah. Let's have a good ruckus about how we believe in the Prophet or summat. That's serious stuff, ya'ni. Stuff about believing the Prophet's alive and such, let him pull out a chair and sit down in his room. That's just bakwas innit. I'm willing to slap that person down, I can fight over that, and I'm happy to fight over that. But I'm not going to fight about my hands and where they're supposed to be in prayer, and all this nonsense. The problem is that's what the majority does.

What we need to do now is reassess and revive and re-[insert cool word here] fiqh. We need to redefine it, and I'll tell you what definition I use. I heard it from the first lesson of my own sheikh, and he put it perfectly. He said to me 'ya niamatullah, fiqh is not aqeedah'. That's it. That's the science of defining something by what it isn't. Sometimes it's a lot easier to define a word by outlining what it isn't, and when you say that, suddenly it all becomes clear. So when I say to you 'it's not aqeedah', that basically means that you should chill out. It's not aqeedah, don't get so strung up. Creed, you can't mess around with. It's simple and set. Yes, there are usool and furoo'– there are primary issues in aqeedah which are immutable and unequivocal. Then there are furoo'I issues which are like branches that discuss issues like can people hear when they pass away? Did the Prophet ﷺ see Allah when he did the israa and mi'raj. These are issues which are not the cornerstones of aqeedah. It's not fundamental. As for fiqh, one companion can see the Prophet ﷺ pray once, then never see him again and narrate to the people what he saw, then Aisha RAA who saw the Prophet ﷺ day and night will narrate what others couldn't

have seen, and it's going to be different.

Ya'ni sayyidna Umar makes statements in Bukhari. You see him saying that I wanted to study with the Prophet ﷺ but I was living far away so I set up a system where I go one day, and not the other. I send my neighbour to go into Masjid An-Nabawi, he learns and comes back, downloads it into me, I accept it, check, done, then I go the next day, do all the learning, come back, share it with him, and we have this partnership. The reality is that there's a lot of secondhand information going around between the companions, there's a lot of various scenarios, so even the sources themselves require context.

The ahadith require a picture of the entire scene. We need to know why Abdullah ibn Mas'ood, Ali ibn Abi Talib, Ubayy ibn Ka'b RAA, why are they all having similar opinions and then going that way towards Iraq and Iraq is becoming strong in one idea and opinion, and why Abdullah ibn Umar is in Medina and therefore he has different opinions, and then why Abdullah ibn Abbas has gone toward Makkah and Hijaz and they have different opinions. We need to understand that there's context to all of these sources. They differ according to these contexts, and that's removing the fact that you might see a generic hadith, a simple statement that the scholars see and read three different things.

Ya'ni the Prophet ﷺ drank water standing up. Yet other ahadith relate to us that the Prophet ﷺ always drank sitting down. So is the answer that you're allowed to drink standing once in your life? Is it that the drinking standing up has now abrogated all previous ahadeeth? Is it to show permissibility? Now a person will say 'I think it's this', and another person will think something else, how are you going to criticize that? That's why we say that it's human effort and it can be differed over. You lot take fiqh far more seriously than I do, believe me. I've studied during my adult practicing life, every madhab with their scholars. I studied the hanafi madhab with the ahnaf. I studied the maliki madhab with the malikiyah. The shafi'i madhab, I studied. The hanbali is the one I studied most and kind of generally gravitate towards, it's the one I'm most comfortable with and it's going to prove to be the base of this text. But I'm not sick on the fact that it has to be a Hanbali text. No, no. We're using that as a guide, he (al-hajjawi) will make a claim, we're going to look at his claim, and we're going to assess it. We're going to study like students of knowledge.

What did he say? Is there any basis for what he said? We're going to use our guide text for an explanation of the text, a book called al-Sharḥ'l-Mumti' 'alā Zād'l-Mustaqni' which is a modern-day commentary to this text that we're going to be looking at. For those who have registered, you will see the amount of space I've left for something quite mundane. If you remember it says the basmala at the top with the translation, and I've left the whole page blank. You'll be looking at it thinking, 'right, what happens here then?' The reality is, once I get started, that whole page is full, I'm telling you right now. I'm expecting you guys to be on notebooks and making pages and references. That's how I would do it. I would write it on a notebook.

But yeah, we will be looking at the issues without any prejudice. I don't care who's hanafi and hanbali and shafi'I and salafi, I don't care. We're going to go through all of it. I just want people to be exposed to

the science, to the religion, and start to feel at ease. You can feel that people are stressed out with this religion, man. I don't understand that, man. This deen's buzzin. We don't want all this seriousness. All I see is stress in this class, you lot are already starting to make me feel stressed. I think we need to send out a warning saying don't sit on your knees from the beginning, cross your legs.

How long have we been going for? One hour? Not that you've been counting or anything, yeah? What are you trying to say, son?

So we've been going for an hour now. What I want to do is use this opportunity tonight to close off every single possible doubt, question, etc. that you may have about the journey. I keep calling it the journey because it really is a journey. I have no intention of giving this class up. I've rearranged all of my travel, I've rearranged all of my schedule, and I've made a commitment. I delayed this class until I was finished with my 2-year house renovation, I made sure we did what we wanted to do abroad. We just came back from Egypt, and I said when I come back I'm not going anywhere. Ya'ni Allah knows best, but I want to settle down and there's no excuse that I want to go here or there, etc. I'm committed to this. I'm seriously committed. Every week this class will go ahead, whatever happens. So from my side, that's me. Done.

However from your side—and please don't get offended, I know some people might get rubbed up the wrong way, but what can I do. I know there are people here that are just kind of buzz-merchants and that's great, but we're here for the serious students, not the advanced ones. People are all tied up on ohh on what basis are you rejecting people and what are the conditions or whatever. Brits. Only brits are accepted into an opportunity to study and all their focus is on what basis are people getting rejected. You know, all the negative stuff. If we were Americans, we would be pulling out the pompoms like 'we got in, everyone got in, let's have a party, let's celebrate' and the brits are like 'unnhh I got in. What are you rejecting people for?' I'm just saying, let's make some space. This is not a class that is finishing up anytime soon. It's not going to be as funny and preachy as it is today.

There are a lot of students wondering about access and recordings, a lot of international students wondering as well. Let me explain something to you. In about six months' time, I will be speaking personally to all these international students, because they will come down to a small number, and the people here will be able to meet with me wherever they wish, whenever they wish. If they need to miss a lesson, not only will they have recordings, I will give them recordings for their own personal, permanent use, on whatever device they want whether it's an android or iPhone, whatever. I will give them the highest quality audio, I will give them HD quality video if they want. Because there is no teacher who doesn't go to the absolute moon and back for their student. That is something that I learned throughout my life, and you ask PG if they're ever been refused anything from me, or if they've ever not been given whatever they want of any sort. That's aguarantee. Don't you try to say some bakwas over there, 'no what about this what about that', you're just trying to cause a fitna, Sulaiman. I'm saying that I'm down for that. People are asking about long-term, don't you worry. If you're committed, I will not let you down. If you want access to me to check your notes, if you want access to ask questions, you will get that. But the only people that are going to get that are the people that I know

are committed to this class. I'm not interested in the raz-ma-taz. You want raz-ma-taz, come see me on the weekend, that's when I'm buzzing on the raz-ma-taz, running and jumping around being super cool. But here, I'm chill, it's Wednesday, I'm tired, let's discuss, let's do some fiqh.

I also want to say to the international students, masakeen it's 4am over there. They're dying, they probably want to sleep right now. I want to say to them, stick to the recordings. If you aren't working and you're at home, then fine. Just don't get yourself in the position when you're waiting at 1am, don't burn yourself out. That's not sustainable. What's sustainable is discipline and setting a time, like after Isha on a Thursday, or something like that. So I want to say to those who came and this isn't what they were expecting, I encourage you to deregister and make way for the hundreds who are waiting to get in, because there are hundreds.

Wow, how tired are people. You see, the good thing about seminar classes is that we would all jump up, and pretend to be like plants and do this stuff (waving hands in air), and we'd massage each other and stuff. However, we are trying to pretend that this is a classical circle of knowledge. So we can't do things like that. Then people will go on about how they came to a 'classical' circle and say 'oh, you won't believe it, they were going around massaging people. I've never seen so much haram in my life' and they'll boycott us, so unfortunately we can't do that in the masjid.

So what I'll do to wake everyone up, is share something. That will be nice. Would everyone be happy to go home, yeah? What do you mean "yeah"? Rahhh. You cheeky pak. Right, so I will share with you something funny in closing, that's the easiest way. Then we'll talk about the text next week. Or do you want me to tell you about the text? Yeah let's do that.

Who has got the text in front of them? Who hasn't got it in front of them? Who cannot see the text, like from someone near them? If you can get a hold of the text… Actually, you know something? I don't even have the text.

We've used a translation, it's a very rough translation by a brother called Musa Furber. He hasn't released it officially and we want to respect that, we don't want to spread around. The reason the students have it is because he confirmed this to me himself personally that he would appreciate that we show that kind of respect. That we go through it and if there are some kind of changes, or we feel that some improvements can be made, we're going to collect them, collate them, and then we're going to put it together and he can review that and make it a part of his own published translation, and also we'll use our translation for our own work as well. As I've said in the introduction, I haven't changed any of the translation whatsoever. We can do that as we're going along. What I did do, is change the transliteration.

Now, I go on about transliteration until people be sick in the head. Transliteration, zad al mustaqni, there's plenty going on there. Number one, that 'a' has an accent over it, that's what gives you the madd. If you wrote it like in the good ole Salafi days, you would spell it z-a-a-d. But because we're all stylish and sufi now, that's how we roll. As if Sufis made transliteration rules, get out. So when you put

the accent you get the same effect as the double ‘a’. Some people don’t bother putting either, so when you read it in English, it’s neither here nor there. Now al-mustaqni’, if you look very carefully, there’s a nice inverted apostrophe. That’s a ‘ayn. Anyway, you need to go online and learn it yourself, because I haven’t got the time, and if I teach you I might get slapped because so many people have heard it and they’ll get mega-depressed if I do it again.

So the translation is unchanged, all I’ve done is split the Arabic up and include the translation. I’m putting one line of Arabic, one line of translation, and leaving the rest of the page empty. I’m going to do that for each section. So this is the introduction that may take us a couple lessons, and that will take us into the first part of purification. So then I’ll release a few more pages in the same way. We’ll read through the Arabic for the barakah of it, and this is something that was done by the ulama. We will recite it in Arabic and the top students will attempt to memorize this. It’s not too difficult. As I said, the memorization is there for reference, the explanation is what goes down on paper. Every page is going to be filled up with information that I will give you from my own sources and from sharh al-mumti’, the detailed one.

Sharh al-mumti’ is all in Arabic, and some people are going to think ‘right, what am I going to do with that?’ Those who can’t speak Arabic, great. Those who can will know when I’m quoting a hadith that they’ll be able to follow it. You do not need to understand Arabic for this class. I made it very clear that no student is excluded from this class due to ability. None whatsoever. People who get excluded are those who don’t show commitment. If you show commitment, the lesson will be brought down to your level, and your level will be the blessed level. There will be another twenty people who haven’t got the guts to say what you’re saying and if you ask, I’ll tell you. Simple as that. We want to be sure that you benefit from this properly.

So I end with this: as I’ve said to you, this is a really long journey. It will need a lot of patience, but even the longest of journeys can be made easier, and feel quicker with blessed company. I hope that ya’ni we’ll keep that blessing here, and that reminds me of a funny Afghani joke. So there’s two Afghans…

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
والصلاة والسلام على رسول الله وعلى آله وصحبه ومن واله

Let’s have a look at the title. It says

زادُ الْمُسْتَقْنِعِ
في اخْتِصارِ الْمُقْنِعِ

and then in brackets, there’s a bit of wordplay from the one who has put this version together. That’s the best way to explain it. It’s not officially involved with the book in any way. He says

(في فقهِ الإمامِ أحمدَ بنِ حَنْبَلٍ الشَّيْبانِيِّ رَضِيَ اللهُ عنه)
(الأصلُ للشيخِ

meaning that the book is called Zad AlMustaqni, it being a summary of the book AlMuqni, according to the jurisprudence of the Imam Ahmad ibn Hanbal Al Shaybani (may Allah be pleased with him) based upon the original

(مُوَفَّقِ الدِّينِ عبدِ اللهِ بنِ أحمدَ بنِ قُدامةَ الْمَقْدِسِيِّ ثُم الدِّمَشْقِيِّ

Meaning that the original book AlMuqni’ is a book belonging to Sheikh Muwaffiq ad-Deen Abdillah ibn Ahmad ibn Qudama alMaqdisi, and then later because he spent so much time in Damascus, he became referred to as al-demeshqi

اخْتَصَرَهُ
(العَلَّامَةُ الشيخُ شرَفُ الدِّين أبو النَّجَا)

This was later summarized by the great erudite scholar, Sharaf ad-din Abu Najah. That’s his kunya. You know when arabs have Abu this, abu eesa, abu umar, abu yahya, this is called a kunya in the Arabic language, and there’s some fancy English word for that, and it means the father of. It’s not a nickname, it’s an established nomenclature, a manner of naming people and it’s the Arabic culture. Muslims have picked up on it, although there’s no sunnah in it whatsoever. Some people think it’s a sunnah for them to take a kunya. ‘My name is Muhammad but I’m going to call myself Abu Fulan’ or whatever. That’s not the case, it’s just the way of the arabs and of course the muslims have always respected the arabs immensely and so they follow them in this. So his kunya is Abu Najah, but what is his name?

(موسى بنُ أحمدَ بنِ موسى بنِ سالِمِ بنِ عِيسى بنِ سالِمٍ الْمَقْدِسِيُّ الحَجَّاوِيُّ)

Musa ibn Ahmad ibn Musa ibn Salim ibn Eesa ibn Salim alMaqdisi alHajjawi, this is the author of the book that we’re looking at. We’re not really concerned with the 36 parts of his name, we’re just

interested in alHajjawi that's what he's referred to in the study of fiqh. Then it says

(ثم الصالِحِيُّ الدِّمشقيُّ)

because he also went to Damascus

(تَغَمَّدَهُ اللهُ برَحْمَتِهِ)

May Allah encompass him in his mercy.

So that's just a quick look at the title on the cover page, that's what we're looking at.

We want to move onto a couple points I want to mention. The next page, by the way, is just showing the work by this institute since this is a freely available text in word on the internet which I just found and copied from it. We covered my introduction last week, so we'll skip that. Let's have a look at what our translator Brother Musa mentioned.

Like I said, you have to respect that this is a text which is not to be published or distributed publically. That's the agreement that we all had, that's the amanah, there's a trust there involved, so let's respect that inshaAllah. That's because if you've read these notes, and I expect that you have because you should always read ahead, it give you context. You get some kind of idea of what's going on, and my job is to explain the details. But if you read ahead you would have seen in the introduction that it's very chatty and personal. Actually I had to delete some stuff from this because there was stuff like 'hey, can you send this to so-and-so', it was like an email kind of introduction, so I took that out and this shows that this is really a draft that's going out to a group of brothers when they started to study this text with Sheikh Musa. I want you to keep that in mind.

So, what he says: this (meaning the book alMuqni) starts out as the second work of Imam Ibn Qudama. He was born in 541H. So that's shy of about 1000 years or 950 odd years ago. You can imagine he's not some modern day scholar, he was right there where it counts. The 'ilm was fresh, ahadith had been collected. I'm not going to talk about him too much right now because we'll get back to him.

AlHajjawi, who's our boy, our man, he was born in 895H, and died around 968H. Some of the ulama say 960, so there's some nuance. Muslims, and especially early Muslims are not too fussed about birthdays and the days they died. That's a modern day phenomena that people are really concerned with. It's like Shahid Afridi, right? Everyone's looking at him playing cricket and thinking he's 26 years old. The guy put in his application form and he just put any date of birth. I think he's 45. The guy's at least 45.

Every person who comes to this country they ask for a date of birth. When they go to the passport office and they're asked for a date 'We don't know, just put the 1st of January'. That's why so many Muslims are supposedly born the 1st of January. Do a survey of the Afghanis and the Somalis. These are two big immigrant populations. The percentage of 01-01, meaning first of January is amazing, and it's nice

because no one knows. If you ask for a ballpark guess, they'll say it was the year that it was really really hot, remember? That sort of thing, we're not very fussed about the date. You need to know that, it's very important as a principle. We're very relaxed and it's not very important unless there's a legal point we're trying to prove. Most of the time, there is no legal point which we're trying to prove.

Anyway, he summarized the original book AlMuqni and he called the summary Zad alMustaqni'. He gave only the preponderant points, which are those which he considers to be the strongest, according to the evidences.

I'm going to step back and give you a bit of a background of these names and schools, what exactly do I mean by all this? Forgive me, because many of you know this already, but we need to say this: Think back to Prophet ﷺ doing actions. The Sahaba are observing. Some sahaba are there all the time, and even when they're there "all the time", it's restricted to all the time that they could do. They can't be with the Prophet 7/24 ﷺ. He's a family man, he's at home, he spends nights elsewhere, he travels, etc. etc. So not any companion has a complete handle on the sunnah. You need to know that. That's the number 1 reason why there are differences in people's opinion with respect to actions. It's why some people pray with the hands up here, and why others pray with their hands down there. It's why some scholars say to wipe the head to a certain place is an absolute condition, whereas others are considering that much less than that is sufficient.All of those fiqhi differences.

These companions, they go, they don't have the full picture, and they travel around. We have many recorded instances where they will be going to visit another companion(someone older) and they will check a narration then they will go to Baghdad. Crazy distances just to fill in the gaps, ya'ni. They've got these little holes that they want to fill in with their knowledge. Still you've got these gaps about what they observed and what they didn't observe. Add to that difference in interpretation.

We have, as you all know, ahadith like that of Bani Quraydah where the Prophet ﷺ told the sahaba that he wanted them to pray asr when they arrived at their destination. They split into two groups. One group understood that he wants us to get there in a rush he doesn't want us to delay at all, so we.re going to go there and we're not going to pray just yet because we're in a rush. So they got there and prayed asr once they arrived, following exactly the word of the Prophet ﷺ. The other group understood that statement as 'What he wants us to do is get there in a rush. It's not about Asr. We're taking a shortcut and we're going to get there before those other guys anyway. So you know what, that statement doesn't really apply to us anyway, so we can pray. And when we get there, we are going to get there anyway. They understood the statement of the Prophet ﷺ in a different way. That's what they did. The Prophet ﷺ, he did not criticize either group, meaning both were acceptable.

There are other ahadith telling us that when a judge/scholar, meaning a person who has to make a decision and he's qualified to make that decision and he gets it he's right, he gets two rewards. If he gets it wrong he gets one reward. This is called ijtihad, it means to try your best to arrive at a legal decision, so a person's ijtihad is always going to be subject to that person, his experiences, his context, his reality,

the way he appreciates thing, and so on and so forth. So there's always going to be differences in ijtihad between different people. Just the fact that the Prophet ﷺ mentioned that there's two reward in one case, and one in the other also opens the door that there's always going to be difference of opinion. That's acceptable. It's not praised. There's a movement out there saying viva al-ikhtilaf. It's a consequence that people differ, and it's okay that people differ. But it's not something that we're going to shout out from the rooftops and say we're so proud, this is beautiful, we're such a pluralist religion. No. If we're pluralist as a consequence, fine. But we don't intend to differ. Every scholar that comes to an issue that they have to deal with, they all want to get a single correct answer, they don't all want to have four different answers for the sake of having four different answers. So that's a misconception that you need to clear up from your minds with respect to fiqh.

So these guys then go, they have students, they have big cirlces, then they inhabit key muslim cities and areas, and their opinions solidify and people then understand their opinions in the light of principles. Principles from their teachers, and their teachers are like big students of Ibn Abbas, o rhis student like Ibrahim an-Nakha'i, Ahmad ibn Salamah in Iraq, these are big students of Abdullah ibn Mas'ood, whatever. So he will say that my teacher will prefer the Quran every time over the Sunnah. The Sunnah can never ever specify anything in the Quran, etc. This is called Usool alFiqh. Your methodology about how you're going to derive a ruling. What are the rules of the game, when you have a ruling, what do you do when you have a number of evidences?

Therefore schools and ideas and concepts begin to solidify, and in this development, over this 100 years or so, we start to see big imams who come forward who become specialists in fiqh. Because now, the knowledge which had been with the sahaba is spreading out, and it starts to be gathered together and now scholars can really establish opinions. We had, then, the establishment of schools, and the rise of the imams (plural a'imma). We have hundreds upon thousands of imams. Among the greatest of imams, Imam Sufyan ath-thawri, Imam Sufyan ibn 'Uyayna, Imam Al-Awza'i, Imam Layth ibn Sa'd, etc. These are huge imams of fiqh which we now don't remember their names as much. I mentioned their names on purpose. They are the absolute equals of the four imams that you all do know. But by hookup, by critical movement, by persuasion, by eloquence, by this and that, and by barakah as well, four imams came forth from these hundreds and their legacy which is a testament to their work has remained today fourteen hundred years later.

These four imams: Abu Hanifa (rahmat Allah alayh)was born in Koofa in the year 80AH and he passed away in 150AH. Then there's Imam Malik Ibn Anas who was born in Medina in the year 93AH and passed away in 179AH. Imam Ash-Shafi'i was born in Palestine or Sham (the classical phrase that refers to the current day Syria, Jordan, Palestine, Lebanon region). It is a blessed region, it is Mubarak, it's in the Quran, it's upon the sunnah, it is why (other than our concern for the Muslims around the world) sham has a very special maqam amongst the Muslims. The Prophet ﷺ praised it, and all the action is going to kick off in sham at the end of time. So we've got to get sham ready because that's where it's at. If you want to see the Dajjal go down, drops falling off the hair of Isa AS, that's where it's all happening. Anyway, so we'll call it modern day Palestine.

You can see this is pretty much in chronological order even though they got together and sat with each other. The final of the four imams of fiqh is Imam Ahmad ibn Hanbal AlShaybani. He was born in the year 164AH and he died in the year 241AH. He has a special title of the Imam of Ahlul Sunnah, he is the imam of the muslims, he defended the aqeedah, in a political sense and in a popular sense, he was a muhaddith by specialty as well as being an imam in fiqh. It's an acceptable criticism to say it's not a correct one, but in the realm of academic criticism it's okay to say that he is not as 'faqeeh' maybe as the other three imams. A lot of hanbalis get really upset by that, they say how dare you, he's imam of figh, etc. He is. But ya'ni if we were to compare the skill in fiqh and the speciality in fqih of imam Abu Hanifa, then I'm sorry there's no comparison. They'Re two different stories. But then of course if you compare them in hadith, then again there's no comparison as well. They have their different strengths and we should appreciate that.

I'm not going to go into too much history of the history of madhahib and so on because then this class will take 30 years instead of 20. Anyway Imam ibn Hanbal is a superstar, he studies under Qadi Abu Yusuf of course is hanafi, he's the companion of Abu Haneefa so he's taking from the hanafis. He studies under Imam Shafi'I himself, so he takes a bit from shafii. Shafii studied with Imam Malik, right? And when he went to Imam Malik, thousands have studied under Imam Malik but he saw Imam Shafii and he saw that this boy was special. So Shafii really soaked up what Malik had. So he has Qadi Abu Yusuf which is Hanafi direct, then he has Shafii as a key person in his life, and a key influence as well because Shafii is very hadithi and very narration-based, which is why when you divide these four imams into 2 broad groups, as scholars of thought and opinion, and scholars of narration, Malik and Abu Hanifa come in ahl Al-ra'I (scholars of opinion) and Shafii and Ahmad fall into the other group which is ahl Al Hadith (the people of hadith) where they focused on hadith and that's leaving them less to their own devices, they didn't want to be left to their own devices to come up with a fatwa when there was a possibillty of finding a narration.

Whereas the other two and especially Imam Abu Hanifa would often be forced into such a position. Why? He was in Iraq and oh my goodness there was so much fitna in Iran it was unbelievable. So many people going around lying, there was shia, rafida, qadariyya, khawarij, every sect you could think of from A-Z was there in Iraq at that time. Killing, lying, creating and fabricating in religion blah blah blah, so abu hanifa facing all this nonsense, he has to lay the law down. He does not have as good the ability or as good a resource with his people to be able to have 100% confidence in the narrations that are reaching him. I'm taking a few liberties there, but what I'm saying is that he was forced more to rely upon his skill as opposed to having so many narrations in front of him to use. Later on, it's the opposite, we have narrations collected, we have ahadith collections that have been put together, and books, etc. so a lot of the hard work has been done. So Imam Ahmad then comes, he takes from abu hanifa and shafii, Shafii has got Maliki blood in him as well, so it's almost as if all of the madhahib have been combined in Imam Ahmed. that's a very rosy praiseworthy picture of Imam ahmad. There are other people who would be very unhappy with my bias towards imam ahmad. But you know they can go suck on a lollipop.

I'll tell you what's funny. This class they call it LP, and I thought to myself what irony, we called it LP and

we'Re studying a work which is actually how one does not logically progress in fiqh. What do I mean by that? Let's go back to first page, have you got it in front of you? I like this because we've given the names of the books here. Ibn qudama comes on the scene, he's a giant. He is so knowledgeable.

By the way, the reason why I'm not going into Imam Ahmad, and the Hanbali madhab? 2 reasons: there is plenty of good quality material on the internet, secondly inshaAllah before our next session the forums will be up. They will have a number of resources. I'm going to populate that inshaAllah and have an introduction to the madhab, a biography of Imam Ahmad, I'll use some of my Fiqh of Salah notes (the course I teach for AlMaghrib), I have an extensive section on imam ahmad and all of his students and these will all go onto our portal. So here we'll focus more on meaning, explanation, commentary, etc. As for obvious resources which are already out there in English, those will be made available to you.

Focus on this: Ibn Qudama he's like the superstar, he is the authority in the madhab. Ibn taymiyyah said that:
No scholar ever entered Damascus that was as knowledgeable as alawza3i as ibn qudama. Al-Awza'I was one of the imams of the salaf, so 400 years later he's making a comparison between the two. And that's not normally done, you don't compare on the knowledge level one of the early imams with a later one. So for him to make that statement is a massive statement. You will see that respect when you see his books, and even in the way he set the system out. If you just now ignore these first two paragraphs, look at the next one:

"The great Hanbali scholar Imam Muwaffaq Al-Dīn Ibn Qudāmah Al-Maqdisi developed a program taking students from the very beginning of their studies to the very end: from having no specialized knowledge in the fiqh to being a mujtahid. "

(a person who is able to make ijtihad, a high level scholar)

"His program consisted of a series of books, moving the student toward the grand goal in stages."

Meaning the one of the higest levels in knowledge. So he wrote 5 books with this in mind. That's why I've said that it's the most delicious of ironies that this class is called Logical Progression even though we've gone to level 3 as opposed to starting at level 1. I'll explain why we did that.
But for now, what did he do? His first book was called Al-Umdah which is like the base.

"The first book is Al-`Umdah, a basic manual of fiqh for beginners. It covers the basic rulings that every Hanbali needs. The book gave only the predominant opinion for each position."

This is important. What the difference between only giving an opinion, and only giving the predominant opinion? This is what it means: for example, you must wash your hands. To the elbows, 3 times. Then you do the head, then you wipe the feet. No fluffing about, not taking any questions, not showing all the evidences. This is the statement, this is the fact.

"While Al-Muwaffaq did not concentrate on evidence, he did tend to begin each section with a hadith that the student can use for figuring out many of the unmentioned branch issues."

The way its written, it's written for a man who knows nothing. How dare you ask about this and that when you have no idea about fiqh anyway? So you just hear it and that's it. That's how it starts and that's how it's supposed to start. He mentions another point which is a little unique to the hanbali madhab. He says 'the predominant opinion'. The hanbali madhab is a bit of a mission because the Hanbali madhab rarely just makes a statement. Remember, this all goes back to Imam Ahmad and what his opinion was. He rarely just makes a statement. He rarely says the sunnah is to wash your hands three times. He will say—and I'm just giving a random example here--it's to wash it once, the next time he was say twice, then another time he will say it's sunnah to wash three times. Don't focus too much on the example, just focus on the fact that he gives three statements.

There is a whole science out there. I remember meeting a Phd when I went to Medina for Hajj recently, I met one of the ulama in Medina and he showed me his PhD. Three years of study solely on how to determine the dominant opinion of imam ahmad ibn hanbal. That was his whole PhD. Not the opinions of the Imam, just how to determine the opinion. Mission, yani. So you have three opinions, and the skill is to try and work out what really is his opinion? His son Abdullah, his main students, the scholars after, what do they all think is the main opinion. Of course they're going to differ and differing amongst themselves leads to--not confusion--but diff narrations of who really has the correct opinion of Imam Ahmad. Now that's important and that's why when a madhab develops over hundreds of years, you will often find (and this exists in all of the madhabs)

When I say madhab I mean school of thought. It comes from dhahaba (to go), so madhab means the place and way that one goes. Meaning this is the way we practice our fiqh, the school of thought, system of law according to that scholar. They would all have this is the one opinion that we give the fatwa by. This is the one that is established the established opinion in the madhab, the mu3tamad. Meaning this is the base principle, this is the base ruling. When theres diference amongst them they will say this is the raaji7. This is the one that we consider to be the strongest opinion. It's important for you to know that that exists. Because when you further your studies you will need to know that maybe Imam Ahmad said something else. But it has been appreciatively shown that it's a weak opinion and this was his opinion.

Now for ibn qudama, when he writes, he doesn't introduce differences and all the different riwayat (narrations). At the base stage, he just throws out number 1 main opinion to not confuse this basic guy in front of us. So his first book was Al-umdah which was very basic, not mentioning opinions or different narrations. Didn't even really focus on hadith.

Next book is called al-muqni, from word qane3a which means satisfaction, contentment. Muqni means the thing which gives satisfaction, that which makes you content. Like, the satisfier. I think that's a really bad translation anyway that's what the book is, it gives you all that you need.

“The second book is Al-Muqni`, which added to the above by mentioning different opinions for a given issue without telling the student which is the predominant opinion, and by adding some additional branch issues.”

This is still within the hanbali madhab. This is still the statements of Imam Ahmad. We’re not talking about going outside the madhab yet. So this is muqni, second level.

“The third book is Al-Kāfi, which introduces evidence for the positions in the madh-hab.”

You can see that in his naming, in his nomenclature, he’s trying to create some kind of emotion. The first is the Umdah, the base. The second he’s saying that which will give you satisfaction, then there’s the Kafi, meaning that is that which is enough for you. You don’t need to worry about anything else. Kafi means what is sufficient. His emoition is like, you don’t need to worry about anything else. So he’s now adding more to it, by adding evidences.
Student of knowledge wants to have some basis for what he’s saying, so here now is the evidence for his position.

“The fourth book is Raudhat Al-Nādhir,”

meaning the garden of the one who is serious and looking into his study, looking into progressing and moving forward.

“ a book in usūl al-fiqh. It is a condensed version of Imam Al-Ghazali’s Al-Mustasfa, but instead of championing the Shāfi`i usūl it champions the Hanbali.”

It’s a book in usool al fiqh, getting them ready for the smackdown, the big thing which is coming next, the next book which is almughni. Hadha sayughneeka 3an hadha. So for example if someone comes to you and asks you for a quid because they’re in need of some change, and I give them 20 quid, is because I don’t want him begging. I don’t want him to beg and ive given him 20 quid, that’s me, done. You don’t need to ask another 19 people and embarrass himself. So I would say Hadha sayughneeka 3an al-akhireen, meaning this will suffice you and keep you independent and free from having to go to anyone else. This comes from ghinah which means richness. When we say someone is ghaniy, it means he’s rich. When we refer to Allah SWT as Al-Ghani, he is rich but when in this context it means Allah is independent, free of need. So this book almughni, is translated as that which makes you free of need.

You don’t need to think about anything else, you don’t need to worry about other opinions, here is where we lay out the smackdown. We’re going to give our opinion, lay down all the evidences, we’re going to say to the rest of them, we’re going to give them a spice girls line and say some and have a go if you think you’re hard enough. So they’ll have a go and lay down all their evidences, like We say this, we say that. We’ll then say, Nah refute this, refute that. Then they’ll come back with their opinion, then we’ll take their response and criticize it, return back, and Back and forth. That’s what Mughni is, it’s a book of comparative fiqh, it’s an encyclopedia. It’S the very highest level, level fivefo the five levels. The

first was a base, the 2nd was going to give you some kind of contentment. The third one would be enough for you, the fourth one is if you want to go to a scholarly level, this is what you need. The 5th one is like, listen that's it. You have everything now, you don'T need to worry. mughni is huge. Where is it? We don't have it? Anyway it'S like this big.

So ibn qudamah established a system. Now you might say now hold on if you'Re talking about all these 5 levels what are you doing busting your sharh mumti which is going to go even further than the 3rd level. It's actually like a mini mughni. It's gonna take an opinion even though he's hanbali himself, the statement from alhajjawi and he'S gonna turn it around (al uthaymeen) look at it, criticize it, and then he's going to put his opinion forward. Its way past the 3rd level. In fiqh it's at the third level but in intention its at the 5th level. Does that make sense, yes? It will become clearer later. The point is, it's not a beginner's look.
So I want to answer a question. The criticism: Why are we jumping into the 3rd level? why are we not just focusing on the actual matan, and just taking the statement and going home? Why? First reason: because I have already taught Umdah. This is a local circle, and one of my local colleagues, Sheikh Khamees(?) is now currently teaching Umdah in Markaz Bukhari, which is our centre, the centre of Sheikh Kehlan. He's been teaching that for the last couple of years, so that's already been done. Also, shaykh as-si3di has a book (and I'm going to tell you who that is in a minute) called Nur Al-Basair that is complete level one. I've already taught it for over 4 years in Manchester. So I wasn't exactly going to keep going back.

The second thing I want to say is: you know the system? it's great. In a Muslim country, in an organized system, where the madhab is one, where the people are restricted financially, socially, culturally, etc. Times have changed. Some people come in here and they wouldn't call me a secularist, liberalist, modernist, etc. They wouldn't call me modernist, they would call me traditionalist. As a traditionalist, I want to make it clear to you that I'm not so enamoured by the tradition. That it's ruled in every single thought and emotion, absolutely not. I'm very happy Ibn Qudamah has made 5 books in the madhab, and I'm very happy that out there the general system is that you go to your local molvi and just follow what he says until you have some kind of ability.

Never in your life, because you're never going to reach some scholarly level. In my opinion, and I'm from that school of thought that the dumbing down of peoples aspirations in trying to learn their religion has been one of the key reasons as to why there's been such a lull /sleepiness in this Ummah for so long. We now live in a different time. The time of an Islamic revolution in over the past 40-50 years, where things have changed, people are much more energized. They call it the sahwa, the Islamic awakening, people are more practicing, they're more invested intellectually and emotionally, people are now starting to be technologically advanced, knowledge is starting to spread, the world is no longer such a distant place.

A city/village is not what a city/village used to be, publically dominated by one madhab. It's a global village, you don't find one madhab dominating anywhere unless you're gujji or living with old Stratford(?)/Bradford(?) where it's hard work finding anything other than __ or Blackburn or whatever. I'm sure there's some paks in there somewhere as well. But that's the exception, not the norm. The

people have changed, the makeup has changed. We live in the West, we don't live in a Muslim country. We don't even have an official mufti, an official spokesperson. We don't have official scholars. Our entire fiqh, in my opinion—and this is very important for you when you want to understand many of my statements, positions, and so on-- we live under the paradign of fiqh ad-da3f. What's fiqh ad-da'f? You know we hear this phrase, fiqh al-aqqaliyaat, the fiqh of minorities: a phrase which has been put together recently by some of the scholars in the last 5-10 years once the pressure came on. You know like the hardcore pressure on muslims? I mean post-9/11, post-7/7 for us here in the UK, especially so where it's now become difficult to be like the good ole days in the 90s when we could go around and do what we want, pray where we want, demand what we want and it was good and fun travelling everywhere and doing everything. And now miskeen we're pussycats, innit. Now everything that we do and everything that we say has to have love/peace in the sentence, has to be said with eyes down. You can't talk about __ matters anymore, you have to be politically correct, all that bakwas, you know what I'm talking about.

That whole paradigm shift has led to a change in our thought process, in the mindset. That mindset is reflective of the very real political reality that Muslims are under pressure. You feel that pressure. Like I want to say something right now but I can't say it because I'm being recorded. A teacher/scholar who has a certain opinion, when they see something happen and they want to say something that they can't that's the pressure. That pressure causes weakness. Now the scholars will say 'Ah that's okay you're a minority population in a majority non-Muslim environment and therefore, because of your unique circumstance we're going to develop a set of fiqhi principles and we're going to call the whole system fiqh al-aqqalliyaat, fiqh of minorities. A fiqh/law/jurisprudence/system which is tailored to the fact that you're disadvantaged and that you have issues/problems or pressures which are not pressures which you encounter in Muslim countries and so on and so forth.

That's great, it's fine. A lot of people don't like that term. Personally I'm not fussed by that term either way. For me, I don't want to call it whatever, it is what it is. I don't believe in fiqh al-aqaliyat. I think we are being dominated by fiqh ad-da'f, by a reality of utter weakness. We can't say what we want to say or do what we want to do. If we do, we're thrown into the sea. Right? It's a little miskeen island, it is. And they'll just throw us, the 5%. We used to be 3% and now we're now 5%. Alhamdulillah we're getting bigger. Paks need to get busy, I think. By the next census we need to be 25%, inshaAllah. If everyone in this room just goes out and makes three Muhammads and Abdullahs, if we get the Somalis on the case and just say three Abdis and two Hamdis each, and get some Zaahids or whatever, I'm sure we can get the percentage up.

Anyway I'm saying that we're really restricted in what we can say and do, so that's a political reality. Plus the fact that we're so many different people, backgrounds, and experiences… mate, one madhab is not going to cut it anymore. We're in a time where there's such a different set of realities where even the staunchest madhab followers that say you can't look anywhere else, you will fall prey to your desires once you start going fatwa shopping and this and that.
Of course that's a real fear ya'ni that people are just going to start to think 'Ah its okay he said its okay to follow anyone' and so therefore he goes around and hears all these opinions, and by your very

nature, people are weak. So when they see something and they think 'Ah that's going to make it easy'. Like classically, wiping over the socks for example. Ya'ni when you stick to the madhahib you will find that most of the madhahib do not allow wiping over the socks. Yet, according to a small minority of scholars, they are passionately defending the opinion that it's a correct and valid opinion from the sahaba and we're allowed to wipe over the socks. The amount of people who follow a madhab who follow that opinion, and in doing so betray the madhab is untrue. Whether we like it or not and whether that'S right or not. I'm not talking about the rights and wrong, I'm talking about the reality.

So the people have realized this and they're under threat of following their own desires. Now are these people choosing to wipe over their socks because they really believe that's the strongest opinion, or is it because that they know if they get caught a second time with their foot in the sink in the bathroom that that's like a double __ ya'ni. It's a working environment, that is just mission upon mission squared. To go back to those dark days, no one'S going to go back there. Wiping over socks is there to stay. I don't care who or what you are, you will do it. Now, you shouldn't feel so bad because even the imams/scholars of our time practiced at the high level, borrowing from other madhahib here and there to give fatawa. We've seen that especially in the new issues of fiqh al-aqaliyat, especially in muamalat, Islamic finance, etc. Mufti Taqi Usmani is someone who I have been blessed to sit and study with, he's a leading scholar Islamic finance and the main instruments that he has developed for Islamic finance in the west, their key operational aspect is not from the Hanafi madhab. Meaning that they will borrow so heavily from Imam Malik, it's untrue. Without the import of Malik into Mufti Taqi's fatwa, we wouldn't have half of the products that we have today. I'm not saying that's a bad thing, I'm just saying that we're in a different time, in a different reality. So this mixing and matching is going to be a norm. We shouldn't be scared of it, but we also shouldn't celebrate it and shout it from the rooftops either because there is a real danger there where people can lose control and become all this 'scholars overnight' opening books and it's all fair in love and war and let's just pick up this and follow this opinion. That's a real danger. That's why the scholars have always had this principle of At-taqwa qabl al-fatwa (have taqwa before you bust for fatwa)When you're looking for an opinion, have some fear of Allah first in trying to find a way out with a fatwa that's going to help you. That's a relly useful maxim to use when looking at all these opinions.

Now I'm just going to say to you that the quality of muslims in now, 2012, we're in a difficult moment. There are a lot of people out there who study religion and subhanAllah their studies are not quality. They spend hours in a lesson and they're more focused on tweeting something about it, then spending an hour revising, memorizing, and acting upon it. Even the whole delivery of ilm has to be associated with something else. No one goes to conference of scholars unless some guy comes in with a love song at the end. No one listens to one guy unless he busts jokes at the beginning and at the end, and that's what you remember him for. Entertainment is now absolutely vital to the delivery of the message. That's a change in the quality of the people. The scholars now have to travel to the people and try to think of all the possible ways to convince you to study. Back in the day the people were desperate to study from the scholar, and the scholar didn't need to sell themselves at all. They were the most boring people on the face of this earth, they spoke like this, hushed tones, quiet, not looking anywhere, boring as anything. You would have to be so motivated to study in that kind of environment. So, it's a different time and a different scenario/situation. If we're there discussing opinions and looking at what we

consider to be a good/weak opinion, that's okay. At the end of the day, I want you all to know: if you follow a madhab, stick to it. If you want to follow the hanbali madhab, I will give you the Hanbali madhab from this book. If you want to take me as your teacher, then you will and it's as simple as that. But the only reason you're doing that is because you have no other resource. You should have, but if you haven't, you're stuck with me, and that's how miskeen you are. So I'm just sayin you have to identify where you are and take from where you see fit. That's why our approach to this fiqh is going to be in this fashion.
That was important that we said that, because you might be thinking 'why did we mention all that'?

Anyway, let's just jump straight into the text. For those people who are going to look at al-sharh al-mumti, which is the commentary, this is the time to open it. Ash-sharh mumti, means the enjoyable/nice commentary. Ala zad almustaqni – remember we said that muqni is the thing which give qina'a (satisfaction/blessing), almustaqni' is the one who is seeking that satisfaction. We are all mustaqni'een in a way, meaning we are all people who are mustaqni' and mustaqni'een is the plural, of course. Zad almustaqni, is the provision, the supply, the provision of the mustaqni. So basically al-hajjawi who came years after ibn qudama, what he did was he looked at muqni' and he said 'you know what, that's a good book. I'm going to cut it down a little back to level 1', all that you will need of the one seeking contentment in the handbali madhab. It's a prose text. It's not a poem, and never intended to be a poem even though some of the lines it rhyme a little.

Sharh almumti is a modern-day commentary. The most famous commentary to this is 'Rawdh al Murbi' by alBahooti, and Nail al-Ma'arib as well , but we'll refer to that when we want pure hanbali. I'm not exactly fussed about Hanbali per se. I just want to discuss different issues and let everyone see and chill out ya'ni. Which is why I went for Shaykh uthaymeen's al-sharh. Sh. Muhammad ibn Salih ibn Muhammad Al Uthaymeen is the author of this book he was bornin the yr 1926. He was born in 'unayza, qaseem region. The qaseem region is in Najd is the north-east of mecca and madina, where it's hot and dry. They're hardcore up there, we call them najdis. They're very nice people mashaAllah but they are a bit hardcore. Anyway, that's near Riyadh. He was Saudi, born to a scholarly family, studied locally under normal ulama. He memorized the Quran, did this that, studied fiqh, and then got involved with the big boys. Shaykh As-Sa'di, Shaylh AbdilAzeez Ibn Baz, Shaykh Muhammad ibn Alshinqitee, these were his three main kind of top scholars. He progressed super quick, became one of the scholars of the senior boards of fatwa. You know subhanAllah, there's not much more to say about him, in terms of his people or whatever. You know, because a person is known by his fruit. He wrote 50 books at least, plus. Meaning his lectures were transcribed and put into books, so not by his own hand. His booksare in everything; in aqeedah, inheritance, fiqh, usool, hadith, etc. wallahi, I've studied with some big people mashaAllah he's the one person that I regret most most that I didn't study with him. You know when they say who's that one person who you wished you could have studied with. Shaykh AlUthaymeen would be that person. For me, in the last 30-40 years of huge scholars amongst them shaykh abdulazeez ibn baz, shaykh nasereddine al albani, Abu Zahra, Mustafa zarqa, etc. I consider Shaykh salih al uthaymenn the best of them, the faqih of them, the easily biggest loss to our ummah that we have suffered in the past few years. I am absolutely certain about that. SubhanAllah he passed away in January 2001, I remember that day like it was yesterday. SubhanAllah it was so depressing. It was a

HUGE loss, because his skill was to be able to take a difficult issue and present it to the people in an easy way. He would spend so much time teaching, teaching, teaching, in the masjid in the haram. He used to teach in the haram quite a bit. He used to lead the salah in the haram. So that's him, and he wrote the commentary to this book.

Now, I am going to recite the Arabic text of the introduction? The introduction to Zad AlMustaqni'.

بسمِ اللهِ الرحمنِ الرحيمِ

الحمدُ للهِ حَمْدًا لا يَنْفَدُ، أَفْضَلَ ما يَنبغِي أن يُحْمَدَ،
وصلَّى اللهُ وسَلَّمَ على أَفْضَلِ الْمُصْطَفَيْنَ مُحَمَّدٍ، وعلى آلِهِ وأصحابِه ومَن تَعَبَّدَ.
أمَّا بعدُ ، فهذا مُخْتَصَرٌ في الفِقهِ من مُقْنِعِ الإمامِ الْمُوَفَّقِ أبي مُحَمَّدٍ، على قولٍ واحدٍ ، وهو الراجِحُ في مَذهَبِ أحمدَ،
ورُبَّمَا حَذَفْتُ منه مَسائلَ نادرةَ الوُقوعِ وزِدْتُ ما على مِثْلِه يُعْتَمَدُ، إذ الْهِمَمُ قد قَصُرَتْ، والأسبابُ الْمُثَبِّطَةُ عن نَيْلِ الْمُرَادِ قد كَثُرَتْ، ومع
صِغَرِ حَجْمِه حَوَى ما يُغْنِي عن التطويلِ، ولا حولَ ولا قُوَّةَ إلا باللهِ، وهو حَسْبُنا ونِعْمَ الوَكيلُ.

This is the introduction of the author al hajjawi. 'Qall al-mu'allif rahimahu allah ta'ala' meaning that the author said, may allah have mercy upon him. Then he started bismillah al-rahman al-raheem.
So I just want to discuss a few points because otherwise there would be an uproar. People will say 'Oh my god, we came, we sat in the lesson, and we didn't even start the text'. Because people are like that—they think that all of the discussion that we had about xyz has nothing to do with the text. Actually what I mentioned in today's lesson, without any exaggeration, had to be said. You need to have that basis, and actually you should have had much more. I should have spent the remainder of the lesson talking about Ahmad, and the Hanbali madhab, and why it's different to the other madhahib, but the reason I didn't is as I said, I'm going to put all these resources on the forums in a lot of detail inshaAllah.
So, Bismillah al-rahman al-raheem. Do you all know what that's called? That's called the basmala. That's important because you see, culturally we say 'Bismillah'. Now bismillah is not the same as the basmala. When we say bismillah, it means to say 'bismillah', that's exactly what it means. So arabs will say 'yallah bismillah' or gujji lot would say 'bismillah che' and Somalis would say 'waria bismillah'. Sah? Right? Malaysians bow and put their hands like this or whatever. Did I ever tell you Malaysians are the nicest in the world?

Bismillah is fine and it means to just mention the name of Allah SWT. The world basmala, though, has a legal connotation, because it refers to the phrase and that's bismillah arrahman araheem in it's entirety.

So what's the translation? 'In the name', right? They all translate bi and ism as 'in the name'. I don't like in the name. my translation's always 'with the name'. it's neither here nor there, (with the name or in the name)it's semantic. What comes next is 'Allah', Al-ilah, who has many names but of course this is the greatest of them. as ibn taymiyah said, it's derived from the god (al-ilah), in the definitive. That's one

of the opinions (because there are other opinions as well) and I'm happy with that. Bismillah in arabic is always followed by something that's actually always left out. So for example, Bismillahi aqra, or bismillahi aktub, meaning with the name of Allah I read, or with the name of Allah I write. It is left out but it is assumed (taqdeeran ya'ni). This is a very important aspect in Arabic language. When you'Re writing a matan, the text, the focus is all on (wajiz al-kalam) being very succinct, bringing down the size while making sure that every word counts. Therefoe you have to cut some corners sometimes, and assume they're there, you have to be really on point. I'm saying this because you're going to be surprised, one sentence will take us 2 hours to explain. Everyone knows it's really easy to write a 2-page email instead of shortening it down to 3 lines. to shorten things down is a real skill. To flow and blab is a piece of cake, I can do that day and night.

So bismillah. Are you telling me to hurry up? Can you show the crowd that? Allahu akbar. Can you show the miskeens at home, I'm being shown a finish sign. You know I get those at conferences and you know I ignore them.

So bismillah ar-rahman ar-raheem. We'l l just finish up ar-rahman ar-raheem. rAr-rahman is a name from rahma, it's (in Arabic terms) an intensive meaning the one who is amazingly merciful. Incredibly merciful. It's not just 'merciful' because the wazan of rahman, or fa33al is a very strong expression of the verb itself. Rahman in that only Allah gets this title, you can't be calle dal-rahman, and even to be called rahman is detested. Many scholars will say it's haram, and Paks use this name quite a bit, lot of rahman's around, and that's not good. The word rahman is unique to allah swt, it's a description, not an action. Raheem means extremely merciful and specifically merciful. That's the little bit of difference in rahman and raheem, they're very close in meaning. Rahman is the one who has a very wide and encompassing mercy. Scholars say rahman refers to mercy in this world for muslims and non-Muslims which encompasses every creature, and the word ar-raheem is referring to a specific mercy for the believers. That mercy we feel here, and we'll experience it in the akhira as well. The word Raheem can be used for other people. So if we said go easy on the guy it would translate as kun raheem bihi, you will never say kun rahmanan. Prophet was described as raheem 7areesan 3alaikum bil mumineen ra2oofin raheem. Allah describes the prophet SAAWS in the penultimate ayah of surat at-tawbah

لَقَدْ جَاءَكُمْ رَسُولٌ مِّنْ أَنفُسِكُمْ عَزِيزٌ عَلَيْهِ مَا عَنِتُّمْ حَرِيصٌ عَلَيْكُم بِالْمُؤْمِنِينَ رَءُوفٌ رَّحِيمٌ

"There has certainly come to you a Messenger from among yourselves. Grievous to him is what you suffer; [he is] concerned over you and to the believers is kind and merciful." [9:128]

He is described as a prophet who is very concerned and it really upsets him when you guys are suffering. Specifically merciful with the believers, bilmu'mineen. Allah SWT predicated the raheem with bilmu'mineen. So this shows ar-raheem can be used for other people. You can be raheem but you can

never be rahman. Rahman is the general wide-encompassing mercy, and raheem is the specific mercy. That's the Arabic language there for you.
When you say bismillah ar-rahman ar-raheem, in translation this becomes a mission. You have people say 'with the name of Allah, the merciful, the especially merciful'but that sounds so silly like beyond belief, right? But that's what I write because that's exactly what it translates to: The merciful, the especially merciful—even though it doesn't make sense. Others will say the the most beneficent, the most compassionate and all that كلام فاضي.I don't even know what beneficent means. Whatever I don't care, ya'ni. If they're trying to make the words different then that's okay. Anyway, I think we'll stop there. At least we can tell the people who will moan we'll say that we did the basmala for you, yeah. That's enough innit.

Anyway next week we'll discuss whether or not it's true that you should start with bismillah. Is it true? Is the hadith authentic that you start with bismillah, ya'ni? Is it something ya'ni natabarrak bihi, that we take blessing with? Is it correct or not? So that's what we'll discuss next week inshaAllah.
We'll take some questions or if you don't have any questions that's not a problem because I'm more than happy to just sit here and just sing 'roooobin van persiiiie, roooobin van perrrsie' or 'we do what we want, we do what we want, we're man united and we do what we want'. I'm delighted. So the longer you guys sit here and say that you've got no questions, nothing to ask, then I relax. Are we good?

Q: That term Fiqh ad-Da'f, is that something from yourself?
A: No, that's from my own sheikh, and sheikh Kehlan as well. Abu Hurayra here is asking about the concept of Fiqh ad-da'f, is this something which has some precedent? Of course it does. You will find that all the ulama will give a different fatwa for a person who is in a position where there's difficulty. The real issue is: what have they called that reality today? So the fatawi have existed for a person who's been—like for example the debate about the permissibility of taking ribah in dar al-7arb. Why are we talking about Dar al-harb as a context? Because it's understood that Fiqh al-da'f rules that, it rules the positions that are going to be made there. So there's a new paradigm. They will call it fiqh al-aqaliyat, and we will call it fiqh of weakness, and others will call it hypothesis or whatever. The word is from my own teachers. I find it to be more expressive and less controversial that fiqh al-aqaliyat. The reason for this is because fiqh al-aqaliyat denotes that it doesn't matter if you're a minority or not, so just take concessions. We say we don't want concessions and neither should any Muslim take concessions due to living as a minority. We say if you have problems because of the reality of your living as a minority, only then will you take concessions. That's the difference between the two. I'm amongst those that is not happy/comfortable with the fiqh al-aqaliyat growing movement.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
على نبينا محمد و على الهي وصحبه أجمعين اللهم صلي وسلم *وبارك*
اللهم لا سهلا إلا ما جعلته سهلا و أنت تجعل الحزن إذا شئت سهلا
اللهم أعنا على ذكرك وشكرك و حسن عبادتك يا رب الكريم

Bismillah, that's beginning with the name of Allah. This name 'Allah' comes from *al-Ilah*, meaning the one who has the right to be worshipped. The word '*ilah*' is that which is worshipped. When we say '*la ilaha illa Allah'* (there is nothing worthy of worship other than Allah) there's this implicit acceptance that there are other things which are worshipped other than Allah, there are other gods which people take but they are not worthy of the worship.

أَرَأَيْتَ مَنِ اتَّخَذَ إِلَٰهَهُ هَوَاهُ أَفَأَنتَ تَكُونُ عَلَيْهِ وَكِيلًا
Have you seen the one who takes as his god his own desire? Then would you be responsible for him? --[Qur'an 25:43]--

The letters *alif* and *lam* together is the definitive, so it means The One-- the only one who has the right to be worshipped.
In the *sharh*, Sheikh Uthaymeen says

وابتدأ المؤلف كتابه بالبسملة اقتداء بكتاب الله عز وجل، فإنه مبدوء بالبسملة واقتداء بالنبي ﷺ فإنه كان يبدأ كتبه بالبسملة

that 'this author started his work with the *basmala* in emulation of the book of Allah'. There are many opinions of the '*ulama* in fact 4 opinions:
1. is *bismillah* an *ayah* from the Qur'an?
2. Is *bismillah* an *ayah* of Qur'an but just an *ayah* and not a part of the *surah*?
3. Does *bismillah* have nothing to do with the Qur'an and it's just a division?
4. Is *bismillah* an intrinsic part of every *surah* and it always comes at the beginning except in *Surat At-Tawbah*?

We're not going to do *tarjeeh* of that. Meaning we're not going to give the preponderant/strongest/direct opinion according to me at this moment now. We're just going to throw it out there that these 4 opinions exist.

Also, RasulAllah ﷺ used to begin his writings or those messages which he would send out in his name with the *basmala*. The most famous one that he sent to the leader of Rome started with *bismillah*. We have a precedent from the Qur'an, and a precedent from the *sunnah*. To add to it, the Prophet ﷺ has done it, too. What's stronger than doing it (the *fi'l* of the *Nabi* ﷺ) is a *khabr* or *amr* from RasulAllahﷺ, meaning a command to do so, or a statement telling us to do so. That's the strongest evidence. In *sunnah*, when you study it, it's not such an easy thing. The prophet SAAWS does many things. The top scholars have to work out if these are all actions to be copied by followers, since

sometimes actions are just for him. Or sometimes the action is not just for him, it's just by-the-by, like the wearing of the turban. A lot of cultural-like Muslims wear the turban and use weak and fabricated*hadith* to suggest that wearing the turban is a rewarded action. According to the *muhadditheen*, there's no basis for this action from the *hadith*, meaning a statement from the Prophet ﷺ telling people to wear a turban. There's no doubt in the fact that he wore a turban, the problem is that Abu Jahl also wore a turban and so many other enemies of Islam wore a turban. So you have scholars who look at this and say actually this was the *sunnah*of the prophet because he did it and his followers did it as well. Then you have other scholars (the majority) who say actually this was the clothing of the people. This was not an action for the masses (for us). There is a skill and it's a big skill trying to work out the '*ada* or the habit of the prophet, the personal preference. There's the famous *hadith* of the lizard. They were taken to go have a meal, the people gathered and they were so happy to see him ﷺ so they put forward their best dish which was some lizard flex.

By the way, it's hated to say something like 'this food is horrible'. He ﷺ never used to criticize food. In this *hadith* there's a big *adab.* You know if you saw a lizard in front of you, you'll say something. When he looks at this lizard, he says 'this is not from the food of my people'. The companions around him are like right so what does that mean ya'ni? By people, does he mean Muslims in general, or is what's meant by 'people' here like a specific definition for his tribe or household? Khalid ibn Walid was sitting there not going to let this opportunity go so he asked the Prophet ﷺ and the Prophet ﷺ said go ahead. He knocks it out one time. We know that the Prophet ﷺ doesn't eat lizard but it's permissible to eat if you thick enough to eat it.
So we learn from this that not every action or statement is something that is for the people.

So the Prophet did say *bismillah*. We do have a hadith. If we look at the famous hadith
The Prophet ﷺ said,

كل أمر ذي بال لا يبدأ فيه ببسم الله فهو أبتر

"Every important matter that does not begin with "Bismillāh" is mutilated." (Ahmad, hasan li-ghayrihi)

This *hadith* has been narrated in so many different ways. Most of the time *bismillah ar-rahman ar-raheem* is replaced with *dhikrillah*, *hamd lillah*, and the last statement being changed from *al-abtar* to *ajdhab*, *al-aqtaa*, etc.

Meaning of the *hadith*: every scenario that's important/worthy that doesn't start with the name of Allah is *abtar*. *Abtar* is a word mentioned in the Qur'an:

إِنَّ شَانِئَكَ هُوَ الْأَبْتَرُ
Indeed, your enemy is the one cut off.
--[Quran 108:3]--

Allah SWT says the one who is your opponent is the one who is cut off/lost. *Batar* means snapped up/broken, so that's why I translated it as mutilated/maimed. Every important issue that doesn't start

with *bismillah* is broken. Now the problem is that this hadith is not a shining example of*sehha* (authenticity). A number of scholars considered it weak. The early *mutaqadimeen at* the time of Bukhari and Ahmad, we don't have many negative comments from them but later on at the time of Jalal ad-Deen az-Zayla'i who is a big *Hanafi hadith* scholar, who wrote *Nasb ar-Rayah* (raising of the flag). What he was doing was basically defending a *Hanafi fiqh* book titled *Al-Hidaya*. *Hanafi*s masakeen were being attacked day and night by people saying everything is weak, you don't know hadith and all that kalam fadi. This book which is a very famous *fiqh* book when Al-Zayla'i took it defended every single opinion he found that was defendable. Most opinions were defendable from a *hadith* point of view. He's deadly, very good*mashaAllah*. From the contemporaries there's Nassereddine al-Albani who used to have a lot of respect for Al-Zayla'i. He also agreed with Al-Zayla'i and said this *hadith* is very weak in fact. Another scholar named AbdulQader Arnaoot also considered this *hadith* to be just weak, not very weak. Imam An-Nawawi found this *hadith* to be acceptable.
Also Sheikh Abdul-Aziz bin Baz *rahmat Allah 'alayh* also believed this hadith to be acceptable, and so did Sheikh Uthaymeen himself. You see the word*da'eef* means weak, *hasan* means acceptable, and *sahih* means authentic.

It's possible that when you have many many different versions of the *hadith* (and we do in the 30s and 40s, it's narrated many times), when the weakness in each line is not very weak, you can put them all together and when you do that the *hadith* is being raised from being weak to what we call*hasan li-ghayrihi* meaning that it's acceptable because of other supporting narrations. If it was *hasan* (authentic) by itself, that's called *hasan li dhaatihi*. Meaning it can stand by itself and it doesn't need the help of supporting narrations.

Conclusion is the statement of Abdul-Aziz Bin Baz: This *hadith* inshaAllah is *hasan* (acceptable) because of supporting evidences, and regardless it has been acted upon by the mass majority of scholars. The mass majority of scholars have acted on this *hadith* therefore they consider it to be praiseworthy to start anything with any importance and especially any religious act with the *basmala*. And of course, if it's good enough for Suleiman AS that tells you something.

إِنَّهُ مِن سُلَيْمَانَ وَإِنَّهُ بِسْمِ اللَّهِ الرَّحْمَٰنِ الرَّحِيمِ
Indeed, it is from Solomon, and indeed, it reads: 'In the name of Allah , the Entirely Merciful, the Especially Merciful,
--[Qur'an 27:30]—

Allah says that about Suleiman when he wrote to the queen.

On a general point, there are some interesting *hadith* on the *basmala*. It's not something we should take lightly. The Prophet ﷺ said When you leave the house you should say *bismillah tawakkaltu ala Allah* (With the name of Allah I put my trust in Allah SWT). There are other *ahadith* which are not super weak but say the same thing about saying the *basmala* and as a result of that, of saying the correct *du'aa*, you will be protected from the evils of this journey and all the benefits available will be

made available for you on this journey. There’s a blessing in it.

When you are going into the bathroom, it is etiquette according to a number of the scholars. When you are having marital relations, it’s required. Also, in the *hadith* which is authentic, the Prophet ﷺ was with one of his companions who was riding with him and the ride stumbled.

حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ ، عَنْ خَالِدٍ يَعْنِي ابْنَ عَبْدِ اللَّهِ ، عَنْ خَالِدٍ يَعْنِي الْحَذَّاءَ ، عَنْ أَبِي تَمِيمَةَ ، عَنْ أَبِي الْمَلِيحِ ، عَنْ رَجُلٍ ، قَالَ : " كُنْتُ رَدِيفَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَعَثَرَتْ دَابَّةٌ ، فَقُلْتُ : تَعِسَ الشَّيْطَانُ , فَقَالَ : لَا تَقُلْ تَعِسَ الشَّيْطَانُ ، فَإِنَّكَ إِذَا قُلْتَ ذَلِكَ تَعَاظَمَ حَتَّى يَكُونَ مِثْلَ الْبَيْتِ ، وَيَقُولُ : بِقُوَّتِي , وَلَكِنْ قُلْ : بِسْمِ اللَّهِ ، فَإِنَّكَ إِذَا قُلْتَ ذَلِكَ تَصَاغَرَ حَتَّى يَكُونَ مِثْلَ الذُّبَابِ " .

رواه أبو داود (4982)، وصححه الشيخ الألباني رحمه الله في صحيح أبي داود

A man (from the Companions of the Prophet ﷺ) said, "I was riding behind the Prophet ﷺ when his mount stumbled and so I said, ‘may Shaytan perish!’" Upon hearing this the Prophet ﷺ said, "do not say may Shaytan perish for when you say this Shaytan becomes exultant and grows in stature like as if big as a house and says, ‘it was by my power (that I injured him).’ But when you say, ‘with the Name of Allah’ he becomes humiliated and grows small until he ends up the size of a fly."

So the *sahabi* said may you die *Shaytan*. The prophet told him not to say that because that’s what he loves. To take credit for all this nonsense and he gets big. Say *bismillah*, because when you say *bismillah* he begins to shrink and gets humiliated. This is a *hadith* which is *sahih*. So we know that it is a blessing to say *bismillah*. Not *bismillah ar-rahman ar-raheem* in its entirety, just *bismillah*.

In conclusion, it’s something which you start with all good and religious things. It’s not obligatory, rather it's highly recommended. It's not permissible to use for something like going on a date. With fantasy football, *bismillah* no problem. But you will need more than that to beat me, son.

الحمدُ للهِ حَمْدًا لا يَنْفَدُ، أَفْضَلَ ما يَنبغِي أن يُحْمَدَ

The word *alhamdulillah* is interesting, *hamd* is translated as praise. Praise as opposed to *shukr* which is thanks. Praise as opposed to *Madh* which also means to praise, but it is a praise which does not necessitate love. You can do *madh* of someone but you hate their guts. No real love behind it. Whereas *hamd* is very perfect very unique.

He says *al-hamd*, so not just *hamd* (*a* praise), but rather *al-hamd*, meaning **all** of the praise in its perfect form is for Allah. *The word lillah* makes it very clear who it’s for. The *lam* indicates it’s exactly for this recipient and this recipient alone and that is Allah SWT. Praise as the sheikh says is possible that people deserve praise here and there, they can do a lot for good and they are praised but as soon as they stop doing good, there’s nothing to praise them for. Allah is continuously praised whether you realize it or not. , and whether it’s a good thing or not. Because at the end of the day, it’s a finite mind, a limited and problematic mind which is trying to understand that what’s happened to me, is that good

for me or not? you don't know. That's why the Prophet ﷺ said (and the *hadith* is authentic inshaAllah): الحمد لله الذي بنعمه تتم الصالحات

When something good would happen, the prophet ﷺ would say 'all praise be to Allah the One by whom all good actions are completed'. If anything good happens, it comes from him. It's something he would say when he would see something good. *As-sarraa'* (السراء) which comes from *suroor*, meaning glad tidings. So when he would see anything like that He would say *alhamdulillah alathee bini3mihi tatim as-salihat*. When he would see *ad-daraa'*, which is the exact opposite meaning harm or problem or some kind of *fitnah* or disaster, he would say

الحمد لله على كل حال

alhamdulillah 'ala kulli hal. All praise to Allah in every single circumstance. That's a great statement from the Prophet ﷺ because He immediately submits his *aql* to the will of Allah SWT. Whatever just happened, I lost my child I lost the battle, I've been divorced, I've done this and that, whatever just happened, I don't know how good this is for me. No doubt that Allah SWT knows better, and no doubt that I don't know better. So I know at the moment I'm hurting but All praise be to Allah SWT because he's worthy of that praise at all times. This hadith has been narrated by Ibn Majah and inshaAllah it is authentic. If you can read the Arabic then you will see in the *tahqeeq* of the notes that I have given you, [*takhreej*: the expounding of where this hadith is coming from, showing its sources, exactly going through the chains and identifying the people] [*tahqeeq*: Authenticating the hadith itself, reissuing a verdict. Yes it is authentic or no it isn't] This hadith's actual chain is weak but the *muhaqqiq* said this *hadith* has many other supporting evidences which strengthens this narration. This is from *ahadith* of Ibn Abbas, Ali ibn Abi Talib and Abi Hurayra RAA. When you put them all together, the *hadith* is authentic. So Allah SWT is praised in all times and circumstances. Then it continues:

حَمْدًا لا يَنْفَدُ

Hamdan la yanfad. This is a bit of Arabic flex going down. In Arabic, we say *Alhamdulillah hamdan*. There's an example of this in the Qur'an as well:

وَكَلَّمَ اللَّهُ مُوسَىٰ تَكْلِيمًا
And Allah spoke to Moses with [direct] speech.
--[Qur'an 4:164]--

Wa kallama Allahu Musa takleeman. We spoke to Musa a speaking. We praise Allah a praising. If I was an Arab doing all that *balagha (*rhetoric), I would say *sa'adribuka darban*. I will beat you a beating. We don't do that in English. We have something similar but not using the same word. In Arabic, when you use a verb and then the verbal noun is used after it, the *mastar*(verbal noun), that is only to indicate emphasis. *Darabtuhu darban*. I beat him a beating. I slapped that boy like a bawse. You wouldn't say I slapped that boy like a slap. Whenever you see the verbal noun, Allah is praised a supreme praise. When you see the repetition of the verbal noun, it's for emphasis.

Then the *mu'allif* goes even further and mentions this statement, and this is the right kind of *adab* when praising Allah SWT: *La yanfad*. Ya'ni that which doesn't run out. Not depleting.

قُل لَّوْ كَانَ الْبَحْرُ مِدَادًا لِّكَلِمَاتِ رَبِّي لَنَفِدَ الْبَحْرُ قَبْلَ أَن **تَنفَدَ** كَلِمَاتُ رَبِّي وَلَوْ جِئْنَا بِمِثْلِهِ مَدَدًا
Say, "If the sea were ink for [writing] the words of my Lord, the sea would be exhausted before the words of my Lord were exhausted, even if We brought the like of it as a supplement."
--[Qur'an 18:109]--

'*tanfada*' in this verse is the same word as the one being used in the text. Allah is saying that the oceans will run out of supplying ink for you to keep writing the praises of Allah before you run out of speaking about the amazement that is Allah SWT. *Qabla an tanfad*. This word of *tanfad* means to run out.
The *mu'allif* says *la yanfad*. A praise which does not run out. It's a beautiful description. Sheikh Uthaymeen says

وليس المعنى : لا ينفد مني قولا، لأنه ينفد منه بموته، أو بتشاغله، بغيره، و لكن المعنى: أن الله مستحق للحمد الذي لا ينفد باعتبار ذلك منسوبا إليه، فهو لا ينفد

this statement by the author is not him saying I praise Allah a praise that doesn't run out from me, because the human action will run out, rather its referring to the reality of praise for Allah SWT, it will never run out. The word *hamd*, praise, there are different kinds of praise. You know one of the most emotional *du'aa*:

اللهم أعوذ برضاك من سخطك وبمعافاتك من عقوبتك وأعوذ بك منك **لا أحصي ثناء عليك أنت كما أثنيت على نفسك**

La uhsi thanaa' 'alayk anta kama athnayt 'ala nafsik. We cannot enumerate the praises that you are deserving of. You are as you have described, we can't do it. We're trying but you're the one that can understand your own value, so we're trying with the best that we can do.

These praises will differ and the proof of that is the statement of the Prophet ﷺ on the Day of Judgement he will make *shafa'a* (the great intercession) with Allah SWT for us. How will he make the *shafa'a*? The *hadith* says that he will be taught certain praises (*mahamid*). He ﷺ says that they were not known, so they were new. He will be taught brand new *mahamid*- statements about Allah SWT which we will then use on our behalf and it will do the trick inshaAllah.

That's amazing and I'll tell you why: If you're a companion at the time when you see nothing but desert and all you can see is the observable sky, that's pretty great, but it's limited. We are living in a day where every single day we see something completely insane. We can see a star going mental, the size of our galaxy getting bigger, we see a super magnified core of a flower. Every time we see that it evokes surprise and we praise Him saying subhanAllah, *alhamdulillah*. We have such great opportunity to praise him more naturally or taking more opportunities than the companions before. Yet at the same time there's a difference in the quality of the praising. The prophet ﷺ will praise him with new praises that he will be taught.
The best way for you to praise is to say *alhamdulillah*. Get your tongue used to saying *alhamdulillah* as

much as possible. There's no way any human being can thank Allah SWT for everything that you have. We're in 24 hour news culture, where day and night you're told about every single pain of every person, you hear about it and see it in immense detail. Every time you see that, you should look to what you've got. You've got so much. I don't mean to patronize you all and say look at your eyes and nose, think about how you have a warm bed and drinking water, etc. we need to live that reality. We think we cannot thank Allah SWT, but you can.

If there's one thing to take away from this lesson with respect to praise, it's in a *hadith* narrated by Ibn Majah.

ما أنعم الله على عبد نعمة , فقال : الحمد لله , إلا كان الذي أعطاه أفضل مما أخذ

if it wasn't authentic you wouldn't have believed it. The Prophet ﷺ said there is no favour which Allah bestows upon his servant for which the servant says *alhamdulillah* except that which the servant gave (i.e. *alhamdulillah*) is better than that which he took. Read that translation again and let it sink in your minds. You will not get over it.

Ya'ni the slave saying *alhamdulilah* was better than every single thing than what he took from Allah. Everything that you took from Allah SWT and all that Allah wanted back in return was *alhamdulilah* but actually you gave back more. That is *al-haqq* from the Nabi ﷺ . This *hadith* is at least *hasan*.
This *deen* and this study of course – we can't lose sight of the objective: we are trying to get closer to Allah SWT, the aim of that is that we know Allah SWT more. This is going to take some time, but the important thing is to know some things that will keep you going. From the most important things is that you're always praising Allah SWT constantly. Make it a habit to say *alhamdulillah* all the time. You can even turn it around and say*allahumma laka alhamd*. It is to you alone, you deserve the praise.

I say *allahumma laka al-hamd* not because I'm very pious or righteous but because it has become addicted to my tongue. My sheikh, every single thing that he did was accompanied by this phrase *Allahumma laka al-hamd* . I learned *allahumma laka al-hamd* before I knew what it meant. I noticed that I'm saying it a lot without doing it consciously, which is a shame because I should say it more consciously. But I'm not embarrassed to do that because I've seen other people who are studying with me start to say it. You have an effect on people with constant *dhikr*, it's a blessing for you and for others as well.

Then in the text he says:

أَفْضَلَ ما يَنبغِي أن يُحْمَدَ

Afdala ma yanbaghi an yuhmad to emphasize what we've been discussing. It means the very best possible way to praise.

وصلَّى اللهُ وسَلَّمَ على أَفْضَلِ الْمُصْطَفَيْنَ مُحَمَّدٍ، وعلى آلِهِ وأصحابِه ومَن تَعَبَّدَ.
Wa salla allahu wa sallam. We want to know what kind of statement this is. This is coming from Allah SWT. *Al-salah* of Allah. This is a past verb of *salla*. The verbal noun is *salah*. What does that mean? Allah sends *salah*, what does that actually mean?

قال بعض العلماء : الصلاه من الله : الرحمة، ومن الملائكة: الاستغفار ومن الآدميين : الدعاء

Sheikh Uthaymeen gives a reference to a book called Jila' al-Afham (جلاء الأفهام) by Ibn al-Qayyim who is a big student of Ibn Taymiyya. He makes a reference to that in saying that a number of the scholars like Ibn al-Qayyim mentioned that when Allah sends salah upon someone along with the angels as outlined in this ayah

إِنَّ اللَّهَ وَمَلَائِكَتَهُ يُصَلُّونَ عَلَى النَّبِيِّ ۚ يَا أَيُّهَا الَّذِينَ آمَنُوا صَلُّوا عَلَيْهِ وَسَلِّمُوا تَسْلِيمًا
Indeed, Allah confers blessing upon the Prophet, and His angels [ask Him to do so]. O you who have believed, ask [Allah to confer] blessing upon him and ask [Allah to grant him] peace.
--[Qur'an 33:56]--

It's Allah and his angels that are sending salah upon the Nabi ﷺ. Allah is sending mercy and the angels do al-istighfar. Ya'ni Oh Allah, forgive him. When we say it, it's making du'aa on the Prophet ﷺ for everything.

The correct opinion is what Sheikh Uthaymeen has mentioned there.

والصواب ما قاله أبو العالية إن الصلاة من الله ثناؤه على المصلى عليه في الملأ الأعلى أي عند الملائكة المقربين وهذا أخص من الرحمة المطلقة

He says that *as-sawwab* (which means the correct opinion) is what Abu al-'Aliya said. Abu Al-'Aliya is a man who was born at the time of the Prophet ﷺ but never got to meet him, so he doesn't get the status of *sahabi*. He became Muslim at the time of the *khilafa* of Sayyidna Abu Bakr RAA, and he becomes of the big imams of the *tabi'een*.

He's major-- he takes from Umar, Ali ibn Abi Talib, the mothers of the believers, so he's a big player of the senior *tabi'een*. Imam Bukhari narrates in his*Sahih* the statement from Abu al-'Aliya. The students of knowledge might ask 'How could Bukhari, 200 years later, narrate from him directly?' That exists in the *Jami' Sahih*. The book *Sahih al-Bukhari* is not just a collection of hadith from Bukhari saying I took from my teacher who took from Ahmad, who took from kadha, who took from Umar, who took from the Prophet SAAWS. It's not just that. It has *mu'allaqat*. The *hadith* is in *mu'allaq* form, meaning that sometimes he will leave out the entire chain, he won't mention his own teacher and will quote directly from a companion or *tabi'ee*, leaving the chain out. Now this of course is not an authentic *hadith* because having a chain is a condition of having an authentic hadith.

But most of the time when Imam Bukhari mentions something in this fashion (in *mu'allaq* form), nearly 90% of the time it's authentic anyway. And he will show that in another book, or he will indicate to it

and maybe later on in the same book he will have a chain that goes through that person that he quoted. What did I used to call this in adab al-mufrad? Bukhari-tronics.

This is what he used to do. He would say the statement and quote Abu al-'Aliya and then maybe 100 hadith later he will quote his chain.
So Abu Al-'Aliya said:
Inna al-salat min allah.
Salah has a few linguistic meanings. It can mean prayer, du'aa. The third linguistic meaning:

ثناؤه على المصلى عليه

thana'uhu 'ala al-musalla 'alayh. His praising the one who is in question. Not just that, but in the higher assembly. Meaning that amongst the super-senior *mala'ika*. You have *firdows* and Allah SWT and around Him you have the *muqarabeen*, the senior angels. So Allah SWT is praising the person in front of the most trusted senior of the angels a praise from Allah SWT.

We translate the full phrase as 'peace and blessings be upon the Prophet', or just 'peace be upon him' but that's blatantly wrong because that's just omitting a verb completely. People translate that verb as blessing. That's okay, because it's hard to fit the whole explanation in brackets. Choose a statement. You're either going to say the praise of Allah and peace be upon him, but also when Allah praises someone, that's blessed by default, isn't it? So that blessing is something that is just a natural consequence.

Let's look at the actual nature of the sentence. *Salla allahu* is a phrase, peace and blessings be upon him, is that commanding, stating a fact? In Arabic in *balagha* (art of rhetoric), sentences are of two types. *Khabariyya* – a statement which could be true or untrue. the other is *inshaa'iyya* meaning an order or a statement which cannot be false. You can't say this statement could be right or wrong. If I say Suleman is good-looking, that's a *jumla khabariyya*, it's an informative statement because the statement is giving information. The problem is from a *balagha* point of view it could be either true, or it could be wrong. Then of course you've got other statements which it's not possible to say it has lies or truth in it. One example of a *jumla Inshaa'iyaa* is like saying 'run!'. The statement 'run' is a sentence, it's a meaningful sentence. It doesn't matter whether I'm lying or not, the statement itself cannot be interpreted in two ways, grammarians call that a preformative statement which is like 'run', 'help' etc. that's important because when you see *salla allahu 'alayhi wa sallam*, are we making that statement as a statement of fact or are we asking Allah to do it? This is important from a grammatical point of view.

Sheikh al Uthaymeen says

وهذه جملة خبرية لفظا، إنشائية معنى ، لإنه ليس المراد أني أخبار بأن الله صلى ، ولكنني أدعو الله عز وجل أن يصلي ،فهي بمعنى الدعاء ، والدعاء انشاء

that this is a *jumla khabariyya* __ when you read the statement it is said in a *akhabariy* kind of way, informative fashion, but its meaning is preformative. It' not possible for it to be a lie.

Salam is peace. How do you send *salam* on the Prophet? What does that mean? It means to say Ya allah protect him from deficiency, protect him from harm, keep him safe. The two are used together, think of it as two levels. *Salam* comes first, that gets him to protected status, then the *salawat*come. Then we ask Allah SWT to send *salah* upon him and that's when he's now raised to supreme status. He becomes the object of forgiveness mercy,*du'aa*. *Salam* gets him to safety, and the *salawat* pushes him to his deserved level. ﷺ. I should remind you of course that whenever you hear the name of the Prophet ﷺ, you should always say ﷺ. It's an obligation. Don't ever get tired of it.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
على نبينا محمد و على آلِهِ وصحبه أجمعين اللهم صلي وسلم *وبارك*
اللهم لا سهلا إلا ما جعلته سهلا و أنت تجعل الحزن إذا شئت سهلا
اللهم أعنا على ذكرك وشكرك و حسن عبادتك يا رب الكريم

I think everyone's desperate to start purification. Everyone's thinking we haven't started the course yet, and that's a problem. It's a problem people keep thinking it's about the text, when in fact *al-'ilm fi al-'ilm*. The knowledge is in the knowledge. To all of my students who give me a hard time when I don't finish everything in class it's because they keep thinking the class is in the text but the text is not what it's about. The '*ilm* is in the '*ilm*. The knowledge is in what you're being taught, so listen up. You know what I'm saying? That's my top blag when I don't finish something.

So anyway, we got to his statement:
وصلَّى اللهُ وسَلَّمَ على أَفْضَلِ الْمُصْطَفَيْنَ
Wa salla Allahu wa sallama 'ala afdal almustafayni

We need to explain what *afdal almustafayni* means. It means: Upon the best of al-*mustafayn*. Who is *al-mustafayn?* We know this as paks. We have the name Mustafa but we say it with a *seen* which is of course a mistake but that's because paks can't say *sad* and *seen* properly. Have I taught you the *seen-sad* differentiation? When you say *seen,* show your teeth and smile. It's very difficult to say *seen* when you're miserable. *Sad* is the exact opposite. If you wan't to try and say *sad* while smiling, you have to be a *qari*, like AlHossary or something like that. The mouth helps. Anyway, it's very hard for many Asians. So we know the name Mustafa, it means the chosen one, and *mustafayn* means THE chosen ones, like in the *jam'* (plural). Who is in the intention? Sheikh Uthaymeen says *almustafayn min al-rusul,* meaning the chosen of the *rusul*, or the best of the *rusul* (*rusul* being the plural of *rasul*). So who are these *rusul*?

Sheikh Uthaymeen says
والمصطفون من الرسل:أولو العزم من الرسل.
'ulu al-'azm, meaning those ones of '*azm. 'Azm* means strong will, willpower, determination. That's what it means in a linguistic sense but here it means the top notch, crème de la crème of the prophets. You need to know that people are not the same. They are differing amongst each other— scholars,*muttaqeen*, and *saliheen*. Also there are prophets and *rusul* who are not the same. This is an evidence for you that we can differ in excellence between people. Even amongst the *anbiyaa'* there are levels. We have many amazing prophets like Ya'qub, Yusuf, Ilyas *alayhum as-salat wa as-salaam* but then there are those who are better than them and Sheikh Uthaymeen mentions an *ayah* from *Surat Al Ahzab* in verse 7:
وَإِذْ أَخَذْنَا مِنَ النَّبِيِّينَ مِيثَاقَهُمْ وَمِنكَ وَمِن نُّوحٍ وَإِبْرَاهِيمَ وَمُوسَىٰ وَعِيسَى ابْنِ مَرْيَمَ ۖ وَأَخَذْنَا مِنْهُم مِّيثَاقًا غَلِيظًا
We took a solemn pledge from the prophets— from you [Muhammad], from Noah, from Abraham, from Moses, from Jesus, son of Mary— We took a solemn pledge from all of them:
--[Quran 33:7]--

Five of the prophets are mentioned as '*ulu al'azm* – those who have the most determination and will to succeed, those who face the biggest challenges. Of course when you study the lives that's very clear. We have Muhammad SAAWS, Nuh AS, Musa AS, Isa AS, and *Sayyidna* Ibrahim AS. This is a list of the five. It's mentioned likewise in Surat ash-Shura

شَرَعَ لَكُم مِّنَ الدِّينِ مَا وَصَّىٰ بِهِ نُوحًا وَالَّذِي أَوْحَيْنَا إِلَيْكَ وَمَا وَصَّيْنَا بِهِ إِبْرَاهِيمَ وَمُوسَىٰ وَعِيسَىٰ ۖ

In matters of faith, He has laid down for you [people] the same commandment that He gave Noah, which We have revealed to you[Muhammad] and which We enjoined on Abraham and Moses and Jesus…

--[Quran 42:13]—

Now you know that there are people, then good people, prophets, then messengers, then very respected messengers, very best messengers (Muhammad SAAWS, NUH, Musa, Isa, Ibrahim AS), and the Prophet SAAWS is the best of all of them. What is the proof of that? He is *khatimahum*, as Sheikh Uthaymeen says, meaning he's the seal of the prophets, the final one. That's mentioned in verse 40 in Surat al Ahzab:

مَّا كَانَ مُحَمَّدٌ أَبَا أَحَدٍ مِّن رِّجَالِكُمْ وَلَٰكِن رَّسُولَ اللَّهِ وَخَاتَمَ النَّبِيِّينَ ۗ وَكَانَ اللَّهُ بِكُلِّ شَيْءٍ عَلِيمًا

Muhammad is not the father of any one of you men; he is God's Messenger and the seal of the prophets: God knows everything.

--[Quran 33:40]--

I just want to make a quick point here. One of the reasons why we're using the translation that's been done by someone else is to save time. Likewise, I don't have the time to pre-translate the entire text. Be that ayat of Quran, be that ahadith, be that anything. I have to translate everything on the fly. Translation is a very difficult task, especially with someone like me—I'm very exact and standardised I like to have a very perfect translation and I will go through many words to get the exact phrase that I want. I don't have the time to do that before the *dars.* So do not pay too much attention to the detail in the translation. That's why we have a team that is transcribing the class*,* and then preparing detailed notes, then those notes are then checked by me and it's at that stage that I then start to change the translation for a preferred word and change different phrases and so on. Of course that's going to be on the forum. That's very important to know for the rest of this class.

Sheikh Uthaymeen mentions three immediate reasons why Prophet Muhammad saaws is the best of all, specifically the best of the chosen messengers. He is the seal of the prophets, he is the *imam* of them on *laylat al-mi'raj* (the night called *israa'* and *mi'raj—a* 2 stage process where he journeyed in the night from mecca to al-Aqsa, that's known as *israa'. Mi'raj* is the ascent to the heavens when he met Allah SWT and was gifted the five daily prayers). On this journey, he met the prophets individually, there are some very interesting conversations between them, and of course he led them in prayer. This fact that he led them in prayer is narrated in a *hadith* of Abdullah ibn Abbas which was collected by Imam Ahmad.

Pg 11 footnote 2: Ibn Kathir said its chain is *sahih* but he did not give its *takhreej*, meaning he did not go into too much detail. This hadith is inshaAllah okay, it has supporting evidences from the hadith of Anas Ibn Malik, which was narrated by An-Nasa'i in his book of *salah.*

Then he said that the third proof that he's the best of them is the incident of *shafa'a*. We all know that every single one of us is in need of the prophet's intercession, or rather anyone's intercession. Allah SWT rewards good people with the fact that they can intercede. It's very interesting to look at the different hadith mentioning who is allowed to intercede. A *shaheed* intercedes for over 70 members of his family as narrated in Bukhari. The*hafidh al quran* intercedes for his family, the *saliheen* intercede, and the messengers of course intercede as well. I want you to think about that. Allah swt is telling people to go out and fight and defend the innocent *fee sabil illah* there's a reward for that: the face that you're going to intercede for someone. Clearly if you're interceding for someone else, you've got *your* place on lockdown. It's all sorted, you're in a good place. It's a sign of excellence for you individually. So therefore you can understand that the more you're allowed to intercede, the better your position is in and of itself.

So you can imagine that intercession has effects. Maybe it isn't working or it's not enough. People will then go to the Prophet SAAWS. I'm sure you know the authentic hadith as narrated by imam Bukhari in the chapter of *Jannah* and *Naar*, number 6565 and also in his book of *tafseer*. All the people are running around and they ask Nuh, Ibrahim, and Sayyidna Isa AS saying "help us, help us" and the response is legendary now: "*nafsi, nafsi*" meaning I can really only deal with myself. Very interesting that prophets themselves even in the intrinsic detail of their responses their issues that have already been directly forgiven by Allah SWT yet they still consider it to be an issue. Like matters of *adab* or some kind of mistake in choice between two things. It's then that the last one says you need to go to Muhammad SAAWS.

It's clear that they know who their leader is on that day, and it's clear in his response when he says *wa ana laha*. This is my job, this is me. This is all about me. This of course is a proof that he is the best of them.

Anyway, so then he mentions the name Muhammad, a very beautiful name. We've already talked about *hamd.* Muhammad is in a form which says 'that which is being praised'. Muhammad means the praised one. And subhanAllah, he is praised. We are always sending *salawat* and *salam* upon him, no matter how many people attack him day and night.

We're living in a time where we think that this has never happened before but of course it's been happening all throughout history. The Prophet SAAWS has always been attacked. They attack his honour, his family, lies against him from Muslims, non-Muslims, deviants, and so on. All people who don't know his sunnah invent bid'ah are attacking him. The people who are non-Muslims and want to destroy the religion are the head of the attackers and his opponents. WAllahi they're wasting their time.

I understand people getting upset and emotional because obviously he's the prophet SAAWS and we're very strict. In a Muslim country when someone does that it's very much an issue of blasphemy and according to the majority opinion as stated by Sheikh al-Islam ibn Taymiyya in his book "al-Saarim al-Maslool 'ala Shaatim al-Rasool" that the correct opinion is capital punishment for the one who insults

the Prophet SAAWS. There are slightly different rulings about Muslims and non-Muslims but the fact is that it is a major issue. Yet what I never understood is how people took it to another level, doing crazy things, burning things. People need to realize that it's not the first time and won't be the last. When it happened to him in his lifetime, his response was so amazing it's just out of this world. He said to his companions, "they're calling me Mudhammam" (the one who's cursed/blamed, blameworthy). He says, "they're calling me Mudhammam, but I'm Muhammad!" Ya'ni how does that work? That's so mindblowing as a response, and whenever I get upset hearing about XYZ as the arabs say stop headbutting the mountains. Have mercy on your own head. You can scream Mudhammam as much as you want and make up names and call him murderer, pedo, whatever. He's Muhammad. It wasn't you or me who named him that, Allah SWT named him Muhammad SAAWS. It's a very beautiful word. I'm a bit biased you know but linguistically it's a beautiful word.

Muhammad ibn Abdillah ibn Abd AlMuttalib ibn Hashim al Qurayshi

إن الله اصطفى من بني إسماعيل كنانة، واصطفى من كنانة قريشا، واصطفى من قريش بني هاشم، واصطفاني من بني هاشم، فأنا خيار من خيار

In a hadith that is authentic narrated by Muslim, Muhammad SAAWS said: Allah SWT chose from Bani Isma'eel Kinanah, and then from Kinanah the tribe of Quraysh, and then he chose from the tribe of Quraysh the subtribe of Bani Hashim, and from the subtribe of Bani Hashim he chose me, so I am of the best of the very best.

وعلى آلِهِ وأصحابِه

Wa 'ala aalihi, which means upon his folk. "*aal*" means family. It's translated as folk, which is a sort of American translation for family. The translator actually also believes it refers to family. We need to understand, what is the intention of the author by using the word *aal*? Anyone knows that in principle, the word *aal* in Arabic means family. When the word is used by itself, then it means upon all of his followers. When you use the word without any restriction, then it means all of his followers, as Sheikh Uthaymeen says here. But when you use it with other words, for example as we're going to see it's followed by *wa as-haabih*, then the understanding is that this is upon the believing members of his actual family. When you don't restrict it and there's no evidence in the statement that comes after, and it's just left as it is, that means every muslim that follows him. But when you see a clue in the statements that come afterwards, that's a clue to you that it only means the believing members of his family.

Shaykh Uthaymeen says

فإنه يكون المراد بحسب السياق

the intention is understood according to the context its mentioned in. The context in which the word *aal* is used determines its actual meaning. So here we're talking about 'Ali ibn Abi Talib, Fatima, ibn Abbas, Hamza, Abbas, and the rest of them.

Even in our own culture when you say the word family, we have different meaning for that. As Paks, when we say family, do we mean the women's side as well (like your wife's side)? In english we have the term 'in-laws' to differentiate. But I think when you say my family, you don't consider the wife's side.

But another time when you say family you might consider your own paternal uncle even though he's outside the nuclear family. So the word in Arabic differs according to the *siyaq.* i.e. the context.

So here, we're not talking about the 'Aishas and so on even though the word *aal* can encompass the wives, there's a difference between *aal al bayt*(the people of the household) and his family. There are many words which are specific but we're going to come back to that in another lesson.

This time with the word *aal*, the proof being that the words coming after cover the masses: the word *as-haab. As-haab* is the plural of *saahib*, meaning companion. So the plural refers to the companions of the prophet saaaws. Sheikh ibn Uthaymeen gives a very interesting definition of what defines a companion:
كل من اجتمع به مؤمنا به، ومات على ذلك، ولو لم يره ولو لم تطل الصحبة
Ya'ni any single person who is a believer in him who meets him in some fashion and then dies upon that, even if he does not see him, and even if it's for a brief moment only. As long as that happens, you are defined as a companion and that's a very high status of course. Amongst the '*ulama* there is a difference of opinion. Is that enough, even without seeing him? We're going to accept Shaykh Uthaymeen's opinion on that. My personal opinion is that there does have to be some seeing and some form of meaningfulness to the meeting (the *ijtima'*) but this is a well-known difference of the '*ulama*. The key focus is someone at his time who met him in a meaningful fashion, then believing in him and then died upon that. We gave the example last week of Abu al-'Aliya who was at his time and believed in him but never met him. The belief in him was after the Prophet SAAWS passed away.

ومَن تَعَبَّدَ
Wa man ta'abbad.This is the statement which encompasses everyone. You can see that the author is saying peace and blessings of Allah be upon the best of all messengers Muhammad, upon his family, companions, and whoever worships Allah SWT. This word *ta'abbada* is what actually gives us the word '*ibadah*, which is a difficult word to translate, truth be told. It's not as simple as worship. So what does the author mean by this?

من تذلل له بالعبادة والطاعة
Shaikh Uthaymeen explains that it is the one who humbles/submits himself to Allah SWT in worship and obedience.

والعبادة مبنية على أمرين: الحب والتعظيم
He says '*ibadah* is based upon two issues: love and awe.

فبالحب يكون طلب الوصول إلى مرضاة المعبود
Ya'ni when you love someone and you always want to keep them happy and you don't want to upset them, that's one aspect of the worship,

وبالتعظيم يكون الهرب من الوقوع في معصيته
…and the awe and fear of running well away and staying completely away from anything that will lead

him to fall into his disobedience of the *ma'bood (*the one who is worshipped*).*So 'ibadah is based upon these two aspects—loving that you want to keep Allah happy, and awe and fear of ever upsetting him and therefore staying away from all of that which is disobedience of Him SWT.

As for the conditions, for you to claim something to be an act of worship, it has to fulfill two conditions. I'm here thinking this is an act of worship. If this isn't an act of worship, that's a disaster because I could be watching Liverpool vs. Stoke. If this isn't an act of '*ibadah* it's a problem. '*Ibadah* has 2 conditions: the first is *al-ikhlaas lillah* SWT (to do it sincerely for his sake) and the second is to do it in accordance to the sunnah of the Prophet SAAWS (i.e. to do it in the defined, correct way).

Ikhlaas is so important. This is a good reminder for us right now that you should renew your intention. It's a big skill to be able to have your intention on like a rope and to be able to pull your intention and not let your intention be pulled by other sources. The most depressing thing I ever read is 'Oh, it's a great class, he's so funny. You're going to enjoy yourself so much, it's so entertaining.' Are you serious? First of all, what a diss. But let's get past myself—what's that saying about you? Ya'ni if I was ugly (because obviously I'm not) and really old and talking like this, very boring and academic, would you still come because you value the knowledge and you want the knowledge which is being offered to you in a convenient fashion regularly and you can feel that it's beneficial and it will get you closer to Allah SWT? Or are you coming because it's cool and it's said in a streetwise manner which you find funny and you get bored by the equally talented guy who's a bit boring because he doesn't joke as much? These are major points. *Al-ikhlaas* is that dangerous. What are you really here for? You should ask yourselves.

Every time you're about to set off, (say to yourself) yes I did enjoy myself, yes it was funny, yes I do meet other great friends yes there's a great sisterhood and brotherhood yes it's a great feeling, but the reason that I'm doing it for is to get closer to Allah SWT. That's so important. Make the number one reason that this knowledge works for you that it impacts you, that it affects you so you think more about Allah SWT. So the first condition of '*ibadah* is *al-ikhlaas* (sincerity) and the second is that it is in accordance to the sunnah of the Prophet SAAWS.

People say as long as you're sincere you can do whatever you want. People do *bid'ah* all the time, make up their own actions, we'll hold this kind of gathering or party and we're doing this for Allah SWT and it doesn't matter if the manner of it isn't according to the sunnah. When you do *salah* for example, someone could place their hands on their head and he's sincere but miskeen he's sincerely wrong. So you can understand that alongside*ikhlaas* there has to be *itbaa',* it has to be in emulation of the sunnah of the Prophet SAAWS. It's not good enough just to be sincere. This is lazy rhetoric. You are students of knowledge, and when you educate people they will say 'Ah, he's a good person, it's the thought that counts'. Mate, it's not the thought that counts. The only time thought matters is when you're giving me gifts. Christmas is here ya'ni there are cheap available things.

Shaykh Uthaymeen then says *wa man ta'abbad* is general and includes every single person who worships Allah in this *ummah* and that's because the Prophet SAAWS described the statement that we make (*as-salam 'alayna wa 'ala 'ibad Allah al-saliheen*) in the *tashahhud*. In explanation of this

statement, the Prophet SAAWS said
إنكم إذا قلتم ذلك فقد سلمتم على كل عبد صالح في السماء والأرض
…as narrated by Imam al-Bukhari that when you say that statement you have sent peace upon every single righteous slave contained in the heavens and on earth. This is really interesting because we're going to come upon this later. Fiqh isn't as dry as you may think it is. When you go through different kind of phrases which are standard fiqh, normal legal phrases, next time when you're in your *tashahhud* and you say *as-salam 'alayna wa 'ala 'ibad Allah al-saliheen,* the reality is that 99% of you are saying it without thinking. No one's slowing down or reflecting, thinking what did it mean? Slow down and just stop right there and realize what you just said.

As-salam 'alayna wa 'ala 'ibaad Allah al-saliheen
I just sent peace upon the entire nation of people who worship Allah SWT. Just internalize that. That's what the prayer is meant to be—you connecting with your words as opposed to you just blabbing all the words and ignoring the meanings and their benefits.

There's an interesting grammatical discussion here. Sheikh Uthaymeen says why did the author go further and say *ta'abbad*? Does that mean that the companions and family themselves are not considered amongst those who worship Allah? If I say peace and blessings of Allah be upon the Prophet and his family and his companions and those who worship, isn't the implied meaning that the companions or family are ones who don't worship Allah? If I differentiate between them, the '*ataf* (addition) is always seen as something separate. How can we explain that? There is discussion amongst the scholars who say when you do mention something separate, it's separate. But the stronger opinion (of Sheikh Uthaymeen and also Ustadh AE) is that the general statement includes those who have been specifically mentioned even thought they were mentioned before and it's just a repetition. As a matter of fact, it's like an extra level of emphasis. We'll mention you specifically and generally as well. This is demonstrated in Surat al-Baqarah:

مَن كَانَ عَدُوًّا لِّلَّهِ وَمَلَائِكَتِهِ وَرُسُلِهِ وَجِبْرِيلَ وَمِيكَالَ فَإِنَّ اللَّهَ عَدُوٌّ لِّلْكَافِرِينَ
If anyone is an enemy of God, His angels and His messengers, of Gabriel and Michael, then God is certainly the enemy of such disbelievers.'
--[Quran 2:98]—

Hold on. Is this saying that Jibreel is not considered one of his angels? No. The mention of Jibreel is just an adding and raising of the *maqam* of Jibreel. Not only is he from the *mala'ikah*, he's mentioned on his own because he's extra special. This is something that the *mufassireen* discuss regularly and this is just an example of that.

أمَّا بعدُ
Amma ba'd.
Our translator called it 'to commence'. It just means *as for, after*. Meaning *as for what follows*, *as for now*.

فهذا مُخْتَصَرٌ في الفِقهِ

Fahaa-dha mukhtasarun fil fiqh. This is a *mukhtasar*. In English we've written summary. *Mukhtasar* in Arabic is really difficult to translate and here's an important lesson for all students of knowledge: when we see the word *mukhtasar* we think of the word summary as a translation and it's not such a bad translation. The problem is not in the translation but the problem is what we understand by the word summary. The word summary to us can be something that is short and leaves out a lot, has missed out on a lot of detail. In actual fact, the word *mukhtasar* in Arabic lexicons is used for abstract as well as excerpt. An abstract doesn't give you anything other than the lesson of the book or study. An excerpt only shows you like one page of a 1000 page document. This is all used in the concept of *mukhtasar* but we use summary because we're trying to get across to the English reader that this is still something of value.

When you're studying any Arabic term and dare I say in studying *any* foreign language, the number one rule is don't define the word according to your mother tongue. Don't define the word in English. Define the word in Arabic and learn the Arabic meaning of the word. So when I say *mukhtasar* means summary, immediately what enters your mind is a concept of what summary is, and that's a mistake. What I'm saying is learn *mukhtasar*, understand that it means summary, **but summary according to *shari'ah* means the following.** This is a rule across the board in *fiqh*, *deen*, *aqeedah* and as I said dare I say in other languages as well.

Sheikh Uthaymeen says:
قال العلماء: هو ما قل لفظه وكثر معناه.
The scholars have said, "it (a *mukhtasar*) is something which its words are few but its meaning is vast." I don't think that's what fits in our minds when we think of summary. That's what you need to understand. It means that which its wording is little-- greatly reduced from the original.
This *mukhtasar*could be covering like 6000 different issues. Some scholars say Zadl Mustaqni' covers more, some say less. There's no way someone in the English language looks at something which covers 6000 issues and says that's a summary. They'll say "what kind of summary are you looking at, son? The kind of summary that I know about takes 5 minutes, not 60 years" So *mukhtasar* is not about small words with magical meaning like some never-ending story where you open the book and it's like some tardis, no. It's a summary where you greatly reduce the amount of words and each word is chosen very specifically to encompass a lot of meaning. Which is why we're four weeks into this course and we're still on the fourth line of the introduction. Each word is heavy and requires explanation and context.

Fiqh – we talked about fiqh already so we'll just mention what Sheikh Uthaymeen says:
الفقة لغة: الفهم، ومنه قوله تعالى:
He says it literally means to understand. Allah SWT says in Surat al-Israa talking about the animals tweeting and chirping. You don't understand their*tasbeeh*. He uses the word fiqh in the ayah

وَلَٰكِن لَّا تَفْقَهُونَ تَسْبِيحَهُمْ
"…though you do not understand their praise:"
--[Quran 17:44]—

Allah SWT also mentions the people of Shu'ayb
قَالُوا يَا شُعَيْبُ مَا نَفْقَهُ كَثِيرًا مِّمَّا تَقُولُ
"They said, 'Shu'ayb, we do not understand much of what you say…"
--[Quran 11:91]--

Shu'ayb was trying to give them da'wah and they were trying to blag him. They knew what was going on but they were saying 'we don't know what you're talking about'. Anyway, practically speaking, fiqh is to have a knowledge of the rulings of Allah SWT-- that which is creedal and that which is practical.

لكن مراد المؤلف هنا: الفقه الاصطلاحي وهو:معرفة الأحكام العملية بأدلتها التفصيلية.
Sheikh Uthaymeen tries to argue against those people who say aqeedah is part of fiqh. If you remember the first lesson I told you fiqh is not aqeedah. The reason I say that to people is so people can relax around fiqh. So the sheikh says after some discussion, the more technical correct meaning of the word fiqh (he uses the phrase "al-fiqh al-istilaahee" which means "the technical meaning of fiqh") means *learning the practical rulings of the religion with their detailed evidences*. The reason that the practical, day-to-day aspects are talked about is because it cannot refer to aqeedah. Why can it not refer to aqeedah? It can't refer to aqeedah because aqeedah does not have flexibility. The word 'ilm is not used here, because in fiqh, 'ilm does not mean knowledge, it means *certain knowledge*. In fiqh when we talk about 'ilm it means <u>certain knowledge</u>. And fiqh by its very nature is full of certain knowledge and *dhann* (speculation). So scholars are trying their best to sort out what's this, what's that. There's some difference of opinion, some ijtihad going on, and so on. With aqeedah, of course that's not going to happen. This is what we believe about Allah SWT, this is what we believe about the Prophet SAAWS, and that's the end of the matter. There's no flexibility, and it must be with its evidences. A faqeeh (jurist) is only someon who understands that rulings with its evidences.

Also anyone who doesn't know the evidences can never be called a faqih or 'alim. So you just need to know that in the background. That makes everyone a muqallid. I am a follower of my teacher, and you are all followers of your own teachers. This is something that you all need to understand. You are by necessity a muqallid until you understand all the issues with their detailed evidences, and that's when you are at the level where you don't follow anyone. That doesn't even exist amongst our communities here.

Anyway he says
من مُقْنِعِ الإمامِ الْمُوَفَّقِ أبي مُحَمَّدٍ
This is a summary of Muqni'. Muqni' is the book that is authored by al-Muwaffaq. This is interesting you see, only the Quran is perfect. This book Sharh Mumti' has gone through a number of revisions. It's been listened to, transcribed, and this is the authenticated version but there's a big mistake in the middle. It's quite possible that the sheikh did say exactly what is written here. Remember I told you the sheikh never wrote this. He taught this and the people transcribed his lesson, and then they put the references in and created this book, 15 volumes of it. Now I see a mistake here. What I need to do is go back to the audio which I have at home and see whether it was Sheikh Uthaymeen who said

«و «مُقْنِع» اسم كتاب للموفّق رحمه الله، مؤلف «زاد المستقنع»

Which means *Muqni' is the name of the book that was written by al-Muwaffaq, referring to Ibn Qudamah (may Allah have mercy on him) the author of Zadl Mustaqni'*. But what do ***we*** know? We know that the author of Zadl Mustaqni' is al-Hajjawi. Is this a writing error? I don't think so. Is it a slip of the tongue by ibn Uthaymeen? I very much think so. Why have they included it? They included it to stick faithfully to the original. This is possible. But if they did that, that's not right, They should have put a footnote saying "the sheikh meant to say the author of Muqni' and not Zadl Mustaqni'"

That reminds me—the reason why I bigged up the surprise that the video will be available in 20 minutes after we close the lesson is because I don't do that normally. I am loathe to put up audios and recordings because I, as anyone else, makes loads of mistakes when I'm speaking quickly. Like last week, people were saying that I said the du'aa *laa uhsi thana'an 'alayka anta kamaa athnayta 'ala nafsik* was from the Quran. I can't remember saying that but maybe if you go back to the video I did say that. Of course I didn't mean that because it's not a du'aa from the Quran, it's a du'aa from the Prophet SAAWS that he taught us. But the transcribed notes say it's in the Quran. Now I don't know if that's a mistake on the part of the transcriber or if it's me, and it's most likely me. That's why I'm saying it's not good to put up the video immediately because we like to go back and check it and edit it so we don't cause other people to slip up on mistakes. We (PG) have decided as a *shura* that we will put up the recordings, but you need to know that as a warning or disclaimer. Please check anything that sits out to you or might be wrong.

Anyway, this is a summary of al-Muqni' of al-Imam al-Muwaffaq. The word *imam* means leader. Sheikh Uthaymeen takes a good opportunity here to have a little diss at the word *imam*. He says this is a bit of an exaggeration. He says Muwaffaq ad-Deen is a good scholar but is he an *imam*? Imam is a statement we use for Imam Ahmad, Imam Abu Hanifa, Imam ash-Shafi'i. Imam is a huge *maqam*. It's a huge status to call someone an imam. We have imams of the masjid, but that's a technical meaning. When you're using *imam* like a *fadl* to raise the status of someone, you have to be careful. SubhanAllah sheikh Uthaymeen says of course he's an imam in his time, but don't misunderstand that the fact that we're calling him imam-- don't you think he's like Imam Ahmad. What I find very interesting about this is that he's making that point about ibn Qudama. What about today? We call all kinds of people imam fulan, imam this and that. They're not imams of the masjid. If they're the imam of the masjid, that's fair because it's a technical description. But there are some kinds of speakers who have the title Imam so-and-so. This is a symptom of a greater problem. Everyone who teaches is sheikh, imam, mufti, etc. There's some guy who goes by Sheikh al-Islam and he was dancing at some Christmas party or something. That's just generally, but even myself - I'm not a sheikh at all. I can tell you that in the West there are no shuyoukh that are born in the West. If you come across anyone who speaks like I do, you know immediately that he's not a sheikh. Anyone who speaks English this fluently means he was born in the West and there are no *shuyoukh* in the West, as far as I know. Except maybe one or two and I don't want to mention them. If we have any scholars in the West, it's because they were born abroad and memorized Quran while they were still young, studied Arabic, hadith, etc. All the rest of us are teachers.

But we get called imams and shuyoukh and this is the nomenclature of the da'wah. It's a problem and

we didn't do enough to stop it when it started and now it's not possible to get out of it. All of our colleagues are respected people, but all of us are *du'aat* (*callers*) at best. I don't even believe I'm a*teacher*. To go to the level of *Ustadh* is something great, it's a big maqam. I'm a student of knowledge. I've been studying now for a long time with my teacher and that qualifies me from my teacher to teach what he has taught me. According to the laypeople, that means he's a leader, sheikh, XYZ. That's a problem. How big of a problem is it? Is it the end of the world? No, it's not. It's not the end of the world, it just needs to be known and kept in context.

On a serious note *Al muwaffaq* the word comes from waffaqa yuwaffequ ya'ni the one who has been given blessed ability. You know when you hear 'O Allah give me tawfeeq'? The word tawfeeq is best translated as divine ability, special permission, guidance and ability to do something. The one who is given tawfeeq is muwaffaq. Allah is muwaff**iq** who gives tawfeeq and the one who receives it is muwaff**aq**. This may be a bit of an exaggeration and the scholars didn't like that, like ibn Taymiyya was called *Taqiuddin* and Imam an-Nawawi used to hate being called *muhyi ad-deen*, the reviver of the religion.

His book is called Muqni'. Sheikh Uthaymeen gives a rundown of this, he explains that Muqni' is a midlevel book.

والمقنع": كتاب متوسط يذكر فيه مؤلفه القولين، والروايتين، والوجهين، والاحتمالين في المذهب، ولكن بدون ذكر الأدلة أو التعليل إلا نادرا.
In muqni the author will mention the two statements, the two different narrations, the two possible outcomes in the madhab but he will not mention any evidences at all.

وله كتاب فوقه إسمه "الكافي" يذكر القولين، والروايتين، أو الوجهين في المذهب، أو الاحتمالين، ولكنه يذكر الدليل التعليل، إلا أنه لا يخرج عن مذهب أحمد.
He has a book that is higher than that called al-Kafi, in which he does mention the two statements and narrations. Remember, we discussed this. With Imam Ahmad, there's all these differences among the students. He will mention the evidences but he will never leave the madhab.

وله كتاب فوق ذلك هو "المغني"، فقه مقارن يذكر القولين، والروايتين عن الإمام أحمد وغيره من علامة السلف الخلف.
As for mughni that will be a discussion of fiqh from the different madhabs and he'll mention all of the statements of the scholars and the imams of the salaf and so on.

وله كتاب "العمده في الفقه" وهو مختصر على قول واحد، لكنه يذكر الأدلة مع الأحكام.
Then right at the very beginning before Muqni' is al-'Umdah. Which discusses basic opinions and basic evidences.

So the next part in Zadl Mustaqni' is
، على قولٍ واحدٍ
'Ala qawlin waahidin meaning that because this is a summary we don't have time to say there are two opinions from Imam Ahmad, we're just going to mention the main opinion.

وهو الراجِحُ في مَذْهَبِ أحمدَ

And it is the preponderant opinion. The *raajih* means the heavier and more evidence-based opinion. That shows you that Imam Ahmad might have said 3 things and it's the responsibility of others to go through these statements, compare them with the evidences and then choose for themselves, that's the *raajih*. That's why this *mukhtasar* Zadl Mustaqni' is a summary of Muqni' restricted to one statement only which is the strongest of the available positions in the madhab of imam ahmad. What's a madhab? Madhhab is the place that one goes to in a journey but technically speaking,

وفي الاصطلاح: مذهب الشخص: ما قاله المجتهد بدليل، ومات قائلا به، فلو تغير قوله فمذهبه الأخير

it is the position of a person, what a mujtahid said with his evidences and what he died upon while saying that. That is what a madhab is. If people change the opinion after he dies, it is not then his madhab. It becomes their madhab. That's so important because when you hear the statement 'according to the madhab of Imam Ahmad' this has two meanings

1. According to the opinion of the madhab of Imam Ahmad himself (madhaab ash-shakhsi), or
2. Or according to al-Madhab al-istilaahi, then the meaning is that this is the opinion of the madhab itself technically.

As I said to you before, often the Imam will say three statements and choose one but we don'T know which on he chose, and hundreds of years later they chose one of the three, made it the official position of the madhab that might not even be the same as his position.

The one who has this most is the Hanafi madhab. When you look at the Hanafi madhab and compare it to the related opinions of Imam Abu Hanifa himself, it's like looking at two parallel universes. This is a reminder that the word madhab has to be specified.

Then he says

وربما حذفت منه مسائل نادرة الوقوع، وزدت ما على مثله يعتمد؛

Meaning I have hopefully removed issues that rarely occur and I have added what is relied upon. There are some things in Muqni' which he had to leave out and some things which were not in Muqni' that he had to add because they are important, but when he's added them he hasn't just given his opinion. They are the established opinion of the madhab but taken from other sources. With respect to other opinions and texts, there do exist other texts. Muwafffaq ad-Deen wasn't the only person and al-Hajjawi was the only person. Many other scholars wrote their own summaries.

إذا الهمم قد قصرت، والأسباب المثبطة عن نيل المراد قد كثرت.

This is really interesting: Al-Hajjawi is writing this around 930 AH, he said the reason we've made it small, straightforward and simple is because aspirations have lowered and reasons which preoccupy from reaching the goal have become numerous. That was then. That's 500 odd years ago. He's saying they had to cut it down because the *himma* (I have a lecture about this if you want to hear more about *himma*, it's called Raising the Game)*Himma* is what you find important. The *himam*, the important things that people should consider, their aspirations, have been lowered, people don't have that high aspiration anymore. Basically, people have become lazy, is what he's trying to say.

This was before Facebook and Twitter. SubhanAllah can you believe that? The reasons which are now taking you away from the objective have become many. We are now becoming so stimulated by all this information, entertainment, and updates it's all insane. People can't focus anymore. Everything is now bite-sized in media. That's my critique on the social side. Let's take a look at the reality of classes. For the last 10 years I've been teaching. Back in those days there wasn't even a supported concept of double weekend study, weekend study or one-day study. They'd laugh at you and ask you what you're talking about.

Those days, it used to be one month intensives and retreats. You used to go away to study. As people then started to find themselves with more things to do and become more busy, they started to come up with excuses. The market had to change to support them. It started off with week-long classes. That only survived for so long until people couldn't handle it, so it became double weekends. Now with double weekends people are kind of keeping up but also kind of struggling. So now we have single weekends. Some people are still trying to keep up with single weekends and they'Re struggling. Then we have one-day programs, which people seem to be okay with. Then they found that it was even better to take a one hour class. Then people realize that trying to write a couple pages is no good, so we need to now bringit down to two paragraphs on Facebook. Then people realize that that's not good either, so it now has to be 140 characters, and that is my deen.

That's what people do nowadays. They stay online day and night, don't pick up a book to read anything, they don't read 10 pages of Quran a day but they will spend the whole day on Twitter and they will think to themselves at the end of the day 'that was a good day'. You see how the *himam qad qasurat* (the aspirations have fallen)? Think about that.

Sheikh Uthaymeen says that people have to seek the help of Allah SWT. That's why I like to start with the du'aa *Allahumma a'inna 'ala dhikrika wa shukrika wa husni 'ibadatik.* O Allah, help me in this to get the worship of You done properly so I don't fall behind or become someone who only focuses on status updates. I want to be able to put the time in. Sheikh Uthaymeen says

والذنوب من أكبر العوائق
the biggest hindrance to block the path to studying, knowledge, learning and memorizing is our sins. Allah SWT says

ۖ فَإِن تَوَلَّوْا فَاعْلَمْ أَنَّمَا يُرِيدُ اللَّهُ أَن يُصِيبَهُم بِبَعْضِ ذُنُوبِهِمْ
If they turn away, remember that God intends to punish them for some of the sins they have committed:
--[Quran 5:49]--

If the people turn away from what is right and good then you should know that only Allah SWT wanted to trial them with their sins.

ۖ بَلْ ۜ رَانَ عَلَىٰ قُلُوبِهِم مَّا كَانُوا يَكْسِبُونَ كَلَّا

No indeed! Their hearts are encrusted with what they have done.
--[Quran 83:14]--

The covering that we have put over their hearts because of what they used to do. The heart cant see, think, or reflect anymore. This is a very serious reminder. He mentioned something else: that even the scholars at the highest level when theyre about to give a ruling, they should seek *istighfar* first. There's always a possibility of sin blocking them from the truth, from seeing the *haqq* properly. This is a beautiful point from Sheikh Uthaymeen. Everyone here, if you're having trouble keeping up its because of you and no one else. Don't blame anything or anyone else. Your sins will be the main reason that you're being blocked from the *barakah*.

Anyway he goes on to say
ومع صغر حجمه حوى ما يغني عن التطويل
despite its small size, what it does include, frees need of lengthiness. There is another (similar small) book that Sheikh Uthaymeen mentions, but he says it's (Zad#l-Mustaqni') is better than that other book called *Daleel al-Talib* written by Imam al-Mar'i *rahmat Allah 'alayh* who died in the year 1033 AH.He wrote *Daleel al-Talib* which is his *mukhtasar* of a book called *Muntaha al-Iradaat* written by a scholar called Ibn an-Najjaar who died in 972AH. That book itself was a version of Muqni', just illustrating to you there are other texts out there, and this (i.e. Zad'l-Mustaqni') is more collected (i.e. comprehensive) as Sheikh Uthaymeen says, whereas the other (*Daleel al-Talib*) is better in its ordering and systematic layout. In a weekend class, we'll put out tables for you laying out six *arkaan*, five *wajibaat*, four *sunan*, etc. It's in a nice modern way to learn and that's what *Daleel al-Talib* does. *Zadl Mustaqni'* doesn't do anything like that. It just puts it out and you take it and if you don't understand it, tough. So it's bigger and better but *Daleel al-Talib* is better arranged.

ولا حول ولا قوة إلا بالله
Wa la hawla wa la quwwata illa billah. This is a phrase that we hear all the time and I think 90% of the people who use it are using it in the wrong way. It means there can be no change in circumstance and there is no might except by the permission of Allah SWT. Nothing happens except by the will of Allah. It's a statement of submission and happiness. Key lesson to go away with: it's a praise and dhikr, not something to be said in a sad circumstance.*Inna lillah wa inna ilayhi raji'oun*. This is not a statement which is restricted to someone dying. You know a sunnah is messed up based upon its impact when someone trips and cuts himself and says that and the reaction is "what happened? Who died?" We need to increase that statement for bad things, and we must remove from our vocabulary the statement of *la hawla wa la quwwata illa billah* when there's a problem.

وهو حسبنا، ونعم الوكيل.
Wa huwwa hasbuna (Allah is sufficient for us) Anyone who knows this religion and knows when you are lonely, there's now this statement which has become very common amongst the Muslims: He who has no one has Allah. It's a beautiful statement and if you really understand that, that's why He is*hasbuna wa ni'ma al wakeel*. Wakeel means agent, friend, or the one you trust to deal with your affairs.

الَّذِينَ قَالَ لَهُمُ النَّاسُ إِنَّ النَّاسَ قَدْ جَمَعُوا لَكُمْ فَاخْشَوْهُمْ فَزَادَهُمْ إِيمَانًا وَقَالُوا حَسْبُنَا اللَّهُ وَنِعْمَ الْوَكِيلُ
Those whose faith only increased when people said, 'Fear your enemy: they have amassed a great army against you,' and who replied, 'God is enough for us: He is the best protector,'
--[Quran 3:173]--

Allah SWT describes the people who when they are in trouble they say Allah is sufficient for us, he is the best of friends and supporters, and that was of course also said by Sayyidna Ibrahim '*alayhi as-salaat wa as-salam*, when he was being thrown into a fire [i.e. a pit dug up by his enemies], and what happened then? He was alive and the fire turned cold, Allahu akbar. That is the tawakkul and that is who Allah is. La hawla wa la quwwata illa billah, this is what we say when we hear good news.

We want to create some noise for a petition for Shaker Aamer. The brother needs some support and there's a e-petition going around so you can visitwww.freeshaker.com

Subhaanak Allahumma wa bihamdik ash-hadu anna la ilaha illa ant, astaghfiruka wa atooboo ilayk

Bismillah ar-Rahman ar-Raheem
Alhamdulillah rabb al-'alameen
Allahumma salli wa sallim 'ala nabiyyiina Muhammad wa 'ala aalihi wa sahbihi ajma'een
Allahumma la sahla illa ma ja'altahu sahla wa anta taj'alu al-hizn idha shi'ta sahla
Allahumma a'inna 'ala dhikrika wa shukrika wa husni 'ibadatik ya rabb alkareem

Today is good because not only do we start the text, but it has come in early enough—I had a feeling that we could be hanging around on the introduction for months as opposed to weeks so we rushed it so that it only lasts four weeks. SubhanAllah without any exaggeration we could have spent the content of last week's *dars* that could have been easily spread out another four extra weeks, definitely. I was only really focusing on *Sheikh Uthaymeen*'s piece. I didn't really involve some of the *fiqh* of *Ibn Qudama* and some of his statements, I didn't include some of the comments of *Sheikh Muhammad alMukhtar alShinqitee* (*hafidhahu Allahu ta'ala*) because we wanted to start the text.

Another important reason why I wanted to get in is that everyone needs to see what the class really is. At this moment in time, I'm telling you, you have no idea what the class actually is. So far it's been a lecture with a little bit of interplay and a joke here and there. That's all it's been, is one-way traffic. The idea of this class is to be a normal class, and for you to be normal students.

Have you ever heard my theory on teaching style? *Abu Haneefa* vs. *Imam Malik*. My sheikh told me about this and I believe him because I've seen it in my life. I think that when it comes to teaching from the Islamic point of view, you can take teaching styles back to two *imams*: Imam Abu Haneefa (rahmat Allah 'alayh) and Imam Malik ibn Anas (rahmat Allah 'alayh). I call it Malik style and Abu Haneefa style.

The Malik style is best described as very strict and to the point. No one puts their hand up and no comments are entertained. You are not given text, you are just narrated to, and that's it. If you're lucky, there will be a defined, very controlled Q&A at the end via senior students, who vet the questions and regulate the discussion. You will all have teachers like that. Even in your secular studies, I'm sure you've come across those who don't like being interrupted, and raised hands mean nothing to them. I've certainly had my fair share and the one that has impacted me the most was—back in the 90s when I was studying with Sheikh Abdullah al-Judai, who is a scholar in hadith and a local to this area. SubhanAllah back then in the 90s until a few years back, which was the last time I took a class with him, he's stayed exactly the same. He hasn't changed one little bit. That's his system, and he will tell you 'be quiet'. At the end, there's no fluffing about. He doesn't like his flow to be broken.

The other style is Abu Haneefa style, and it's clear because of the name of his students. They're not even called students, they're called his ashaab (companions). If you look at Imam Muhammad, Qadhi Abu Yusuf, Imam az-Zuffar you see these three key mujtahideen who are the highest possible quality of scholar - those that are quite worthy of giving ijtihad and having their own madhhab (indeed it can be argued that they have their own madhahib) and if you study their books of ahkam and fattawa you will see how they differ with their sheikh, but they're still not called his students although blatantly, they are. They're called his companions because the way Abu Haneefa used to teach. "Right, guys, here's the

issue today, what do you say?" Man speaks up and puts his idea forward, and he goes "Yeah, what about this? Have you thought about that?" They chat, refute, talk back and forth. It's a much more involved process of learning. The others are getting involved. Obviously it's being conducted at a certain high level but it's much more interactive.

It's pretty clear that I love that approach. It's how I studied and it's how I learned my religion. My main teacher for all these years - Sheikh Kehlan, that is his system. That is the way he taught me back in the 90s and until now, it's what you see. "What do you think?" You have your go, make your statement. That's because the Sheikh is more interested in developing people and creating future leaders. The biggest thing wallahi he's obsessed with one thing: he wants people to think for themselves. That's one thing that he taught me, and that's the reason why we're studying this text and that's the reason we're studying this kind of commentary. I told you before in the introduction that Zadl Mustaqni' has much more of an authoritative, Hanbali, authentic commentary. Rawdh Al-Murbi', we said, is the top one but the reason we're not using that is because Sheikh Uthaymeen does the same. He also wants you to think. He doesn't care whether you take his opinion or not. He wants you to think for yourself and he wants you to bring fiqh to life. Of course there is an associated side effect because when you bring what you study to life, You start to bring the religion to life in yourself. The religions itself doesn't become some sort of difficult stressful experience, so some of the most boring topics can become quite interesting and quite exciting and allows you to express yourself as long as you know your boundaries. You have to know your boundaries and your limits. As we mentioned in the first two lessons, there is a danger in this approach. You can start going crazy and getting ahead of yourself thinking you're something special when you're not. You might think you're authorized to discuss and criticize people when you're not. It is a skill. What will be interesting is how we show the requisite adab to the scholars when we discuss their opinions.

We're not worthy of being the dirt underneath their shoes. How can we say Abu Haneefa said this but we prefer the statement of Malik? Who am I to say I prefer something over Abu Haneefa? Abu Haneefa is a mountain. He is the Mount Everest of fiqh. There's nothing above Abu Haneefa in fiqh. So how can I say that? I can say that because I have Imam Malik and Imam Shafi'I who have differed with him and given their evidences. It's not from me, it's not Sheikh Uthaymeen, and it's not Ibn Taymiyya. It's not individuals. The issue is about evidences and reflection, as long as we keep within the boundaries. We're going to definitely adopt this system. In fact, if you've taken any class with me and as you know in the AlMaghrib system, you will know that's my way. I like to keep it open. So now you don't feel uncomfortable interrupting. Interrupting with a raised hand is fine. If you have a question, didn't hear something, this is what it's about now. Now the flow is broken. What you saw in the first four was just quality lecture where everyone was just listening. Now it's a class. Now we're using the text and we're now going to mix it up, and you have to get used to it. This is how the class will now slow down.

You have the new set of notes which are a little bit different than the first part. I've called this second set 'The Book of Purification' even though the next four or five sets of notes are all still the Book of Purification. It's the over-arching chapter and the next ones are going to be by sub-sections. This is a little different than the first one because I didn't mess about in the first one. I just left it as the American

translator had translated it. This one, I edited quite heavily. So this is no longer his quite his translation per se. That's just a point of reference for you in case you have access to the original and see that it's quite different.

So it starts **كتابُ الطهارةِ, The Book Of Purification**

Before we move on to the first line, Sheikh Uthaymeen spends some time and explain to you what is the system of fiqh when you open up something in this way, by using the word 'book'. Why do you use the word kitaab?

On page 25, he says
قوله: "كتاب"، فعال بمعنى مفعول:أي مكتوب.
When we say *fi'aal bi ma'na maf'ool*, what he's talking about is the *wazan*(form). Arabic verbs take differing forms and you have a number of forms, the straightforward 8 forms and extra ones as well that are rare particularities of the language. Fa'ala (فعل), faa'ala (فاعل), af'ala (أفعل), tafa'ala (تفعلى), these are the verbal forms but also the nouns themselves take forms as well. Fi'aal (فعال) is the form. If you replace fa'ala (فعل) which is fi'al with kataba, it becomes kitaab. It's like a pattern. The template is fi'aal. Once you've got that template, you can put any verb and make the corresponding version.

The word kitab comes from kataba, which means to write. When you put it into the form of fi'aal, it turns into kitaab. What does fi'aal mean? Fi'aal means maf'ool. What does maf'ool mean? It means that which the action has been done to. Daraba means to slap/beat. If I am the daarib (the one who hits), and I did daraba (the action), and the miskeen who gets slapped down is called the madroob. It fits the pattern of maf'oul. Kataba the kitab meaning maktoob, that which is written. Whenever you see the word kitab it is referring to by meaning that which is written about a subject.

والطهارة لغة: النظافة :يعني:هذا مكتوب في الطهارة .
The sheikh says linguistically, it means cleanliness (nadhaafa). So what does taharah mean in linguistic terms? it means cleanliness, except that linguistically is not good enough. Remember what we said in the first opening lessons? When you study fiqh, There's a very clear and orderly fashion in how you study fiqh. You have to understand the word you're about to look at, then understand its linguistic meaning, and then give it its actual, technical meaning.

That's why the sheikh says
وفي الشرع: تطلق على معنين:
In the shar', meaning technically or islamically speaking, it has two basic meanings: the first is the most important. This is fiqh/law, it's not supposed to be tear-jerking, heartstring-pulling, or make you scream and cry your eyes out. This is fiqh, this is learning the DOs and the DON'Ts. It can be quite dry and we shouldn't be ashamed about that. That's the way it is. Don't expect to be hearing lots of spiritual benefits and such. We will try, of course. We will wring this beast whenever we can find some kind of softness and happiness. We'll even try to make it up if we have to. That's why we keep chucking in the Liverpool jokes.

When the subject is so dry, whenever we get the opportunity we'll grab it. Here is us grabbing an opportunity. We don'T talk about here that we should purify ourselves for Allah, according to the way of the Prophet SAAWS because when books of fiqh are written, it's already assumed that the reader is doing this for the sake of Allah SWT, according to the Sunnah. It's assumed that they are already practicing Muslims. It can't waste time on that. Still, Sheikh Uthaymeen says the first type of purification is a spiritual purification.
الأول: أصل، وهو طهارة القلب من الشرك في عبادة الله،
It is purification of the heart from worshipping other than Allah SWT.

والغل والبغضاء لعباد الله المؤمنين، وهي أهم من الشرك في عبادة الله، بل لا يمكن أن تقوم طهارة البدن مع وجود نجس الشرك،:
Not just this, it is the purification of the heart from jealousy, envy, hate, anger, excessive love or materialism. All of these things which if they exist in the heart of a person, they can reach such a damaging level that the person loses his Islam and his eman completely. Therefore the purification of the body doesn't matter one little bit.

A classic example are non-Muslims. Allah SWT in Surat at-Tawbah says
إِنَّمَا الْمُشْرِكُونَ نَجَسٌ
"those who ascribe partners to God are truly unclean" (excerpted)
–[Quran 9:28]—

Those who direct their love, worship and respect (which is deserving only to Allah) to other than Allah are impure. What does this mean? Does this mean they are dirty or filthy? It's clearly not referring to them physically. It is referring to their belief or creed (i'tiqaad). It's as filthy/dark as it gets.

Here's something else that's interesting: the use of the word of colour. A lot of people who are not very strong in their eman or don't study Qur'an well don't have this understanding of white and black. They always think of it in a racial sense. To be politically correct, you don't use these words in discourse. In the Quran, Allah SWT uses the word black for bad and white for good. Black is for dirt and white is for clean in the Sunnah, that's how it's generally understood. That's something that is completely removed from skin colour or the colour of something like an object. Rather, it's talking about lack of light and awareness of light.

White is convenient in that it reflects light and it's bright. Black is the convenient colour of darkness. If a heart is black, and the Prophet SAAWS said that the heart can go black and the white spots are the remaining alive parts, he used the colour. When the heart is getting sealed, what's it getting sealed from? It's being sealed from the noor of Allah SWT and the guidance. So when the heart is sealed from raan, as Allah SWT mentions in the Qur'an, there's no light going in and therefore the inside is dark.

Luqman said about shirk that it is a *dhulm 'adheem*. The word dhulm means oppression, also meaning darkness. Dhulm (oppression) is dark, and guidance/happiness is light. The Prophet SAAWS and his way is light. It's very interesting to divorce black and white from the racial undertone and to understand it

from the point of view of guidance and lack of guidance, oppression and justice, etc.

Taharah is, as an asl (in principle), a spiritual condition. Therefore it is very important for you to understand that you are here studying and that's great. But purifying your heart from *'amrad qalbiya* (diseases of the heart) should be done all the time. When you see the miracles of Allah SWT and different things, you will say subhanAllah and astaghfirAlllah. These are adhkaar. This dhikr cleans the heart. It's very important that you focus on that.

That's the asl, the sheikh says. This is usooli terms (scholarly terms for the principles behind fiqh). Asl is to usool what far' is to furoo'. Asl is the trunk or the root. It's what we call in legal terms, the primary. The secondary is the far' or the furoo' which are like the branches. The original key issue is like the trunk and the secondary matters are then branched off. In terms of importance, the branches, twigs and leaves are never as important as the trunk. So what's purification in day-to-day terms? It is the actual purification that we all understand – cleanliness

Sheikh Muhammad alMukhtar AlShinqitee says: "It is the cleanliness and the removal of anything dirty from oneself or one place." That is purification. Cleanliness is not the same as purification. When we're studying fiqh we can't be lazy. If you hear me be lazy in words, you should say "hold on, are you sure?" Because you can't be lazy when you're teaching fiqh, you've got to be on it all the time. Normally we use cleanliness and purification are the same thing. But something which is clean is not necessarily pure.

Who can think of an example? Dust is an example, but it's too good an example because it's an example which you would not have worked out by yourself. Dust is not clean according to the cultural understanding of what clean means, but it purifies, and it's pure. If Allah had never told you that, would you have thought that? It's not something which you could assume.

Soap is a very good, technical example. Certain soaps are completely unsavoury and non-pure chemicals, but when it comes to cleaning, it will clean it to the max. It will clean something so much that it will start to take away layers and over-clean.

He then says
وهي ارتفاعُ الْحَدَثِ وما في معناه وزوالُ الْخَبَثِ.

Purification is lifting ritual impurity or matters similar to it, and removing filth.
This is not a word-for-word translation. If you look at the Arabic it says 'and she is' (**وهي**). What is the referring to? 'She is' means 'it is' and 'it is' is referring to taharah. For those who are studying Arabic, when you see the feminine being used here, immediately you should think to go back to the last feminine word that is being used. When you go back you can see that there are only two words there - kitaab and taharah. Kitab isn't the case. Tahara, easily immediately recognizable as a feminine word because it has a taa marboota (ة) at the end, therefore the *hiya* is referring to it.

Purification has been defined as two aspects:

One aspect is the lifting of ritual impurity. What is ritual impurity? The word in Arabic is hadath. Sheikh Uthaymeen says something which is honestly quite a poor way of putting it if you compare it to other scholars. Sheikh Muhammad alMukhtar alShinqitee said that some of the scholars said it is
صفة حكمية توجب لموصوفها جواز استباحة الصلاة به أوفيه أو له
"It is that characteristic (which cannot necessarily be determined by the naked eye) that establishes the permissibility of prayer, be it via the person, what they're wearing, or the place they are praying in."

Prayer is what's being used as the yardstick. i.e. hadath (ritual impurity) is anything which is going to block you praying, from a purification point of view.
Why is it that we start talking about purification? Because this is law, and in law we talk about how to and how not to worship Allah SWT ('ibadah), and the most emphasized and best form of 'ibadah is salah without any doubt. Because you can't pray without fulfilling the conditions, we need to know what the conditions are. Therefore we find out that one of the conditions is purification. Purification, itself, is a process. We need to know how to purify. The first thing that we know is used to purify is water. That is why all the books of fiqh focus on opening with water.

Sheikh Uthaymeen says:
مثاله: رجل بال واستنجى، ثم توضأ. فكان حين بوله لا يستطيع أن يصلي،
For example, there's a man who urinated and does istinjaa (washes his private parts) then he makes wudoo. When he is urinating, he is not able to pray.

فلما توضأ أرتفع الحدث
But, when he finishes his wudoo, the ***state*** of ritual impurity...

Hadath is not a physical thing. It's a **state**, that's why they use the word ritual. Ritual is a translated term, by the way. We should just say impurity or blockage to salah. If we say blockage to salah, it wouldn't make sense. If we say impurity, people would think of dirt. We add 'ritual' to make it clear to you that we're talking about something you can't see.

If I go to the toilet, I could use a number of chemicals to clean myself and I could come out from going to the toilet 100 times cleaner than I was from before going to the toilet, but that still hasn't lifted my state of uncleanliness.

Some people might have gone to the toilet and they're now about to make wudoo'. They make their wudoo' and they don't use soap. This is because the person didn't understand that wudoo' is not there to clean you. They joke at non-Muslims and say they're dirty, they don't wash their hands and that we wash our hands and faces five times a day. That means absolutely nothing.

A person can come and wash their hands in alcohol, and he'll be twenty times cleaner than you are. When you go to the hospital, they haven't got soap and water to wash with. They have alcohol spray because that's going to disinfect and sterilize your hands a lot more than water.
Wudoo' is not about making yourself febreze fresh. That's why a lot of people don't understand that a

person can make wudoo’ and come out without being soaked. When you’re young, your parents tell you to go make wudoo’ for salah. From the parents’ pointof view, because of our culture, if they don’t see you come out completely soaking, you didn’t really do wudoo’ at all. For them, wudoo’ means cleansing, cleaning, and drowning. Wudoo’ has nothing to do with that. Wudoo’ is a process.

When we come to the section about wudoo’ and we demonstrate it, you’ll see why it’s an act of ibadah and how you will spiritually feel your wudoo’. The focus is not about the water, it’s about the process. So when you get a little bit of water and you’re rubbing your hand, staying conscient of reaching all the parts, realizing you’re doing this for Allah SWT, and remembering that the Prophet SAAWS said that certain companions of mine will be seen because extra parts of their body will be shining white from their wudoo’, your focus is there as opposed to just dunking your hand under the running water.There are two whole different parallel universes when it comes to the approach of wudoo’. It’s important to understand that as a concept. We’re lifting a state of ritual impurity.

I could come out of the shower completely clean and someone could say to me, “sorry mate you’re not ready for salah”. I could have been as clean as I could possibly be, but I’m not ready for salah because I didn’t have the intention and/or I didn’t do it the right way. That’s why we add the word ‘ritual’, to focus on the spiritual aspect.

He then says:
فيستطيع بذلك أن يصلي لزوال الوصف المانع من الصلاة.
A person is then able to pray because he has removed the blocking of him praying.

He removed the hadath (ritual impurity). What are the things which cause ritual impurity? Some examples are: going to the toilet, urinating, defecating, passing of wind, passing of excessive amounts of blood, madhee (prostatic fluid), according to some scholars eating camel meat, these are the things which are creating a state of hadath.

There’s 2 types of ritual impurity: small and big.
Small ritual impurity is what we just mentioned – urination, defecation, passing of prostatic fluid, he passing of blood, etc.
Major hadath: menstruation, the period after giving birth (nifaas), marital relations, etc.

Minor hadath obligates wudoo’, and major hadath obligates ghusl, the complete bath.

Then the author says **وما في معناه** , meaning ‘and those matters which are similar to it’.Similar to what? What do you think he’s referring to? The sheikh says
الضمير يعود على "ارتفاع"، لا على الحدث.
It’s referring to the raising, the irtifaa’, the lifting and getting rid of the state of ritual impurity. The dameer, the pronoun ‘it’ (in our English translation) is referring back to the lifting of the state.

What does that mean? He says

أي: وما في معنى ارتفاع الحدث، فلا يكون فيها ارتفاع حدث، ولكن فيها معناه
مثاله: غسل اليدين بعد القيام من نوم الليل، فهذا واجب، ويسمى طهارة، وليس بحدث؛ لإنه لا يرتفع به الحدث، فلو غسلت الأيدي ما جازت الصلاة.

So he gives a couple of examples. He says for example, washing the hands when you get up from the night-time. It is an obligation to wash one's hands as the first thing that you do when you wake up from your sleep. I don't mean you have to jump straight out of bed and wash your hands. I mean that it is the first thing that needs to be done before you do anything of any value, like any act of ibadah.

وأيضا لو جدد رجل وضوءه، أي توضأ وهو على وضوء، فلا يكون فيه ارتفاع للحدث مع أنه يسمى طهارة؛ لإنه في معنى ارتفاع الحدث.

Another example: If a person wants to renew his wudoo, this is a sunnah, something which is recommended. Is that lifting hadath? Also, the first example of washing the hands once we've woken up - is that lifting a ritual state of impurity? It's not. When you make your wudoo' again, is that wudoo' lifting a state of hadath? No it's not, because you already did that. The first obligatory wudoo that you did already lifted the state of hadath, so that state has gone. The second time that you make wudoo' is not lifting the state of hadath. Do we still call it taharah? Yes we do. Because we still call it taharah, we have to create this second category of action. Because therefore now we understand that it's not just irtifaa' al-hadath.

When you wake up from sleep, do you need to make wudoo'? Do you make the small purification or the big purification? You make the small purification, just wudoo'. The sunnah as the companions used to do all the time is to make wudoo for every salah, this is a mustahab (beloved) action. So they would make wudoo' for dhuhr, for example, but they're already in a state of wudoo'. Is the second one also called wudoo'? Of course it is. But it's called wudoo' an-naafila, since it's an additional/extra one. It's still called wudoo'. Sleep does not create hadath. The reason we make wudoo' after you wake up from sleep is because the sleep is the place where hadath could occur. We make wudoo' after going to sleep not because it is a state of hadaath.

So far you've seen two separate categories:
- Urination, going to toilet, omitting prostatic fluid, xyz; these are clear physical things that happen and obligate wudoo'
- Then you've got this second category of action which something happens, but nothing comes out yet you still have to do wudoo'

(1) My intentional act to make wudoo' again, (2) I wake up from sleep and nothing happened but because it could possibly have happened and it is more likely that things have happened, then I'm going to make wudoo' again.

I'll give another example: (3) According to a number of scholars, and there are hadith that support this: When you wash a dead body, there are a number of scholars that obligate not just wudoo', some even said ghusl. Did washing the body create a state of ritual impurity? No. None of them said that the wudoo' or ghusl is because of a state of impurity. They said it is a hukm (a direct order) as opposed to

you doing it because of a specific reason. This is important. What I'm talking about here is to identify the underlying reason (the 'illah).

When we are doing this extra ghusl, I've now just had a bath, I've prayed and I'm now going to help out washing a dead body. I am absolutely pure and clean. We wash this dead body and now our mashayakh say you have to go do wudoo' and ghusl. Is it because the body was impure? No. The Prophet SAAWS said that the believer is never impure, neither physically or spiritually. Have I done an impure action? No. What's going on is that according to the scholars, it is because Allah SWT wants me to make wudoo', not because of ritual impurity. Like the sleep, it's not because of ritual impurity. It's also like the second time that I'm making my wudoo.

So what's in common between these three scenarios? There's no hadath involved, yet all three of them are all still called purification (tahara). It's like eating camel meat. Those who follow the opinion of eating camel meat don't say that eating it makes you ritually impure. They are saying that you have to make wudoo' for every time you eat camel. The reason is in the camel meat, it's not in that you have become impure. It's important for us to differentiate the actual reasons.

Sheikh Uthaymeen gives another example:
أيضا: صاحب سلس البول لو توضأ من البول ليصلي، فيكون هذا الوضوء حصل به معنى ارتفاع الحدث؛ لأن البول لم يزل.
Also, the one who has urinary incontinence, he does wudoo so that he can pray.
Is this wudoo lifting his state of ritual impurity? He's still passing urine. It can't be lifting his state of ritual impurity because he's still passing urine. Therefore this is of that second type i.e. it is of those matters in which the wudoo' has to be done to allow him to pray, but only to allow him to pray. It hasn't lifted the state of ritual impurity.

Q: When a person goes to sleep, you're saying he should make wudoo even though there's no proof of the physical impurity, or the physical act being done to create the state of hadath. Likewise, the one who has urinary incontinence is being made to make wudoo over and over again but the urine is still there. How can he be said to be lifting the actual impurity itself?

I would respond to that in two ways:
That's why the scholars have to make that distinct category of those things where there is the presence of a physical thing and the wudoo' lifts it, gets rid of it and the action's done i.e. went to the toilet, stopped urine, made wudoo'. Then in other extraordinary circumstances where we're not able to achieve the same kind of reality in the first part, (i.e. urinary incontinence which is continuous or sleep where you don't know what's going on and it could have happened or could not have happened) that's why they create that second category. That's my first answer to your question.

My second answer to your question is: In my opinion, when a person goes to sleep, he will not make wudoo' when he wakes up unless he has gone proper to sleep. There's like the world's funniest athar in human history in this. Sheikh Abdullah al-Judai showed us the athar and he said it's saheeh. One of the companions – was sitting cross-legged nodding and eventually fell asleep. He wakes up, turns around

and says ‘you didn’t hear anything did you?’ Then turns to another person and says ‘you didn’t smell anything, did you?’ He got a negative from both. Ya’ni no I didn’t hear anything, no I didn’t smell anything. He goes ‘khalas, then’ and he stood up and he prayed. So why is it that sleep is a reason? It is madhinat al hadaath. The likelihood of you passing wind whilst you’re asleep is huge.

But as we see from so many of the sahabi, those who are sitting cross-legged and therefore physiologically, it’s a lot more difficult to pass wind because of some anal sphincter flex going on there. Sitting cross-legged is the safest position (even if you go to sleep proper) to avoid passing wind. The action and the statement of the companion is a proof of what he realizes is the issue with sleep.

For him sleeping means nothing. For him, the issue is whether you broke your wudoo’ or not via passing wind, urinating, XYZ, whatever. If that didn’t happen, then sleep for him is like any other day. It’s like walking in the street. To explain the issue of incontinence, in my opinion (and this is the Maliki opinion) I’ve written a detailed paper about this that I put together with Sheikh Kehlan and in that I don’t consider the making of wudoo’ to have any actual physical ruling. Imam Abu Haneefa, Imam Ahmad, and Imam ash-Shafi’i said you must do the wudoo’ because they do see it as there is a hadath that has to be lifted in some fashion.

I don’t consider the making of wudoo to have any actual physical ruling. They said you must do the wudoo because they do see it as.

Q: The brothers asking: is it true that the companions would solidify themselves by tying their waist-wrapper using the izar and wrapping their legs around into a solid cross-legged position, go to sleep, then wake up and not do the wudoo’?

A: The answer is yes. That is authentically reported from a number of the companions. Is this the opinion of any of the four fuqahaa’? Absolutely not. This is why fiqh is so much bigger than what you think it is. Fiqh doesn’t trap me like it traps people and I don’t feel suffocated by madhahib, and feeling like I have to stick to this or that. Madhahib are a means to an end. The imams are very much aware of the companions that did that. But they are not catering for some scholars that are able to work these things out individually. They’ve got to cater for the masses. They’ve got to be able to produce reproducible results that can be taught and spread, that will keep people in the safe zone.

Let me give you an example: the companion we mentioned asked the question. He by himself did not know what happened in his sleep. He did ask the question. Now can an imam teach his students that they can go to sleep but that has to be when you have people around you and you have to ask them each time whether you passed wind or not or whether or not they smelled something each time. That’s not our way. That’s not our culture.

I was listening to Karl Pilkington earlier today. He's my big sheikh, he is. What a legend. He goes to China with Warwick the little dwarf miskeen. They've gone abroad to China. He's on the ship and he goes to the toilet. You know the toilets in china (and I've never been to China so I don't know if it's true or not) don't even have doors. The side panel is like that high. It's not above you like a proper wall. Meaning if you stand up you can see the guy. It's not even that high, it's like a hurdle. That's number one. Number two is they have no doors! It's completely open, ya'ni. So Pilko goes to it and says 'what is this? How can someone have a dump in this'. As he's giving the commentary, he goes 'Warwick, listen.' He's a bit gora-racist, ya'ni. He goes 'I don't mind other people's cultures. I love cultures! I can handle all their crazy stuff. I can handle their praying. But what people have a dump with the door open?' Wallahi he spoke the truth there. When you think about it, even the biggest most non-religious atheist dog of the earth will see that the prayer is natural. Bowing, prostrating, humility, regularity, early morning, late night—all the key aspects of the salah are completely universal. There's nothing ajeeb. But brother, you cannot explain going out and having a dump with an open door.

Q: (inaudible)

A: Yes, that is a sunnah. The two rak'aat of wudoo', the action of Bilal. We're going to come to that in its right time. It's in the chapter of supererogatory/voluntary prayers. We'll get there inshaAllah.

Q: Is it acceptable to use alcohol gels as a method of cleaning one's hands?Is alcohol itself considered pure or impure even if it is not consumed? For example if it touches clothing, etc.

A: These are two questions which are going to be covered next week.

Q: (inaudible)

A: I don't think it was anything extraordinary. It would probably be normal, whatever normal is. It would not be so relaxed as Abu Haneefa, because Abu Haneefa is so relaxed. They're arguing, debating, and they look at each other like equals. If you saw me debating with people, people would start to get uncomfortable. They would say 'who the heck is this guy discussing with him like that'. Imagine now doing that with Abu Haneefa. People would freak out. That's why it's noted in history, because it looked freaked out. That's why they've got the names al-ashaab. It's very well-known that Malik used to get very upset. People even writing things down would make him upset. Many of the salaf, when people used to write down, they would say you have not earned this. How dare you write and go away with this? What you've written in a page is my years and years of thought, reflection, and work. You didn't earn this or learn it. They were super-strict and had a sanctity for knowledge. That's a bit hardcore and I think that's why it's remembered. Imam Ahmad and Imam ash-Shafi'i were just chilling, ya'ni. Somewhere in the middle.

Q: Was there a link between the approach to teaching and the range of opinions (inaudible) Because for example, with Imam Abu Haneefa there was a bit more questioning…?

A: Yeah, I think that's a very good point and that's very true. Definitely in the Hanafi madhhab there were very hypothetical crazy ideas being discussed. Once you start opening things up, the worst nightmare for a teacher is if you don't know your stuff, people start asking too much. But if you're top level and you're saying 'yallah, boys. throw it at me, let's debate', you know he's at another level. That's going to inspire them, they're going to keep asking more, then I'm going to answer correctly each time, that's going to inspire more, and that's what the Hanafi madhab is. It's next level crazy opinions and hypothetical issues. It's incredible. That method's incredible. Whereas the medinan one, a lot more knowledgeable people are around. Even Imam Abu Haneefa (if this riwaya is saheeh, and I do have some doubt about it) in some of the books of tareekh in history, when Abu Haneefa went to go see Imam Malik – and this dialogue has been recorded-- Imam malik said I'm very respectful of your maqam, but you guys are going way out there, ya'ni. Abu Haneefa told him straight, 'Well, we don't have the kind of luxury that you have, all people are upon sunnah, all this kind of solidification of the deen, riwayaat and whatever. We've got shi'a, qadariyya, rafidah, this and that. We've got to do our own thing. People are bringing us hadith and they're making them up every day'. That's why it's called Ashaab al-Ra'i.

Q: It was mentioned that washing your hands is an obligation (inaudible)

A: According to Sheikh Uthaymeen's position, it is an obligation. I will explain my opinion on this in the chapter of wudoo'. The fact of the matter is that this is a semantic point, because a person is going to have to make wudoo' to pray. It is an obligation from wudoo' to wash your hands, so it gets covered anyway. But this is not good enough for the student of knowledge. It's good enough for the public for me to say that but we're going to have to break that down properly. We have to give it its haqq.

Q: What's the reason that camel meat breaks the wudoo'?

A: We're going to mention that. That's a minority opinion and in fact, even the hanaabilah have almost pushed it out of their own madhab. And they're the only madhab, of course.

Q: (inaudible) does that mean Islamically that there are different definitions of what constitutes sleep?

A: Of course. Clearly, when this guy was asleep, then he asked what happened, that means he was proper asleep. Does that mean there are different types of sleep? Yes, there are. We're going to discuss that in detail – the different types of sleep, and what denotes proper sleep? What is light sleep? why do some scholars accept a basic form of sleep? Why do some of the scholars say that any sleep that involves a surface is proper sleep even if it's for a couple of seconds? If you jump onto your tempur-pedic mattress, the same hukm is upon that as me sleeping for five minutes against the wall. Is that fair? We have to criticize these opinions and understand what the issue of sleep is. Is nodding during the khutbah considered sleep?

Q: is it permissible for us to choose what we like with respect to opinions?

A: No, it's not. That's the reason why we have teachers and it's an obligation on the people who don't

know to ask their teacher. That teacher will most of the time go back to the four imams, practically and historically speaking. But the obligation upon any lay-muslim is to ask a person of knowledge who understands the issue and can teach them. It's not permissible for one who is not qualified to be jumping from here to there, by himself. He has to use a teacher and if the teacher does that for him, then he takes the responsibility and you're free of that. Of course the danger is very clear. You're going to start choosing what suits you, and therefore you're imposing your desires upon Islam as opposed to allowing Islam to control your desires.

Q: What is the opinion about if someone was to laugh in prayer?

A: We're going to try to avoid answering questions that are not directly related to the class text. If we open it to all questions, it's going to go all over the place. It's going to be a disaster. Anyway, anyone who laughs breaks the prayer, for all four madhahib. And laughing has two key characteristics: it's the displaying of teeth and making a sound, according to the majority.

Q: There's a sister who's accepted Islam and lives amongst a practicing family with differing opinions. Does she have to adopt the opinion of her husband or do they select a mutual teacher?

A: With respect to how they follow fiqh? No. The answer is no, technically speaking. She is not obliged to follow anyone at any time. But the technical answer is not always the best answer. Practically, of course it makes sense. Especially if you're new to the religion and you're going to go around and hunt for opinions and find a teacher. You might not be able to do that. If you have access through your husband to teachers and a madhab, then it just makes sense to go with that. But are you obligated? No. If you find an avenue where you're getting quality knowledge regularly and so on and so forth then it's absolutely allowed for you to do that.

Q: If someone has irritable bowel syndrome, and they're praying a long prayer like taraweeh, (inaudible) brother has to make trips to make wudoo'?

A: With IBS, three imams (Abu Haneefa, Ahmad, and Shafi'i) say that you make the wudoo' for each prayer time, and not for each prayer. Read the paper. It's a very detailed thing. Malik said you don't need to make the wudoo' at all, it doesn't matter what's going on; whether he's passing wind or passing water or incontinent, it's okay.

Bismillah ar-Rahman ar-Raheem
Alhamdulillah rabb al-'alameen
Allahumma salli wa sallim wa barak 'ala nabiyyiina Muhammad wa 'ala aalihi wa ashaabihi wa man stanna bi sunnatihi ila yawm ad-din
Allahumma la sahla illa ma ja'altahu sahla wa anta taj'alu al-hazna idha shi'ta sahla
Allahumma a'inna 'ala dhikrika wa shukrika wa husni 'ibadatik ya rabb al'aalamin

[A reminder about the transcribed notes]

I updated the transcribed notes so make sure you go back and revisit them if you're copying them. You've got to understand that there are two parts. There's the transcription team who writes everything word for word. That's for the benefit of all students, those who weren't able to make it or missed the video in the 5-day boundary. They set it up for the next team who creates the official set of study notes. It's not a transcription. It's proper, correct, transliterated with the Arabic, and spaced out; it's done in a way that I would be happy with. That's a much more detailed and longer process. In the next weeks you will receive all four lessons of the introduction. What you will be studying from will be the study notes. What you are using to keep going and to keep in check is the transcription.

[Clarification about the definiton of tahara (mentioned in last week's lesson)]

That thing that I edited was specifically in the section where we were talking about trying to understand what hadath (ritual impurity) is. I went into redefining tahara (purification) itself. I quoted something from Sheikh Muhammad Mukhtar alShinqiti which I want to repeat again. I translated it in the section of hadath and some people understood that I gave the description of hadath. I was actually trying to define tahara according to some of the scholars.
That definition is as follows:
صفة حكمية توجب لموصوفها جواز استباحة الصلاة به أوفيه أو له
Meaning: Purification is that characteristic that establishes in the one that it is found in the permissibility of the prayer, be it with respect to <u>the person's body</u> or <u>what (s)he is wearing</u> and/or <u>where they're praying</u>.

So that's three aspects to purification when it's found in the one who's described as being pure (or the thing that's described as being pure). It says*mawsuf*-- it doesn't say the person because I might describe my thawb to be pure and I might describe myself to be pure and I might describe the area

that I pray in to be pure. These are three aspects of purity when it comes to prayer. These have to be clean and pure. So myself, I can't have any najasa on my body. Like if I had some feces on my hand, I can't pray because it's on my hand. So let's get rid of that. That's *bihi* (به) in Arabic. *Aw fihi*(أوفيه)-> meaning if my thawb has some urine on it, I cannot pray with that thawb, so my thawb is not pure. Let me now clean my thawb and now I come to an area like in the hadith of the Prophet SAAWS when the Bedouin came and urinated in the masjid, I can't pray in this area of the masjid because there's urine on the floor. So purification is described in this way: you are pure when you are able to pray in these three aspects. This is a characteristic which is found in what you're wearing, in where you're praying, and in the person themselves.

That characteristic is not something which you can see with the eye. That's why the word *hukmiya* (حكمية) is used. By hukm, by rulings. Not a *siffatun nadhariyyatun* (a characteristic which can be seen) or a *siffatun dhahiriyya* (a characteristic which is done by ruling).

What do I mean by that? A person can dive into water and clean themselves with no intention for wudoo'. So they come out absolutely spanking clean but they're not pure because they did not intend wudoo'. So therefore when we say *siffatun hukmiyatun*, it's almost like ritual or spiritual characteristic. It's a characteristic which cannot necessarily be seen by the eyes. It's been achieved by you making the intention and doing that act of worship. That's a definition which I found to be very comprehensive and detailed for purification.

Anyway, last time we got to the end of *wa ma fi ma'nah* (**وما في معناه**). I know there was a lot of confusion about what *wa ma fi ma'nah* meant. Hadath (ritual impurity) is of two types. The first type is minor impurity and the second type is the major impurity. Some examples of major impurity is menstruation, sexual impurity, and post-natal bleeding. Some examples of minor impurity: urine, defecating, after going to sleep, after significant blood loss, etc. The first one requires wudoo' and the second requires ghusl. These are ritual impurities with rulings that are applied to a person.

For example, a person suffering from menstruation. Nowadays is not like the old days. In the old days there was no such thing as tampons and sanitary pads. It was a really messy affair. Now with all the technology and the whole industry, it's not a messy business.
We're going to look at the issue of entering the masjid when one is menstruating. Is that allowed or not? The majority of scholars say no. I'm going to talk about this, but my problem with talking about

this is that it's going to give you the idea that I'm covering this subject right now. I need to reiterate that when I use an example to explain a point, I will make it clear that the example I'm talking about I am now explaining that properly as a text studied. If I'm not, be content. I will come back to that in it's right place. Last week we talked about urinary incontinence and the seated position when sleeping. I was mentioning those by way of example to clarify a point and it opened up the floodgates of people wanting to know all about them. It's not the time for that. We didn't even do two pages last week, it was about one and a half pages. There are over 350 pages on purification. That's just so you have an idea of what is left. There's a mountain left, and we will deal with all these matters in its right time. The matter of menstruating women will be covered in detail. We'll spend maybe a whole session on it.

The majority of scholars did consider it impermissible for the woman who is menstruating to enter the masjid. This is a controversial statement but I'll say that there's no doubt in my mind that one thing which really influenced them was the threat of the masjid being soiled. Of course the original ruling is based on hadith and solid principles. But one additional reasoning is that there's a threat to the masjid. Nowadays, this does require a re-look at that issue and fiqh ruling. Not just because we have tampons so we can eliminate the problem, and the risk is now virtually minimal, but also because that kind of new reality would motivate me to restudy the issue. It isn't reasonable to reject the ruling because now we have the answer. I can't be that blasé, because they didn't base the ruling on the risk of soiling the masjid. They based it on hadith, upon evidences and principles. However now we have a reason to go back and study it again.

In my opinion, I do believe that it is permissible for a menstruating woman to attend the masjid based upon two conditions: (1) that she does not take the place of a woman who has the right to be there, meaning a woman who is pure/not on her menses and she has come there to pray. She might come into the masjid and find it full of menstruating women who are there to attend a lesson, for example. I believe that the menstruating women need to leave to allow the others who have a right to be there to come pray.

The second condition is that there can never be the risk of soiling the masjid. This is based upon us considering the hadith that prohibits it to be not so authentic. I would like to re-emphasize that this is fiqh, it changes, you have to be mature about it. What this illustrates is that a woman might be supremely clean but she's menstruating very lightly or that there hasn't been any bleeding even for

a whole day. But she's not pure because the ruling of menstruation is still applicable to her.

Hadath is not linked to cleanliness, clean skin, a nice smell, or lots of water. It's an actual ruling. It's a characteristic which goes when the problem goes. You purify yourself, lift the state of ritual impurity and that which is similar to it.

'That which is similar to it' refers to those times when you do have the ghusl or wudoo' but they weren't performed to lift the hadath. In Sahih Muslim the companions wanted to have some lamb and they asked the Prophet SAAWS 'should we make wudoo' after eating this lamb?' and the Prophet SAAWS said 'if you want, then do it and if you don't want to, then don't'. By giving the companions the option, it makes it clear that their current state of wudoo' had not been broken. They were not in a state of hadath. By telling them to do wudoo' again if they want to, that's also a proof that it (the wudoo') is not lifting a state of hadath, because they were not in hadath. That second wudoo' is still called wudoo', and we're going to call it a purification, but it's not a purification which lifts the state of hadath. That's why we have these two subcategories in the definition of purification.

[Lesson 6 commences henceforth]

That's what we discussed last week, and we are now at *wa zawal alkhabath* (**وزوالُ الْخَبَثِ**)

Sheikh Uthaymin says

لم يقل : وإزالة الخبث، فزوال الخبث طهارة، سواء زال بنفسه، أو زال بمزيل آخر، فيسمى ذلك طهارة.

The author didn't say *izalat alkhabath (*إزالة الخبث*)*, instead he said *zawal alkhabath*. Izala and zawal are from the same Arabic root verb of zala (to remove or disappear). The difference is that izala is an action that requires a person, an input. When we use the word zawal, which is translated as 'the removal of', that suggests a person .

If there's an area where there is urine, then it rains, does it become pure or not? This has had *zawal alkhabath*. For those scholars who said alcohol is impure (it's not impure in my opinion)– when you leave it, oxidation occurs and it turns into vinegar. Is vinegar pure? It is. So there was a change of state from impure to pure. You did not get involved.

Just so that you can see that there is an issue of involvement or lack of involvement: I had some

fresh dates at home that had been in the fridge for a while. I took one whiff and it was a proper alcohol smell. If I had a cup of alcohol and just left it by itself - not intending anything and not adding anything (because the creation of vinegar is an art and you can add flavouring, accelerate the process, etc.) - If you're getting involved, the ruling with regards to the buying and selling of that vinegar differs. Is it allowed for someone to buy alcohol so they can create vinegar? No. Sayyidna Umar would allow the purchase and the use of vinegar that was made by Christians, for example. Vinegar has been praised by the Prophet SAAWS and the companions used to have it all the time. Certain impurity can change to a pure thing itself without you being involved.

That's why izala is not used. The word izala means *you* have removed the khabath. We don't want to say that. We want to define purification. Is the meaning of purification that *you*'re removing the impurity? No. It is the removal of impurity, whether that happens by you or someone/something else.

Khabath is not a very common word in the Arabic language. The most common word is najasa Najasa (نجاسة) is the word that we all know and understand meaning filth, rubbish or whatever. What is the actual technical meaning of najasa (نجاسة)?Sheikh Uthaymin (rahmat Allah 'alayh) gives a definition for najasa:
والنجاسة: كل عين يحرم تناولها؛ لا لحرمتها؛ ولا لاستقذارها؛ ولا لضرر ببدن أو عقل.
He gives a very out-of-the-box definition for najasa. It's roughly translated as 'every single thing which is impermissible to handle or ingest - not because of its sanctity, not because it is disgusting, and not because it is harmful to the body or to the mind'.

فقولنا : " *يحرم تناولها* " *خرج به المباح* , *فكل مباح تناوله فهو طاهر*
He says 'so when we say "that which is impermissible to handle and ingest" then that means every single permissible thing is pure' For example if I say 'you are allowed to handle this, you're allowed to pick up this, your allowed to hold this' then that must mean it is pure, by necessity.
That's the way to understand this in another way. If you're allowed to pick something up, handle it, pass it, and give it to someone, that thing cannot be najas. It is taahir.

وقولنا : لا لضررها خرج به السم وشبهه فإنه حرام لضرره ، وليس بنجس
"...not because of its harm," refers to things such as poison and anything which is anything like that. Poison is haram because it's harmful to the body. So poison therefore is not najas. Poison is haram

because of its harm to the body. You see Shaykh Uthaymin is being very clever, describing what filth actually is. So far we have established that permissible things can't be filthy, and secondly we've established that poison can't be filthy.

Then he says '
وقولنا : ولا لاستقذارها : خرج به المخاط وشبهه ، فليس بنجس لأنه محرم لاستقذاره. "...not because it's disgusting," those things which are haram because they are disgusting. Is there anything which is haram because it's disgusting? According to a number of scholars, handling mukhat (phlegm) intentionally is impermissible. Not because it is impure, but because it is disgusting (al-istikhdhar).

There are a few things like that. Mucus, phlegm is the same thing, or like a Liverpool shirt or a Man City shirt. You can wash the shirts and they'll smell beautiful but they are haram. They are not haram najas, but they are haram because they are disgusting. You can actually put it on and you can physically wear it, but you would be a complete freak to do that. It wouldn't be impure (you could pray in it) but I don't know why you would want to do that. It is haram for another reason - not because it is impure - it's haram because it is disgusting.

Then he goes:
وقولنا : ولا لحرمتها
Let's go back to the original definition of Shaykh Uthaymin; let's remind ourselves of the definition. He said 'every single thing which is impermissible to handle - not because of its sanctity, not because it's disgusting, and not because it's harmful to the body or to the mind.' So what do we mean by "not because of its sanctity"?
Shaykh gives the example:
خرج به الصيد في حال الاحرام ، والصيد داخل الحرم داخل الأميال فإنه حرام لحرمته .
When you're in ihram, you're not allowed to eat game (game meaning you find a lamb and you kill it). Or if you're inside the haram, you hunt an animal, handle it and then you eat it. That's impermissible, because you're in a state of ihram. That thing is impermissible to eat, but not because it is najas. It is impermissible because it is sanctified. It is sanctified by the sanctity, the haram.
I know we are going around the houses, but I just thought I'd give you this to show you an example of usool in action. This is classic usool al-fiqh. This definition is a classic usooli definition which is why if we go back to page 26, after he gives that definition he kind of realises that's going to get lost

on everyone. So gives another definition:
وإن شئت فقل: كل عين يجب التطهر منها.
'it's anything which you need to purify yourself from.' I love that statement.

If I say that as a definition 'impurity is every single thing that it is obligatory to purify yourself from', it's a lot easier. As an example, if I have some urine on my hand I have to purify my hand, otherwise I can't pray. Therefore urine is najas. Feces, menstrual blood, post-partum bleeding are all the same. Anything else? Vomit? Nope. Vomit is a classic example of istikhdhar.
Anything else? Pus? Pus falls into the other category. It's haram to handle not because it is najis.

According to the Hanbali School, if you have a spot that bursts and pus is now on the skin, if this puss was impure can you continue praying? You can't because its najis (if it happens to be a lot, I mean). Obviously there's an exception in the madhab for the very tiny amounts that are not discernible, but we're not talking about that really at the moment. We're talking about the issue of impurity. I want you to understand that Shaykh Uthaymeen gives as his second definition a nice user-friendly one, but the first one is a quality one. It's a technical one that has a lot of fiqh and 'ilm behind it.

There's another way of understanding najis. Some scholars said that najis is that which cannot be purified. That's also very good. Meaning that whatever you do to urine, it will always be urine. Whatever you do to feces, it will always be feces. Now, this, as an opinion isn't as complete and water-tight as the others, but it just gives you some extra kind of context.

Q: I wanted to ask about al-istikhdhar - who's defining it? Because, if we say that feces is impure, then why did the Prophet [saw] tell two men to go out and use urine of a camel and its feces as a form of cure?
A: As for the urine of camels, we're going to come to that. That's an exception to the rule. Leave that aside for now. The original question, though, is: who defines subjective terms such as disgusting, huge, small? This is a chapter in and of itself. We will come to that and it's a very important question. I've said so far that huge mass bleeding breaks the wudoo'. Who defines what huge mass bleeding is? That defining of insignificant, significant, disgusting, etc. is a 'urfi (عرفِ)definition - it's defined by the people. It's not defined by or left to some miskeen housewife who's never seen anything ever before (like blood) and faints. And it's not left to a doctor or a surgeon, because a guy

could come with his arm hanging off and they'd say ‘that’s alright,’ because it’s standard A&E kind of behaviour that he sees every day. He’s not fussed. If we saw that we would say 'Stop praying and fix your arm, then go and have a bath'.

The definitions of these terms are left to the general masses and the general masses know. The general masses will be able to look at a person and when they’re bleeding a lot, they’ll go, ‘that’s a lot of blood. You need stitches.’ And the general masses will see a little bit of blood and they will say, ‘that’ll be alright. No need for a plaster, just wipe it away.’ So that is the general masses and that’s what the scholars generally rely upon on.

Q: It was mentioned that if you have urine on your hand, you need to purify your hand. What does it actually mean to purify your hand?

A: Do you go and need to make wudoo? The answer is no. This is a separate chapter in itself and we will discuss that, but when we have impurity, you do not need to make wudoo. So, for example, people talking about handling nappies and some feces, cleaning the toilet, etc. - you have to wash your hands, you do not need to make wudoo. Filth does not invalidate your wudoo. Filth prevents you from praying. Filth prevents you from being pure. So, you do not need to make wudoo, because you are not in a state of hadath. Think about the process of urinating. The process of urinating causes a state of hadath; you need to make wudoo. The presence of urine in the private parts does not cause a state of hadath.
So there’s a difference between the actual act and the actual presence. Like I said, we’ll clarify that in its own section.

And now we know what purification is then. Purification, as defined by the mu'allif, is
ارتفاعُ الْحَدَثِ وما في معناه وزوالُ الْخَبَثِ
"purification is lifting the state of ritual impurity or matters similar to it, (such as a secondary wudoo, or making ghusl after bathing a dead person) and the removal of filth".

So then he starts the next statement; المياهُ ثلاثةٌ - there are three types of water and here he will mention the first one:
طَهورٌ لا يَرْفَعُ الحدَثَ ولا يُزِيلُ النَّجَسَ الطارئَ، غيرُه، وهو الباقي علي خِلْقَتِه
The first type of water is the purifying water. **Purifying water** is the only type that lifts ritual

impurity or removes foreign filth; it is water that is still in its original created state.

So, there's three types of water, and the first one is *tahur (*طَهور). The word tahur in Arabic fits on the wazan of *fa'ul* (فَعول). Fa'ul is that noun which describes the tool that is used to bring about the action. So, we have tahur as opposed to tuhur. Tuhur would be the action of purification. Tahur would be that which is used to achieve the purification. An example would be suhur. It uses the same wazan (the same Arabic form) as fu'ul (فُعول). Suhur is eating the early pre-dawn meal before you fast, it's the food itself. Sahur (سَحور) is what you are actually eating at the time of suhur (سُحور). What's wudoo (وُضوء)? The action. What is wadoo(وَضوء)? The water that you use for the wudoo itself.
So, you see this fa'ul pattern represents that which is used to get the fu'ul (the action) done.

The reason that it's important we talk about this is because even in English there is a difference between the word pure and purifying. Tahir in Arabic means pure, but pure is not necessarily purifying and that is the key thing you need to understand.

If you want to know the whole chapter in advance, the three types of water are as follows: the first on is tahur, the second one is tahir and the third one is najis. So purifying, pure and impure. These are the three types of water that can exist. The first one is purifying, the second one is pure and the third one is najis.

Therefore pure itself is something which is pure clean, pure nice and pure everything but it itself cannot be used to make *you* pure. It is not purifying. What we are studying which is the first type is pure and purifying. And the third is najis. This is the opinion of the mass majority of the scholars. There are a small group of Hanafis who said there are only two types of water; tahir and najis. And obviously what that means is that the tahir purifies too as well. They say we don't need to make a secondary category. Why do the scholars make a secondary category? They say: When you look at the Quran and Sunnah when Allah (SWT) mentions Maa he will sometimes add a secondary characteristic to it. For example when Allah (SWT) says in surat al-Anfaal verse 11 :
وَيُنَزِّلُ عَلَيْكُم مِّنَ السَّمَاءِ مَاءً لِّيُطَهِّرَكُم بِهِ
"...and sent down water from the sky to cleanse you..." (excerpted)

He (Allah) sends down upon you from the sky water. And for what? So that he can purify you via it.

So the water is not enough, there is a purificatory as well.
And also in Surah Furqan verse 48
وَأَنزَلْنَا مِنَ السَّمَاءِ مَاءً طَهُورًا
"...We send down purifying water from the sky." (Quran 25:48, excerpted)
The word tahura is used in the wazan (form) of fa'ul.

What they said (the scholars) is that why did Allah (SWT) add an extra description? Why did he give a secondary point, making it clear that the water in itself is not good enough? Rather he sent upon you *maa tahuran* (مَاءً طَهُورًا). It's maa' which is fine but actually the *maa'* is purifying as well.

Then the Shaykh gives some examples:
والطهور: الماء الباقي على خلقته حقيقة،
So the tahur water is that water which is upon its original created state, meaning it has not been changed in any obvious characteristics; its colour hasn't been changed, its smell hasn't been changed and its taste hasn't been changed. These are the main characteristics of a liquid. Its smell, colour and taste.
When we say In its original state (على خلقته حقيقة) that is what we are talking about. There is another definition of what pure water is: It is water which is mixed with something but has not lost its purification qualities.

Now Shaykh is going to give some examples here of what that means. Let's take the second one first.

When water is in a stream, it is purifying. It is coming in contact with something that is not part of the stream - the bed. What is on the bed? Soil, rocks, twigs, all kind of stuff. Has the water lost the purification quality because of mixing with something else? The answer is no because those particular items are not considered to be najis or in that large quantity.

It doesn't have to be najis; it could be something in super large quantity that is going to change the entire nature of water. For example, if we have stream and I dump 30 tonnes of flour into it. Flour is pure and clean, and so is water. If they get mixed up and you are trying to wash yourself with that, it is too viscous.

The point that I am trying to make is that not everything that mixes with water will make it impure. It can make it not suitable for purification, as was in the case that I just mentioned. But it does not make the water lose its purificatory status.

Anyways let's look at what Shaykh Uthaymeen says:
فمثلا: الماء الذي نخرجه من البئر على طبيعته ساخنا لم يتغير
Meaning the water which we pull up from a well which is warm because of the sun beating down on it.
This is still water in its original created state, it is pure and it is purifying. It is absolutely fine.
وأيضا: الماء النازل من السماء طهور، لأنه باق على خلقته
The water which just comes down and you collect it in a rain bucket. That's absolutely pure and is purifying because it is باق على خلقته
(it is still in it's original created state)

So these two examples, the water in the well and the water which you collect in the rain bucket which comes down. And obviously that water which comes down is water which you find in lakes and streams. All of this water is in its original created state, not mixed anything. Absolutely purifying (tahur).

Let's look at some examples.
وقولنا: "أو حكما" كالماء المتغير بغير ممازج
He says that all the water is still pure *hukman*. When we say water is pure *hukman*, we mean that it is technically pure. What does he mean by that? He gives some examples. He says such as water which is mixed with something which does not dissolve in it or which doesn't blend with it.

If you've got some water in a bucket, and it is autumn so the tree throws its leaves and twigs into it, you can still then put your hand into that bucket and you can still do wudhu from that bucket because the twigs and the leaves mix with the water but they do not blend with it or dissolve into it. They do not change the nature of the water. They can be separated from the water easily. You do not *have* to separate it, but they *can* be. And because it can be separated, that means it has not entered the water in its structure, at a molecular level and therefore that water is still fine.

Now can we say this water is it's original created state? Technically we cant. Therefore we say that this type of water that is mixed with something, we say it is 'technically' pure.

Another example he gives:
أو المتغير بما يشق صون الماء عنه
Or that water which is too difficult to get something out of it.

For example, muddy water. Those of you go camping and you make wudhu from a stream, you normally take water from the top, yes? If you go lower down you find more debris, soil and x y z the deeper down you go. This is what the ulema said, 'that water which is too difficult to remove other things from it', such as soil, such as when it rains heavily. When it rains heavily every day in your stream which you use to drink from, wash from and make wudhu from, does the rain (which has turned it all cloudy and muddy) make this water najas? Or does it make it just pure, and not purifying? The answer is no, according to the Hanbali school. In fact, according to the majority of the scholars, this water is still pure and purifying. Even though it's still muddy, it's cloudy. Actually this mud is pure anyway and it cannot be removed from this water. This is the norm for water around the world. We're just very lucky people that we have these things called filtration plants and taps and we've never seen muddy water in our protected western lives. But the reality for the rest of the world is that the water is never sparkling and clean like we have in our glass. The reality of water is that it is always coloured, it is always muddy of some sort. It always has mud, like for 90% of the world.

So that water, clearly is not in its original state. If it was water in its original created state, it would be clean, sparkling, clear, etc. but it's not. But is it pure and purifying? Yes it is. Therefore we say it is 'technically' purifying (*hukman*).

وكذلك الماء المسخن فإنه ليس على حقيقته؛ لأنه سخن، ومع ذلك فهو طهور؛ لأنه باق على خلقته حكما.
Another example is water that we would heat up in a saucepan. If we put water in a saucepan, this is now YOU heating this water up. It's not natural sunlight, it's actually you heating this water up and it's bubbling and it's changing. This is not water in it's original created state. Is this hot water now najas? No. Is it pure? No, it is pure AND purifying. This is why we say that tahoor is that which is in it's original state.

Question and Answer

Q: When you say that which is too difficult to take out of water but it is still pure, that which is too difficult to take out, does that itself have to be pure?

A: The pure aspect, we will discuss next week. With respect to the 'too difficult' thing this does not mean that
I have water and I would like to have a bath with I have some drugs, like 3 kilos of cocaine with me. I trip up and it all goes into the water. So I think how am I going to get that out? So I think how am I going to have a bath? There is no way I can get that cocaine out, to take it out is too difficult.
And the shaykh said, water in which is too difficult to take something out is purifying anyway. So I continue to have a bath with the water, because it was too much of a mission to take the cocaine out. But that is not what I mean. I don't mean *you* put something into the water and you think it's too difficult to take out and so you use the water anyway. I mean water that is naturally found and naturally having things in it and within it that is too difficult to get rid of. So we're talking about large puddles, we are talking about watering holes, we're talking about streams, lakes, rivers. We're talking about watering buckets, we're talking about wells. That's what we are talking about. We're not talking about something in which you are involved in the process and you drop something in it and you're thinking this is way too difficult to take out. When we mention that word بما يشق صون الماء عنه **(?)** meaning that which is naturally found within the water, and it changes that water slightly but human reality still accepts that as normal purifying water. So has Allah (subhanhu wa ta'ala) and He done that out of ease to the people.

Again, we live in a completely detached world, we have no idea what the world is like out there, I mean NO IDEA! I remember when I was 11 years old and I went to my home village in Swat, and we have the Swat river as well. It is a very famous and very gushing river and when you see all the pictures that is the Swat river. My cousin he lives by the river and every night we would go and bathe in the river and it was very hot and I remember jumping in and it was cloudy, it had rained a little bit. I, as even an 11 year old was loathed to jump in, forget about anything else. And he goes, 'no it's okay' and he says, 'I'm, thirsty man and it's going to be ages till we go back' and he started to drink it. What you don't understand is that I'm looking at this and then I'm looking 100 metres down and there is a guy with about 5, 6 buffaloes and they are crapping in there, peeing in there and on the other side, I see there is a man rubbing and washing himself. Elsewhere there are woman washing laundry. Then I look at my cousin and he is drinking and I'm thinking 'whoa this is

dirty, this is dirty, it looks dirty, there's germs, feces'. You could not make any defense for this water. He goes to me, "how do you think the world lives? Close your eyes and drink." And that is exactly what I did.

This water is pure. I didn't know the hadith at that time, that flowing water takes all feces away with it. All people are doing all kinds of things in the water, but that's just the reality for some people. I'm just saying that there's a large dose of realism that needs to be taken with this chapter.

Q: (inaudible)

A: We'll cover that next week. In principle it is pure. The reason why I don't want to go into detail about this right now is because it will open a whole chapter about this. It can even be impure if the water is a large amount. But if it's a very small amount of water, the ruling then changes. It depends on the nature of the water, the movement of the water, location of the water, and we'll be discussing this for weeks and weeks.

Q: With respect to what Sheikh Uthaymeen gave as a definition for najasa – he said it's everything which is impermissible to handle (not because it is disgusting, not because it is harmful, not because of its sanctity). The brother is asking isn't urine or certainly feces considered disgusting?

A: Feces is haram not because it's disgusting. Oh, by the way, it's disgusting as well. There are certain things which are haram because of their overpowering characteristic. Feces is not impure because it is disgusting. But the fact that it's disgusting makes it a lot easier for us to understand. We have to have this in place because it will allow us to understand that mucus, even though it is disgusting, is not impure. Yes, feces is disgusting but that is not the reason why it is impure. It is impure because of text. It is impure because it in itself is impure, and it is obligatory to purify yourself from it. It cannot be made pure.

Q: The brother is asking 'with respect to mucus, what do you mean by 'handle'?'
A: Here, the word *tanawul* refers to 'ingest'. So if you had a glass of mucus, you're not allowed to drink it. It's not going to kill you. The reason you're not allowed to drink it is not because it's najas, either. The reason is because it is disgusting.

Q:

A: Some people might say "why is water the principle"? Water is very clearly the principle from the Quran. Allah has sent down *maa'an tahuran* and he has sent down *maa'an liyutahirokum bih*, so water is clearly the primary source of purification. From the ahadith, you make this du'aa for the one who has passed away:

اللهم اغسله بالماء والثلج والبرد

O Allah wash him clean with water then *thalj* which is snow or ice, and *barad* which is hail. That's also the du'aa that you do when __

اللهم اغسلني من خطاياي بالماء والثلج والبردWash me or cleanse me of my own sins with water, snow and ice. So water is the principle cleansing agent.

Bismillah ar-rahman ar-Raheem

Alhamdulillahi rabb al-‘alameen

Allahumma salli wa sallim wa barik ‘ala nabiyyina Muhammad wa ‘ala aalihi wa sahbihi ajma’een

Allahumma la sahla illa ma ja’altahu sahla wa anta taj’al al-hazna idha shi’ta sahla

Allahumma a’inna ‘ala dhikrika wa shukrika wa husni ‘ibadatik ya rabb al-kareem

المياهُ ثلاثةٌ: طَهورٌ لا يَرْفَعُ الحدَثَ ولا يُزِيلُ النَّجَسَ الطارئَ، غيرُه، وهو الباقي علي خِلْقَتِه،

There are three types of water:

1. **Purifying water** is the only type that lifts ritual impurity or removes foreign filth; it is water that is still in its original created state.

On page 28 of Sharh Mumti’, the sheikh says:

قوله: "لا يرفع الحدث" أي: لا يرفع الحدث إلا الماء الطهور.

The statement of the author

Laa yarfa’ al-hadath means ritual impurity is not lifted. That’s what the statement actually means, but of course this statement is within an Arabic sentence which is turned around the other way because

In the English text, we’ve translated into English and created a sentence that makes sense in English. In Arabic, it means something completely different. For example ,the Arabic statement translated word-for-word says: ‘Ritual impurity is not lifted and impurity which suddenly appears is not removed except by it’. ‘Except by it’ meaning the purifying water. Obviously that’s confusing in English so we took out all the negatives in the English translation so it makes more sense. The English now reads “**Purifying water** is the only type that lifts ritual impurity or removes foreign filth”. That’s the difference between translating literally and rendering it into English.

Sheikh Uthaymeen wants to make a point about the lifting of impurity. He says let’s look at the claim of al-Hajjawi that only purifying water lifts the state of impurity. Does anyone want to disagree with that? Tayammum – so you want to say that dust lifts impurity as well.

فالبنزين وما أشبهه لا يرفع الحَدَثَ؛ فكل شيء سوى الماء لا يرفع الحَدَث

If you use petrol (benzene), that’s not going to clean it even though petrol is a better cleaner than water by its nature. Anything that you use other than water will not lift hadath. Imagine you’Re making wudoo’. He’s saying that unless you’re using water, it’s not going to work. It has to be pure and purifying water.

The evidence for that statement is in Surat Al-Ma’idah, verse 6:

فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا

"If any of you […] can find no water, then take some clean sand and wipe your face and hands with it."

Despite the fact that the ayah very clearly says to make tayammum if you don't have water, the Hanbali madhab says the dust does not lift it (hadath).

والتُّراب في التيمُّم على المذهب لا يرفع الحَدَث.

Turab (dust) doesn't lift hadath according to the madhab of Imam Ahmad. Why have the Hnabalis said that? Imagine we don't have water. We're going to use dust to do tayammum. The Hanbalis say that dust does not lift hadath. If Allah SWT says to use dust, and the Hanbalis are saying that the dust doesn't lift hadath, what is that saying?

It's not tahoor, it's taahir--that means it's pure but not purifying-- is it possible to lift hadath with something that's pure but not purifying? No. So what's going on? Think from an usool point of view. What they're saying is that when you don't have water, the need to be concerned with hadath has now gone as well. It's almost to say that you're not even in hadath now. Just go through the process with turab. Turab is not going to lift hadath but you are able to now pray. You're okay to move forward but it wasn't because turab lifted the state of hadath; rather, this is an exception. That'S what the Hanbali school said—only water lofts hadath and if you don't have water, your whole situation changes. You're in a different scenario. There's no need to lift state of hadath because you don't even have water with which to lift the state of hadath. We know move into a second gamezone where whatever impurity you had is dealt with just by rubbing this dirt upon it. According to the other scholars and Sheikh Uthaymeen, that's incorrect. Rather, dust itself is something which is pure and purifying and it lifts hadath. That's why he says:

ألصواب أنه يرفع الحدث لقول تعالى عقب التيمم : مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُم مِّنْ حَرَجٍ وَلَٰكِن يُرِيدُ لِيُطَهِّرَكُمْ

At the end of the aforementioned ayah after He told you to use tayammum, He says: "Allah does not wish to place any burden on you: He only wishes to cleanse you" **[5:6]**

So Sh. Uthaymin is saying that is coming at the end after telling us to use dust, so therefore the dust must be purifying. The dust is doing the purification.

ومعنى التطهير: أن الحدث ارتفع

The word *yutahhira* is a verb, and the noun is al-*tatheer*. Al-tatheer means to lift the state of hadath. So rather what they are saying is that the dust itself also has the ability to lift the state of hadath itself.

But he then emphasises that if water is available, then of course dust doesn't lift anything,it is not permissible to use and it has no function other than to make yourself dusty.

ولا يُزِيلُ النَّجَسَ الطارئَ، غيرُه

Physical impurity-- like feces and urine--the mu'allif (author) says that only purifying water removes that foreign filth.

[(29)والدَّليل قوله صلّى الله عليه وسلّم في دم الحيض يصيب الثَّوب: «تَحُتُّه، ثم تَقْرُصُه بالماء، ثم تَنْضَحُه، ثم تُصلِّي فيه»].

The evidence for that is the statement of the Prophet ﷺ when he was talking about the menstrual blood that had affected some clothes and he said to wipe/scratch it off and then wash it with water. Basically wash it with water and then carry on praying with it. He instructed the female companion that you've got this dry, dirty menstrual blood which is najas. Wipe it off, get the area clean and then actually wash the area itself with water. He has given a very specific statement using water. Therefore the Hanbalis said that only pure and purifying water can physically can get rid of actual dirt.

وقوله صلّى الله عليه وسلّم في الأعرابي الذي بَالَ في المسجد

Sheikh Uthaymin says the second evidence is the hadith of the Bedouin that came into the masjid. There is the Prophet ﷺ with his companions. They are in the masjid when some miskeen Bedouin comes in and he's probably never seen a masjid before. Everyone is in there doing dhikr or whatever and so he just goes into a corner and starts urinating. Obviously, the companions are completely shocked and they want to go for him. The prophet ﷺ says leave him. The Bedouin finishes his business then the prophet ﷺ goes up to him and says to him in a very easygoing, gentle way: listen this is not right, this is a masjid, we don't do that kind of thing here. And so he (the Bedouin) was happy with that he said I'm sorry. And then he (the Prophet) told the companions:

-أهريقوا الى بوله سجلا من ماء

Go and grab a bucket and pour some water over it to wash the urine away. He didn't say clean it with this, he didn't say clean it with that, rather he said water.

Those are the evidences that the Hanabilah are using.

What the Hanbali madhab is saying is that you cannot get rid of any physical dirt except with water – unless you have got water, you're not able to clean and area. What area does that cause an immediate problem in? A process all of us use - dry cleaning. If we follow the Hanbali madhab to the the letter, that would make dry cleaning not permissible. I don’t think we use water in dry cleaning. That is just an obvious one, there are so many other scenarios. We're not talking about exceptions - there is an

exception to the rule and even the Hanbalis would accept that there is an exception to the rule (that only water can get rid of najasah). What is the exception? Tissue paper, in the process of istinjaa. Well actually not istinjaa because istinjaa means to clean your private parts from najasah using water. Istijmaar is the equivalent of cleaning ones private parts from dirt, but using anything other than water. I believe that it is permissible to use tissue paper in its place because there is a consensus on the use of istijmaar. Meaning that if a person, if he had no water and he has gone to the toilet he is able to clean his private parts using stone, earth, paper etc. I want you to know that the author believes in that and he is not referring to istijmaar. He's now focussing on using the hand as an example, something has fallen on the hand and he' saying only water can purify this area. Is that clear? That's what the Hanbali madhab says.

As you can imagine Sheikh Uthaymin is not very happy with that. He even gives them another evidence at the top of page 30, he says when one of the young children urinated on the lap of the Prophet ﷺ he asked for water and then he cleaned it. That's why he says:

فلو أزلنا النجاسة بغير الماء لم تطهر على كلام المؤلف

If we were to get rid of dirt with other than water it would not purify the area, according to the statement of the author.

والصواب: أنه إذا زالت النجاسة بأي مزيل كان طهر محلها

I need to tell you that this is an area of difference of opinion and when Shaykh Uthaymin says al-*sawaab* (والصواب) **(**al-sawaab : the correct opinion), that is according to his opinion and he is qualified to say that. So when I say 'the correct opinion', this is not me going up against Imam Ahmad ibn Hanbal. This is me accepting and believing in another mujtahid opinion which is of equal strength or maybe even better. So Shaykh Uthaymin says, “As for the correct opinion, if the najasah is removed by any means --even without water-- then that is good enough. It doesn’t have to be water, as long as the area is purified.” He says:

لأن النجاسة عينٌ خبيثة، فإذا زالت زال حكمها

Najasah is a physical thing. It's not like hadath which is a ritual thing that you can't see. Because we can’t see it, it is a state that we enter. For example, if a person wakes up from sleep, he is still super clean and there is no dirt on him but he is in a state of ritual impurity. It's not 'real' impurity. As for najasah, it is an *aynun khabeethatun* (عين خبيثة); it is a disgusting, impure, filthy actual item. He is saying if it is an item, a

thing, or an object, then as long as it goes, it doesn't matter how it goes, as long as it goes. We don't need to have water to make it go. This is Shaykh Uthaymin's argument.

الفقهاء رحمهم الله: «إذا زال تغيُّر الماء النَّجس الكثير بنفسه صار طَهُوراً

Sheikh Uthaymeen is using al-Insaf by al-Mardawi—so he is using a Hanbali fiqh book against the Hanbali madhab itself (and of course there is difference within the madhab so it's not a major shock). He says that "have you not noticed how the scholars of the same madhab have said that if dirty water changes by itself i.e. the dirt goes away by itself, then by consensus the water is now pure". So the water changed by itself, it wasn't cleaned by another person coming in with extra water. If it cleans by itself it becomes pure

وإذا تخلَّلت الخمر بنفسها صارت طاهرة»، وهذه طهارة بغير الماء.

Then he gives another example – alcohol. Alcohol according to some of those scholars is najas (impure). If it oxidates by itself it becomes vinegar. Vinegar is pure. So he's saying even according to their own madhab they recognise the concept of something changing and leaving the states of najasa by itself without water being involved. Meaning there is nothing special in water. As long as the najasat disappears, that's the key thing. That's what the hukam is. And he now does respond directly to the other scholars who said "no its only water." He said, the three hadith mentioned previously all mentioned water because that's the most obvious thing to use; it's the easiest thing which is available. It's not saying that water is the only thing which can be used, but water is the asl of purification.

This is a benefit to you from a usool al-fiqh (principles of law) point of view. The mentioning of something does not necessitate the absence or the negation of the other, unless the mentioning of that thing is done in an absolute way where the prophet ﷺ says "it is only water that will ever purify my lap". When the statement is not absolute in that sense where the prophet ﷺ just says "bring me water", that means that he wanted water and if there was no water he might have used a load of soil.

Now this is clearly a mujtahid position, but that is the position that he sets. So I hope that you understand that that our position of this class is that as long as something is purified by any means then that's okay.

Back home in Pakistan, we don't use nappies; nappies are expensive. We are very environmentally friendly people. We don't use nappies because they don't degrade. So kids are urinating all over the place. A lot of the time they are not being washed. They just stick it on the line and let the sun do the burning. The sun completely evaporates all the urine, then we check the smell and we see if there is smell there, if there is smell there then we wash it.

Also what the sheikh wants to do, is he wants to make an accurate explanation of what we have translated as 'foreign filth' (النَّجس الطَّارئ), *an-najas at-tari'.* The word *tari'* means to happen all of a sudden or to come into being.

The reason for that is to distinguish between two points; you know it is sound in its original principle. So faeces is faeces at the beginning, faeces at the middle, and faeces at the end. You can never purify that. Whereas foreign filth means it falls upon something which was pure and now that it has fallen onto this item, this whole item is now najas. It's now become filthy. But if we remove that filth this becomes pure again. This is why we have the word '*an-najas at tari*'. Najas tari' means it was pure until filth goes on it, so all of it is now najas. If we remove the najas then it becomes pure again. That is why shaykh Uthaymeen says:

أما النَّجاسة العينيَّة فهذه لا تطهُر أبداً، لا يطهِّرُها لا ماء ولا غيره؛

'as for the actual impurity by itself, it can never ever be purified, not with water, not with anything' meaning it itself cannot be purified.

كالكلب، فلو غُسِلَ سبع مرات إحداهن بالتُّراب فإنَّه لا يَطْهُر؛ لأنَّ عينَه نجسة.

and he gives an example of a dog. He says that even if a dog is washed seven times, and washed with dust as well, it will not be purified. You can do whatever with it, you can wash it, and it's never ever going to be purified.

This is a statement which is not necessarily absolutely accurate. Now here is an important point I want you to know: All types of knowledge and then specifically shari'ah knowledge follows the standard principle of education - you can get taught on your level. You get taught what you can handle. You will be given the definitive truth and you will believe that and understand that because that is your ability at that time. Twenty years later you will revisit that same thing and it is something completely different. An obvious example is the idea that when kids see a baby. So when a kid sees a baby and they ask 'where does the baby come from?', we say that a stork came and that it delivers it to the house. The point is, you tell them some nonsense. They are happy with that, they understand it and that will serve them for a good ten or fifteen years. Then obviously things are going to change and they are going to realise. That once definitive truth now turns into a completely different definitive truth. This happens all the time, especially in math and in chemistry. In chemistry you're told that the atom is the smallest thing you can ever imagine, then obviously when you go to GCSE they say that actually the smallest thing you can imagine is a subatomic particle. Then when you go study physics at PhD level you realise that the smallest things are things that actually can't even been seen, and we haven't even found them yet and we have to build a Hadron Collider at 36 billion pounds to crash them and create nuclear reactions, then spend about three years and we found it and we called it the god particle and it was there, oh we missed it we actually didn't find it.

The point is that the older you get, the more that your level increases and the definitive knowledge changes. Now this principle is also applied in shari'ah and as students of knowledge you need to understand that. You need to understand that whatever you learn at the beginning of a text--especially in the explanation of a text--will be a definitive statement but then further down when we start adding more parameters and you get a greater foundation, we are going to revisit an idea and that is going to be changed completely.

You need to understand the system. That's why people on the PG forums are asking questions about the text saying ‘but I thought this and I thought that’ because they have already heard the advanced piece of information. They have to realize that when you are studying a fiqh text in a system; you have to follow the system. Just keep going with the system and you will get there and the big difference is that instead of just hearing the the advanced opinion, you will be able to build up everything so that when you do come to that new definition of the point it will make more sense, it will be more solid and you will have that foundation that a student of knowledge must have.

And that's a very very important point. Now just like I said that only impurity doesn't change. You can't purify impurity. And I said that last week and you would have said okay that's fine. You would have written that down and memorized it and that's it. Now this week I am saying to you that actually impurity can change. For example a dog is impure as an animal but if the dog falls in to vat of salt, then what will happen? This is the position of Sheikh al-Islam ibn Taymiyyah and Sheikh Uthaymeen leans towards this opinion. This is certainly my opinion, and the opinion of my own Sheikh. Something called istihala occurs which means the changing of a state. So the dog is impure and as you know salt is a dissolving kind of agent, a corrosive kind of thing. This happens very popularly back in our own countries not with dogs but with mice and rats. They stay in the salt for a number of weeks or months, because they kind of get in and can't get out. They stay there. They dissolve, everything dissolves into the salt and actually it becomes salt. So what happened there? Pure najasa turned in to something pure.

For example dung. If you burn dung enough it will eventually turn into ashes which is pure. Ashes are a pure substance. Feces is so ammonia rich, it’s so nitrogen rich, it's a classic fertilizer. And so therefore obviously what's going to happen is that it does degrade into the ground over a period of time. Some of the scholars don't accept this, by the way. But shaykh al-Islam and of course he was originally Hanbali, this is his opinion that things do change their state. So if their state changes and it turns into something completely different, then it takes the ruling of the new state. But it has to be a complete change and I mean at the molecular/chemical level.

Now obviously what enters into this debate is the subject of halal food: gelatine, rennin, Cheetos or whatever bakwas you guys eat here. You know all this Doritos Cheetos argument that you guys have, we don't even know what that Cheetos stuff is in the UK. we are discussing now whether Najasa (impurity) itself can change state and become something else if the chemical structure is changed. If you believe this principle, then you can accept that beef gelatine in its raw cartilage form from a haram animal (which is bolted to head, meaning not killed by a Christian or anything like that, just killed in a factory) then the gelatine is taken from that animal. Then what happens is that that gelatinous substance is put through a bunch of processes. If the final product has no relation to the original product then it takes the hukm of the final product, meaning it is now something different. It’s just an additive. It’s just a gelling agent. It has no relation to the original pork or beef that it was in the first place. That is the benefit of understanding this particular point. If you accept that najasa can change (the concept of istiaala), its application then applies to many of today's different scenarios.

He mentions

وَهُوَ الْبَاقِي على خِلْقَتِهِ،

that this water is still in its original created state, meaning that it is water which has not been interfered with by someone else. This is the first type of water.

What did we learn? What can we sum up with respect to the first type of the three types of water? According to the Hanbali School, we have this water which is completely clean and completely pure. It itself has not been changed – it hasn't had anything added. It itself purifies. It's the perfect water to use for wudhu and ghusl, meaning lifting the state of hadath (ritual impurity) and is the only thing according to the madhab which actually removes physical impurity on the skin or on clothes or whatever. Yet we have learned that that's not necessarily the case. If you want to use petrol, white spirit, or anything else to clean the body or clean clothes, then that's permissible as long as you get rid of the najasa. The key thing is getting rid of the najasa.

So the Sheikh (al-Hajjawi) moves on and gives some details with respect to this particular type of water.

فَإِنْ تَغَيَّرَ بغير مُمَازِجٍ كَقِطَعِ كَافُور أو دُهْنٍ، أو بملْحٍ مَائِيٍّ، أَوْ سُخِّن بنَجَسٍ كُره

That's the next statement. This is now giving more details to the first type of water. We are still on the pure and purifying category of water. The translation: *It is offensive to use this water if it changes as a result of something which does not mix with it, such as a piece of camphor or grease or is mixed with salt taken from water or is heated using filth.* So just to clarify we are still talking about pure and purifying water. The first type of water.

What the author is now doing is elucidating what could happen to that pure and purifying water. It goes through different scenarios. One of these scenarios is when something falls into it and it's mixed with it. Now, we are going to talk about this word 'mixed' because in English, we don't have that luxury of being able to easily distinguish. But if something like grease, or camphor, or salt from water goes into it, or it's heated with filth - which is a whole different category - anyway the point is, using this water is offensive, it's makrooh. So this is a big sentence and it requires a lot of explanations so let's focus on that.

So, let's look at the first statement of Sheikh 'Uthaymeen. He says in the middle of page 31,

– فَإِن تَغَيَّرَ بِغَيْرِ مُمَازِجٍ كَقَطَعٍ كَافُورٍ

"if it changes with a mumaazij…"

What does mumaajiz mean? In English we say something 'which is mixed with it.' But we know that when you mix two substances, there are different types. And from a scientific point of view, if I remember correctly, a mixture is not the same as a solution. A solution by necessity has a **dissolving that's occurred**. What is the actual term for just a twig or ten twigs or stones, falling into water and then you're able to take it out? A heterogeneous mixture.

I'll give you the examples. The sheikh mentions in his own text, camphor. Camphor is a twig; it actually comes off a tree. And we use it as a perfume in certain places, but we actually use it for food as well. Paks and Arabs do you use it for food. It's like a sweetening substance. Anyway, the point is that it is a twig. So for example if you have:

- a well where leaves fall in

- a pond and water lilies come up

- a body of water and there's water moss on it

- water which grease goes on

Can you see that with all of these examples, everything that's been added to the water doesn't mix with it? So grease it's floating on the top, so you can put your hand in and use the water underneath. And if the twigs and leaves, you put your hand in and move the twigs and stuff around, you can still use the water. These are things which mix with it, but don't become one with the water.

So Sheikh Muhammad Mukhtar as-Shinqiti says it is pure as long as whatever is mixed with it doesn't become one with the water. So he gives two examples.

1. A pure example would be taking pure ink and putting it into water. So when you put pure ink into water, the water turns blue. So now you have blue, inky water. You can't separate it as such. That's it now; the water has taken on that ink. That's an example of a pure substance. What happens is that the colour has changed, the smell has changed and the taste of that water has changed.
2. Another example (a najas example) would be urine. So urine going into a small amount of water, let's not think about lots of water, but a small amount of water, urine going into that, it itself will just become one with the water. It will be the same thing. And so now what we have here is that the taste has changed, the smell has changed, the colour has changed.

So, these are two examples of things which mix with the water. And that's what we're not talking about here. We're talking about that which doesn't mix with the water, what we call the heterogeneous mixture.

So what does the sheikh then say about that? He says if the claim of our author is true, i.e. that if something is mixed with water, like a twig, camphor, or grease, how come it's still purifying? It's not *'ala asl khilqatihi* (عَلَى أَصْلِ خِلْقَتِهِ, it's not in its original created state), because it has something mixed with it. And so the sheikh says that actually, the reason it's still pure because,

إِنَّ هَذَا التَغَيُّرْ لَيْسَ عن مُمازِجَةٍ,

this mixing is not because of something which is mixing with the item,

وَلَكِن عن مُجاوَرَةٍ.

You know *mujaawarah*, imagine that something is side by side, like the *jaar* means neighbour and *mujaawarah* means to be on one side. So what he is trying to say is that this twig, when it's in this water, it's not mixing with the water, meaning you can take the twig out. So the water is still the water. It's not dissolving into it; it's not taking the ruling of that. It might depart a taste and a colour change and even a smell change, and often it will. That's why they use *kaafoor*, because *kaafoor* has a very strong smell and it also has a very strong taste. But because it is not actually dissolving in it and becoming one, you can actually remove it. Therefore, it still has its ability to purify.

So then the sheikh asks a very pertinent question. If that's the case, if it still has the ability to purify,

- لِماذا يَكُونَ مَكْروهاً؟

Why is it being considered it as hated? Let's talk about *makrooh*, what does it mean? It means reprehensible, that which is disliked. The actual definition for *makrooh* of course, has its own meaning. It means that which is opposite to that which is loved, meaning that it's not liked. But the actual usooli definition, the technical definition is –

- الذي يُثابُ تارِكُهُ ولا يُعاقِبُ فاعِلُهُ

'The one who leaves a makrooh action is rewarded but the one who does the makrooh action, is not punished.' So that's what makrooh means. When something is makrooh, it is that action that if someone does it, he's not punished but if he leaves it intentionally, he's rewarded for it.

We have five things; you have the *ahkaam al-khamsa*. So let's start off with haram. What is haram? the one who leaves it, he's rewarded, and the one who does it, he's punished. Then next level down, makrooh. What did we say makrooh is? the one who leaves it, he is rewarded but if he does it, he's not punished. What's the third ruling? Mubaah. What's mubaah? The one who leaves it, he is not rewarded and the one who does it, he is not rewarded. Meaning: there's no ruling on it. Meaning it's okay, go ahead and do it. Something which is *Mubah* - go ahead and do it, you're not punished if you do it, you're not rewarded if you don't do it.

The scholars, the more you increase in knowledge and taqwa – how do you get ahead of the rest of the Muslims…? You are able to change the *Mubah* issues into acts of ibadah. That's the next level skill. Meaning that you're able to take a number of issues that are normative bodily functions, normal day-to-day scenarios outside in your working, living environment, but because of your quality as a person and your manipulation and your control over your intention – that's what it's all about, how strong you are over your intention, how focused you are – you are able to use a number of things and turn them into acts of ibadah.

That might be walking for example; you might have to walk a certain way to school. And it's quicker and it's allowed for you to go a second way to school which is paved, and is the same, you're getting to school maybe a couple of minutes late but if you walk that way you walk past an old lady who you know that she's a bit lonely and you just want to give her a wave every time you go past. It's permissible to wave, it's permissible to walk, it's permissible to whatever - there's no added benefit. If you choose that

second route with the intention that I want to change this walking, and this extra distance, just so that I can make her happy, or make some da'wah to her- this is how you changed a permissible act into one rewarded.

And sleep is an example as well. If you manipulate your sleep in a very accurate way where you say that I want to get extra energy to wake up for this time or I want to sleep so I can do more study at that time. This is the quality of a scholar.

But anyway, *Mubah* means if you do it you don't get rewarded; if you leave it you don't get rewarded.

The next, the fourth category – Mustahabb or Mandub – two names which are used at the same time – those are those actions which - the *faa'el* (the one who does the action) is rewarded, and the one who leaves it, he's not punished. And then the fifth *hukm (*ruling) is Wajib and Fardh. The words *wajib* and *fardh* mean the same thing according to the majority of scholars. Meaning: obligatory. What's the definition of obligatory? The one who does it is rewarded. And the one, who leaves it, is punished. And these are the five definitions of the five rulings which you have to know in usool and you have to know in fiqh.

We have now, a statement. The mu'allif said that to use this type of water where it's mixed with some twigs or grease or this or that, it is *makrooh* to use. Shaykh Uthaymeen asks a question – Who said it's *makrooh* to use? Is it permissible to just suddenly say it's *makrooh*? What's the evidence for it?

So he says: the reason some Hanbalis said that it is *makrooh* is because

إنه طاهراً غير مطهِّر

This is really interesting. Think about this. He said the scholars are all very comfortable with the idea that you can have water which is pure and purifying. End of story, that's fine. But some of them, when they heard that you can have water which is mixed with something, *even though* you can take it out, it has departed some kind of smell or some kind of taste, they said *it lost its ability to purify*. And now it is simply what? *Taahir*. Pure. It lost its ability to purify when something was mixed with it.

Now because some scholars firmly believed that this has now happened with this water, we now have a difference of opinion, a *khilaaf* (a difference of opinion in the madhab). Because there is a difference of opinion, Shaykh Uthaymeen said – simply because of the existence of a difference of opinion, the madhab officially said: you know what; we will now just classify it as *makrooh.* Meaning it's hated to use. Meaning, it's *legitimate*, it's still legitimate to use but we got to put this kind of warning thing on it.

And this ruling of *makrooh*, they said is simply in the presence of pure water. Meaning: if pure water is available, pure and purifying water is available, *then* to use this type of water is *makrooh*.

It's important that you understand that Shaykh Uthaymeen is trying to make some excuse. Actually he himself, he doesn't like this ruling. You can feel from what he's trying to say, that: hold on, just having a difference of opinion in a madhab is not justification enough to give a legal ruling of *makrooh* to something. That's not good enough. *Makrooh* is a legal reality. It's a legal reality. To establish a legal

reality, we must have legal evidences. If there is no evidence to suggest that water mixed with something which you can remove, has lost its purity – then it hasn't lost its purity. And even the hanbalis accepted because they said you can use it anyway 'cause it says makrooh, they even agree you *can*. And there is no evidence to say that it is hated, and therefore you use it as you wish. It's no problem.

After saying that, he does say: If you're going to say that it is *makrooh* from the hadith of

دَعْ ما يَرِيبُك إلى ما لا يَرِيبُك

"Leave that which makes you doubt for that which does not make you doubt."

Meaning that: you have this water in front of you, you're not sure, you're doubting its purity and so therefore, because of the doubt, we're going to say that it's better that you avoid it- it's disliked to use it.

If you're using *that* as your justification, that's something which we can accept. Now it's something we can accept. And for that reason, fine, don't use it – better to use pure and purifying water that hasn't had something mixed with it.

And then he quotes a very nice line of poetry actually, because he's still upset about this point – he says:

فليس كلُّ خلافٍ جاء مُعتَبراً
إلا خلافٌ له حظٌّ من النَّظر

[this poem was used in a book that was talking about how to differentiate between Makki and Madani surahs in the Qur'an. The line of poetry is by Abal Hasan Ibn Hassaar and he is Ali ibn Muhammad ibn Muhammad. And this line of poetry is the last line of his poem in Understanding the Difference between the Makki and Madani surahs in the Qur'an. He put them altogether in a book called An-Naasikh Wa Al – Mansookh, and it is narrated in Al-Itqaan - a book by Imam (Jalaluddin) Al- Suyuti on the Sciences of the Qur'an.]

So, what's the translation of this?

فليس كلُّ خلافٍ جاء مُعتَبراً

Every difference of opinion that suddenly comes to us is not always to be considered. Just because one person says it's raining, another one says no it's thunder, another one says it's sunshine – just because you come up with your own statement, it doesn't mean that we have to listen to you. It doesn't mean that your opinion means anything – not necessarily *mu'tabar*.

Not every opinion that suddenly someone says is something to be considered.

إلا خلافٌ له حظٌّ من النَّظر

Except a difference of opinion that has a good portion of evidence supporting it.

And so, this is his example for not saying that just because there is a difference of opinion we're going to make something *makrooh*.Anyway, I think that's enough with respect to explaining the issue of a mixture.

In summary, so that you understand what's going on-

We're still on the first type of water – There are 3 types of water.

- *Tahur* – meaning it's pure and it purifies.
- The second type of water which we're still way away from, it's just *Taahir* and it doesn't do anything, it's just pure in itself.
- And then the third type of water is *Najas*.

Okay? We're still dealing with the first type of water – that water which is pure in itself and it purifies, meaning, you can make wudhu with it. Now this type of water is still permissible to use *even when it is mixed with something else*. And so if it is mixed with that which does not dissolve in it, (so like ink or whatever – you know for example rosewater or lemonade or things like that, that's not what we're talking about. 'Cause once you put these things in then it takes a whole new ruling, it's not water anymore, it's called something else. We're not talking about that.)

We are talking about twigs, some money thrown in, stones, a little bit of dirt, mud and whatnot. Like mud and sand are good examples. There is lots of sand in water all the time you just give it a bit of filter and a good shake that is what the sand has got.

Sheikh is saying that the Hambalis said that whis water is makrooh to use, but in actual fact it's really only makrooh if you are thinking that there is some doubt about it. If there is some doubt about it, then fine. Otherwise if you have got good clean water, just use that, but if you don't have any clean water and you find any other water in a puddle or whatever, then you use that. It's pure and purifying so there is no problem with it whatsoever.

And also we established today that with respect to impurity, impurity can be removed in any way that you want - whether you are burning it, heating it, using dry cleaning, fluids or whatever. As long as you get rid of the physical impurity from wherever it is - be it from clothes, be it from the floor, be it on your body - as long as it's gone completely with no residue left behind, that is okay. We also touched upon the principle of *istihala* meaning it's also possible for impurity to change by itself and that impurity could change either because it dissolved beyond recognition in a massive amount of water or is dissolved by salt or whatever over period of time or you burned it into something else - this is potential changes of state. Or alcohol oxidating and completely losing its alcoholic property and now becoming acid adding an extra OH bond.

Q: Do you know tap water plus mixed with chlorine is that purifying water?

A: for example when you have the water itself which is mixed with chlorine? Tap water - we are going to cover that next week inshaAllah.

Q:

A: the most incredible non mixing substance in the entire world is grease. But if you had water and you chucked oil in and you mixed it, you are going to wait at least a couple of seconds so if you wait then you will start to see its hydrophobic properties start to kick in. It will start to rise a bit and the water will be left behind. The point to take is that even if there was some crazy type of surfactant on the surface of this grease and oil which allowed it to mix with water, if that happens then this ruling doesn't apply. The ruling we are studying is talking about water which you are able to completely get rid of the other thing. But yes, if there was a scenario where grease was all through the water then yes, that would be able to be used.

Q:

A: Salt, here, is referring to sea salt and the reason that there is no problem with sea salt is the scholars say it's actually considered as water anyway, because the prophet ﷺ has allowed the water of the ocean. You have salt which is natural to water, but then you have rock salt which is not natural to water. If that is then added, it's a different ruling and that is coming in I think one or two weeks' time.

Q: It's possible for something to fall in like camphor (which is a solid and which in principle does not dissolve in its solid form when you put it into water) and it departs a slight taste and it leaves some kind of color change. How come that is still okay? How come the water is still considered as pure and purifying water?

A: Because you can take that thing out completely. The fact is that whatever is left behind (that slight color change or whatever other change) is not enough to take the title of water away. Whatever is left behind is so minimally affected that it is still seen as pure water and also because the item itself is not impure and is not causing a complete dissolving in it. it's still called purifying as well so its tahir and tahur. The fact that it departs some kind of taste or some kind of color change - that is not something which is fatal to its purification property and it will become clearer in few weeks.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
اللهم صلي وسلم وبارك على نبينا محمد وعلى صحبه أجمعين
اللهُمَّ لا سَهْلَ إلا مَا جَعَلْتَهُ سَهْلا وَ أنتَ تَجْعَلُ الحزْنَ إذا شِئْتَ سَهْلا
اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

So, inshaa Allah we're going to resume with the first type of water that we were looking at. But Alhamdulillah, as you all have heard this morning, we have a very special surprise. Maashaa Allah, tabaaraka Allah. It's good, wallaahi it's good. You'll like this one. Because we're doing purification, right? And you know that when you're doing purification, you study the rulings of tayammum. What's tayammum? Dry ablution. And tayammum is something which is a concession; it's only allowed when there's an absence of water. So, if there's water for wudu, is it possible to do tayammum? Of course not. And so, with our surprise today, we have not just water, not just pure water, we have pure and purifying water. And we are the tayammum, we are the dust, we are the dirt. Tafaddal, ya shaykh. Ahlan, ahlan. My ustaadh for I don't know how many years, shaykh Kehlan hafidhahullah ta'ala wa ra'a'.

[Shaykh Kehlan]
Bismillahi ar-rahmaani ar-raheem. Assalamu 'alaykum wa rahmatullah wa barakatu. Jazakumullahu khair for inviting me. I thought I would just share with you maybe a few things that I thought of. I was reading the ayah when Allah, (subhaanahu wa ta 'ala) mentioned the story of Sulaiman and Dawud, alayhum as-salaam. Allah (subhaanahu wa ta 'ala) mentioned their story and He said that they were both granted hukm and 'ilm.

وَدَاوُودَ وَسُلَيْمَانَ إِذْ يَحْكُمَانِ فِي الْحَرْثِ إِذْ نَفَشَتْ فِيهِ غَنَمُ الْقَوْمِ وَكُنَّا لِحُكْمِهِمْ شَاهِدِينَ
"And remember David and Solomon, when they gave judgement regarding the field into which sheep strayed by night and grazed. We witnessed their judgement." [21:78]

And then Allah, subhaanahu wa ta 'ala said
فَفَهَّمْنَاهَا سُلَيْمَانَ
"And made Solomon understand the case [better]…" [21:79]

And then the ayah ends by saying that both of them that Allah have gifted them with 'hukman wa 'ilma.'
وَكُلًّا آتَيْنَا حُكْمًا وَعِلْمًا
"…though We gave sound judgement and knowledge to both of them." [21:79]

So, I thought of these three words, which in Arabic are called *fahm* and *hukm* and *ilm*. If somebody were to read them separately they would think that they mean the same thing, but when Allah (subhaanahu wa ta 'ala) mentioned them in the same place in the Qur'an, it made me think, 'what is the difference between understanding, knowledge, and hukm?'
Here Allah (subhaanahu wa ta 'ala) is talking about two major prophets who are well-known for their

knowledge, wisdom and hikma - Sulayman, alayhis-salaam and his father Dawud, alayhis-salaam. Allah (subhaanahu wa ta ‘ala) mentioned that He gave the understanding to the son, Sulayman alayhis-salaam - 21:79] فَفَهَّمْنَاهَا سُلَيْمَانَ]. But he praised both of them. He said both Sulayman and the father Dawud--Allah gifted both of them with knowledge and hukm. So I understood from that there is a difference between fahm (understanding) and knowledge. Sometimes a person may have a lot of knowledge, but he might not understand things as they should be understood. Understanding or fahm is something beyond knowledge. I think this word has been translated to Arabic by another terminology and they call it fiqh. Fiqh and fahm are almost the same, which leads me to think that Allah (subhaanahu wa ta‘ala) doesn’t depend on the age of a person. From here we see that Sulayman (alayhis-salaam) is the one who understood the issue or the mas’alah, although his father has more experience or maybe has more knowledge. But he is still the one that understood the mas’alah or the issue.

Muhammad, sallallaahu ‘alayhi wa sallam in Sahih Bukhari, was once sitting with his companions and he said, “there’s a tree in the desert which is similar to the believer”. The major companions that were sitting there, none of them could figure out that tree. ‘Abdullah ibn ‘Umar was a young boy at that time and he said “it came to my mind that it was the date-palm, nakhla”. But he said that, I was shy to give the answer in front of my father and the other major companions of the Prophet, sallallaahu ‘alayhi wa sallam. And then he told his father. [reference needed]

But here we understood that ibn ‘Umar was a young boy at that time. And nobody could understand or give the answer for that question except that young boy, ‘Abdullah ibn ‘Umar. Allah (subhaanahu wa ta ‘ala) enabled him to figure out the answer.

Also, we have ‘Abdullah ibn ‘Abbas, radiaAllahu ‘anhu. He was also a young boy at that time and maybe he was a teenager or the early twenties when ‘Umar ibn al-Khattab radiaAllahu ‘anhu became the khalifah. ‘Umar ibn al-Khattab used to invite him to the gathering of the sahaba, and the consultation (the shura). Some of the major sahabas complained. They said that they also have a similar son, the same age, why don’t you invite our son? He said, okay and he said to the companions, I want to ask a question. Allah subhaanahu wa ta ‘ala said,

إِذَا جَاءَ نَصْرُ اللَّهِ وَالْفَتْحُ
وَرَأَيْتَ النَّاسَ يَدْخُلُونَ فِي دِينِ اللَّهِ أَفْوَاجًا
فَسَبِّحْ بِحَمْدِ رَبِّكَ وَاسْتَغْفِرْهُ ۚ إِنَّهُ كَانَ تَوَّابًا

“When God’s help comes and He opens up your way [Prophet], when you see people embracing God’s faith in crowds, celebrate the praise of your Lord and ask His forgiveness: He is always ready to accept repentance.” [110:1-3]

Allah, subhaanahu wa ta ‘ala said, when the victory of Allah subhaanahu wa ta ‘ala comes, and the conquest of Makkah, then say tasbeeh Muhammad, sallallaahu ‘alayhi wa sallam and repent to him. Allah subhaanahu wa ta ‘ala will accept your repentance.

‘Umar would ask the sahaba, what is the meaning of this surah? All of them said it was clear; Allah, subhaanahu wa ta ‘ala is talking about the fath of Makkah; the opening of Makkah or the conquest of Makkah. And then he asked ibn ‘Abbas, what do you think? Ibn ‘Abbas said that, I think that this is an indication that Muhammad, sallallaahu ‘alayhi wa sallam is approaching death. Ibn ‘Umar said, by Allah, this is also the same thing that came to my mind when I read it.

So from here we can also understand another point; why ibn ‘Abbas and ibn’ Umar were gifted by Allah (subhaanahu wa ta‘ala) with this ability to understand things better than others, although they shared the same knowledge and the same environment. But this fahm is a gift from Allah.
It’s like the story that Allah mentioned in Surah Yusuf about Yusuf (alayhis-salaam) when the king saw a dream and he asked the people around him what they thought of this dream.

وَقَالَ الْمَلِكُ إِنِّي أَرَىٰ سَبْعَ بَقَرَاتٍ سِمَانٍ يَأْكُلُهُنَّ سَبْعٌ عِجَافٌ وَسَبْعَ سُنبُلَاتٍ خُضْرٍ وَأُخَرَ يَابِسَاتٍ ۖ يَا أَيُّهَا الْمَلَأُ أَفْتُونِي فِي رُؤْيَايَ إِن كُنتُمْ لِلرُّؤْيَا تَعْبُرُونَ
قَالُوا أَضْغَاثُ أَحْلَامٍ ۖ وَمَا نَحْنُ بِتَأْوِيلِ الْأَحْلَامِ بِعَالِمِينَ

“The king said, ‘I dreamed about seven fat cows being eaten by seven lean ones; seven green ears of corn and [seven] others withered. Counsellors, if you can interpret dreams, tell me the meaning of my dream. They said, ‘These are confusing dreams and we are not skilled at dream-interpretation’.” [12:43-45]

The people around the king are selected, they are intellectual people with experience - and they said that they didn’t know. They thought that it was just *adghaath ahlaam* (أَضْغَاثُ أَحْلَام), or meaningless.

But the one who understood it was Yusuf, ‘alayhis-salaam. And with his understanding - he was a young boy at that time, a stranger in a different country – Allah, subhaanahu wa ta ‘ala enabled him to explain that dream. He transformed the strategic direction of the economy of Egypt completely.

When we talk about the fiqh of Islam, I thought to myself, why we for example, study Abu Hanifah, Malik, Shaafi’i, Ahmad, ibn Taymiyyah and why we consider them special. We have a lot of people around at that time maybe of even higher status than them.
I think Allah (subhan hu ta’Allah) gifted them with that ability of understanding things with the light of the Quran and Sunnah. They were able to give answers for difficult questions that are in agreement with the Book of Allah (azza wa jall) and the Sunnah of Muhammad (sallalahu alayhi wasalam).
Ibn Masud, for example, mentioned the statement of Ibn Abbas (radiallahu anhu). Muhammad (sallalahu alayhi wasalam) said “that he is a container full of knowledge” [need reference]. Muhammad (sallalahu alayhi wasalam) said about Ibn Masud. Muhammad (sallalahu alayhi wasalam) is the source of knowledge. He said that Ibn Masud “**كُنَيْفٌ مُلِئَ عِلْماً**”, is a container full of knowledge.

Ibn Masud said “By Allah, if Ibn Abbas reach our age not a single one of us could be capable to be close to him” That is Ibn Abbas (radiallahu anhu).
I think with every generation in our nation, alhamdulillah, Allah (subhan hu ta’ala) gifted this nation with

people who could understand the issue of Fiqh and our Deen, and who are able to give correct answers to a lot of questions that we have in our time.

By studying the opinion of these scholars, those people who could understand Islam in the right way, that will give us insight to the methodology or the way. But that, of course, is the beginning of the road. If we study Abu Hanifa, Shafi, Malik, or Ahmed, they are human beings and they are individuals. They might give so many good answers but they are not infallible or perfect. They are human beings.

That will help us to understand the methodology, their ways of thinking, and maybe we will follow from there. We will understand more and study more.
When Imam Malik wanted to write his book, Abu Jaffar Masud, the Caliph of that time said to him, "Malik I want you to compile a book, the Sunnah of Muhammad (sallalahu alayhi wasalam), but try to avoid the extreme opinion of Ibn Umar and the lenient opinion of Ibn Abbas." Imam Malik (rahima hullah) said "He taught me how to write at that time".

Because even if we have intelligent good people, even among the companions some of them used to be a bit strict, like Ibn Umar (radiallahu anhu) and we have another school that is more lenient, like Ibn Abbas (radiallahu anhu). But both of them of course are within the umbrella of Shariah, and when we study these two opinions, two extreme opinions, we could understand how open and how flexible our Deen is. There is a lot of space for people to think and study. That is among the companions of Muhammad (sallalahu alayhi wasalam). You will find among the other scholars the same thing.

We know the historic difference between the school of Iraq, which we can say is represented by Imam Abu Hanifa (rahimahullah) and the school of Hejaz which is represented in a way by Imam Malik (rahimahullah). People always think that there is major clash between these two schools: the school of hadith and the school of Fiqh. I think that both of them are a gift from Allah (subhanahu wa ta'ala) to us.

If we remember the Hadith when Muhammad (sallalahu alayhi wasalam) told the companions that nobody should pray Asr' until they reached Banu Quraydah. Some of the Sahaba said 'I think Muhammad (sallalahu alayhi wasalam) intended to encourage to us be quick to reach Banu Quraydah, so we so we can pray Asr' in its time.' The other Sahaba he said 'no, don't pray, so even if we miss the Asr we have to pray Asr after Magrib'. When they came to Muhammad (sallalahu alayhi wasalam), Muhammad (sallalahu alayhi wasalam) said that "both of you are ok" he did not say anyone is wrong. From that we can understand that those who people who prayed on time, they understood the meaning or they preserved for us the <u>meaning</u> of Shariah. While those who prayed Asr after Magrib they preserved for us the <u>text</u> of the Shariah. Both of them are important in our Deen.

Nowadays, for example, we see *ahl al-hadith*, people say *ahl al-hadith* is very harsh and they don't have Fiqh. Then *ahl al-hadith* say the Hanafi people don't understand hadith and they cannot differentiate between the authentic hadith. But I think both of these schools are good and are a source of enrichment for our understanding of our Deen.

Our Deen is not narrow, it's wide. None of us can claim that he owns the truth. We are just human beings. As Allah (subhanahu wa ta'ala) mentioned in the Quran, He gave an analogy of the Quran to the rain which comes from the Heaven. And He said some people are like an ocean, some people are like a river, some people are like a small valley and some people are like a small lake, take from the Quran according the their ability. As Allah (subhanahu wa ta'ala) has also said in the Quran "وفوق كل ذي علم عليم" "and there is above every scholar/knowledgeable person somebody who has more knowledge than him, in a certain way". [12:76] From that we understood the story of Musa (alayhi salaam) with alKhidr. Musa (alayhi salaam) stood up, on one occasion, and somebody asked him from Banu Israel "is there anyone in the universe who has more knowledge than you?" he replied "no" and then Allah subhan hu ta'ala said "go to a certain place and you will find a person who has more knowledge than you"

This gave us an idea that if we study or if we have knowledge we have to keep our minds open, to the other thoughts, the other beliefs, other ideas, and other scholars. Once we restrict ourselves to a certain school of thought, then we will be missing a lot of things from other people, but if we are flexible and we listen then we will always be able to improve.

Ibn Taymiyyah (rahimahullah) for example, one of the classic examples that makes me admire him, he said "I used to read more than one hundred opinions about a certain issue" and he used to go a deserted mosque in Damascus prostrating in the dust and saying ***يا معلم إبراهيم علمني*** meaning "Oh teacher of Ibrahim, teach me" That is a sign of humbleness.

Also I was thinking a few days ago about
وَالْعَصْرِ
إِنَّ الْإِنسَانَ لَفِي خُسْرٍ
وَتَوَاصَوْا بِالْحَقِّ وَتَوَاصَوْا بِالصَّبْرِ إِلَّا الَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ
I thought of the words '*tawasaw bil-haqq*' (**وَتَوَاصَوْا بِالْحَقِّ**). *Tawaasaw* if you know from the Arabic language is from the structure like tafaa'ul which indicate the issue between two parties. For when we say 'tawaasaw bil-haqq', it means I advise you and you advise me. It means that is impossible for people when they advise the other that they are at the same level, which opens the door for a scholar to be advised by somebody who is younger than him. Allah (subhanahu wa ta'ala) said 'tawaasaw', which indicates that it is impossible for them to be equal in everything. But that is to open our minds and our hearts to listen, to study, and to always ask Allah (subhanahu wa ta'ala) to guide us. As Muhammad sallalahu alayhi wasalam used to say
اللهم رب جبريل وميكال وإسرافيل فاطر السموات والأرض رب كل شيء ومليكه إهدنا إلى المختلف فيهم للحق بإذنك إنك تهدي من تشاء إلى صراط المستقيم

When Amr ibn Al-'As was appointed as *Ameer* by Muhammed SAW – once it was very cold and he had to take bath in the morning and he lead the salah by making Tayammum. The people complained, they said, "How come our Imam didn't take a bath?" He said, "I can't, it's very cold. I couldn't take a bath. I will become sick and I will die."

Then they went to Muhammed SAW who asked him, “Why did you do that?”
He said- Allah SWT says in the Qur’an – وَلَا تَقْتُلُوا أَنفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا
“Do not kill yourself, Allah is merciful to you.” (Surah An-Nisaa’: 29)
And Muhammed SAW smiled – meaning, he approved it.

Yes, he (Amr ibn Al-‘As) was one of the intelligent people. But not only talking about intelligence- about thinking and understanding – which is a term Allah SWT has mentioned beautifully in the Qur’an in the story of Dawud and Sulayman (alayhum as-salam). *Understanding* is important.

Ustadh AE:
We’re studying the work of Shaykh Uthaymeen (Rahmatullah Alayh). He’s someone I’ve always wanted to study with – I never got a chance to study with- but in the 90’s it was you who inspired me to take him as a favorite scholar. I just wanted something that you could share about Shaykh Uthaymeen...your own thoughts?

Shaykh Kehlan:
Shaykh Al-Uthaymeen (Rahimahullah) was a scholar different from many other scholars that we know. Of course you understand the culture that he lived in, the society that he lived in, the people he was surrounded by, and the school that he came from. But many occasions we saw him differ in his opinion from the school- the mainstream opinion that he has. And then on many occasions we saw him thinking, comparing, and looking at the evidence, and looking at the *maqasid al-Shari’ah*. And studying/reading different books – you will be surprised at the names of the books that he mentioned in many of his lectures. So, he is a scholar who is open minded and a deep thinker. A person who really had a good understanding of the Qur’an and Sunnah of Muhammed SAW - and I think you’ll follow some of his work in this book and you’ll see that he is a good scholar. But as he said (most of the scholars said before him) that we are human beings and we can make mistakes. But he is one of the great examples for us.
I was thinking of an aayah few days ago- Allah SWT mentioned the *Al-Ahbaar and Ar-Rabbaniyun* - لَوْلَا يَنْهَاهُمُ الرَّبَّانِيُّونَ وَالْأَحْبَارُ
(Why do the *rabbis* and *religious scholars* not forbid them……?)

Allah SWT classified the scholars for the nations before us, the Jews and the Christians, and He mentioned two groups. One of them he said “Rabbaniyun – الرَّبَّانِيُّونَ” and the other group “Ahbaar – الْأَحْبَار”.
“Rabbaniyun” – from the structure- it came from “Rabbani” – A *Rabbani* is the one who leads the ship. (We say ‘Rabban-as-Safina’ to the one who directs the ship.) So as if the Rabbani is the one who directs the people, gives direction to the nation, and he tells them what to do. So, he understood the system, and he will direct the people.

While the *Ahbaar*, is a scholar who thinks and studies; he might not concern a lot about what the people say or what stays only in this mosque in his university, in his institution whatever; he thinks and studies and realizes and produces knowledge – He is *Habar*.

Rabbani is the one who knows; he sits with the people and he teaches them, and is patient with them and he advises them. If they make a mistake he says no (corrects the mistake), and then he follows them, maybe at home, or wherever he goes - So he looks after them when they grow gradually. It came to my mind that if we would classify the scholars of our time, of course we have a lot of scholars but the most famous in our school of thought like Shaykh Al-Uthaymeen – I would say that he is *Rabbani* in our time- a person who is not only giving knowledge but who also follows the people and advises them and teaches them. And he spent all his life with the people – talking to them, walking with them, speaking to them, and advising them – so he has a great influence on people.

You have another example, Shaykh Albaani (Rahimahullah) is a person in his home – studying and searching and collecting hadith; spent all his lifelike that. So he is more concentrating on knowledge than what the people say, or how they follow him – so he is like a form of *Habar*.
And you'll find people who have these two qualities together – "Rabbani" and "Habar". Throughout history for example, they said, Ibn-Abbas was Habar and Rabbani at the same time. And there are many scholars who have these qualities together.
(Ibn-Umar was Habar and Rabbani.)

Ibn-Abbas was well known as the Habar of the Ummah, but I found that when he passed away, I think Muhammad ibn Al-Hanafiyyah (Rahimahullah) said – The Rabbani of this nation has passed away. – So, he had the two qualities; Rabbani – the one who directs the nation, tells them what to do in times of difficulty and shows the direction and at the same time he is deep in his knowledge (Habar).
These two qualities are not easy to get (together). And I think Shaykh Uthaymin has the two qualities of course, but he is Rabbani, In Shaa Allah.

There are 3 types of water; we are now covering the first type of water. That first type of water is purifying water, and purifying water is the only type that lifts ritual impurity or removes foreign filth. It is water that is still in its original created state.
المياهُ ثلاثةٌ: طَهورٌ لا يَرْفَعُ الحدَثَ ولا يُزِيلُ النَّجَسَ الطارئَ، غيرُه، وهو الباقي علي خِلْقَتِه،
So that is basically saying this is pure, purifying water that actually is not just pure and clean in itself, but it actually has that ritual characteristic of being able to lift your state of ritual impurity. It is water in its original created state, so that includes: rain water, well water, sea water, and so on and so forth. Then carrying on, describing more about that same first category – it's offensive to use if it changes as a result of something which does not mix with it, so this is now the madhab saying that it's makrooh (reprehensible).

It is reprehensible to use that same *tahur* water if it mixes with something which isn't really kind of a problem. Meaning, (it is reprehensible) if you mix it with something which does not mix. What it is being mixed with is pretty easy to take out. It's not dissolving into it. I gave you the example that Sheikh Mukhtar ash-Shinqiti gave, that if you put ink into water it's going to completely dissolve and that is

going to mess things up. It's clearly not something which you can lift out like a twig so that is a pure example. A najas example would be like urine - if you put urine into a small amount of water, it's all over the place. It has dissolved into that small amount of water - you can't get that out. So that water is now najas and it loses its ability.
The madhab is saying: anything which mixes with it which doesn't *really* mix with it. What is that? We said twigs, pieces of camphor and now we just moving on to the next piece which is *duhun*.

Q. Is it still offensive if you take it out?
A. No, if it's taken out and the water hasn't changed, and the color hasn't changed then it has had no offense at all.

He gives the example on pages 33 "او دهنا ". *Duhun* is grease.
لو وضع انسان دهنا في ماء
If a person was to put grease in water then obviously it's not going to mix, but the water will change. 'Mix' meaning: it's not going to dissolve into it, and it's not going to become part of the water. The water (in its nature, and its color) would still change but it would not lose its purificatory property, rather…
بل يبقى طهورا
it will actually still remain purified
لان الدهن لا يمازج الماء
Because the grease does not dissolve into water
in fact you find it floating: طافيا على أعلاه

You will find it floating on the top and so what happens in water is *taghayur* by *mujawara* and not by *mumaazaja* (meaning to bind and dissolve). The water hasn't changed by this type of chemical reaction. It's changed by mujawara.
Mujawara is… as I said to you the *jaar* is the neighbour, so it's in contact with it. If two things are in contact… accompanying... I am now saying that if they are knocking about one another and they are touching but they are not crossing into each other's boundaries - that is why the word *jaar* means a neighbour, so m*ujawara* means it is side-by-side.

Although the grease definitely has changed the nature of this water and it has mixed with it, it has mixed in its own way of mixing. The globules still keep to themselves and if you were to push the water to the side you can get some clean water.
So a piece of camphor is an example, some grease is another example, and "salt taken from water". Now you can either call that sea salt or just translate it exactly like salt taken from water بملح مائي

وهو الدي يتكون من الماء
You have two types of salt: that which is taken from rocks, minerals, hard sources and then you have that which is naturally found in water - sea water and other sources of water.

The sheikh says فهذا الملح لو وضع كسرة منه

If a sea salt or salt taken from water was put into water, the water would turn salty. In this third example there is a change.
The first example was something physical which is very easily taken out – it's clearly not merging. The second one does mix quite a bit, but it goes globulated and still the change is not taking place. The third one is a completely different type of reaction; the salt does dissolve into the water.

فإنه يصبح مالحا
The water will actually turn salty but he says ويبقى طهورا مع الكراهة خروجا من الخلاف

According to the Hanbali schools, it will still remain purifying, but because there is difference of opinions amongst the scholars in the madhab, they ruled it as makruh. Sheikh Uthaymin was critical of this. When they differ, the one who comes to summarize their arguments says: one of our imams said this, and another one of the imams said this, and we don't really know which one to go for, so let's be on the safe side - we will just write it off as makruh.
Sheikh Uthaymin said this is not acceptable as a reason to designate something as makruh, because makruh is a legal reality and you can't just say that something is makruh just to be on the safe side. You have to have separate and clear evidences that establish the position and the reasons why it's makruh.
He asks the question: why did the water not lose its purifying property when there is something that is being dissolved into it? He answers because this salt's *asl* is water. This sea salt's *asl* is water. It's water in its origin, so it's almost like water going back to water. This is the position of the majority of the scholars. I am going to spend some more time discussing this when we talk about the second category.

When sea salt is put into water, it's just like sea water and we know that is pure and purifying. But this is not the issue; the issue is if you just took sea water and sea salt and put it into normal water. Then, it would not lose its purifying property.
According to the madhab, this is what Sheikh ibn Uthaymin continues to say:
وعلم من قوله: ((مائي)) أنه لو تغير بملح معدني يستخرج من الأرض
If we understand from the statement of Al- hijaawi by specifying the word maa iyyan sea salt or salt from water.

We understand from the statement of al-Hajjawi by specifying the word ma'i'yin (مائي - sea salt or salt from water), that if we took salt from another source--i.e. rock salt as we know it-- and that was placed into the water, it would lose its purifying property according to the madhab. Now he goes:
...على مذهب، فيكون طاهراً غير مطهر
The water would now be a new category, a second category – pure but not purifying.

A little tip here: whenever Shaykh Uthaymin makes the statement in his commentary *ala'l-madhab*, it's a very polite, nice way for a little back hander. 'In the madhab' - he is basically saying "I don't feel that". I'm not feeling that, but according to them, using their usul, using their logic and continuing down the line, this is what they're saying. And his position is going to become clearer later on.

So that's really important. Sea salt in water no problem. Rock salt, according to them would be a problem.
And then we have a fourth example of something happening to the water which is also slightly different:
"…or heated using filth"

Now, that reminds me actually last week we were talking about istihaala. I was giving different examples of things that might dissolve or they go through a chemical process, and then I gave an example- that you can burn some dung and it would turn to ash and it would be pure. I noticed someone say that's not a good example because dung can be pure, and that's right. So maybe it wasn't a good example. I wasn't actually referring to dung that is pure, I was referring to dung which was impure. So permissible animals, their dung is pure right? Which is why us pathan use it day and night. The ahnaaf consider it to be pure as well and it is actually well known that the dung of a permissible animal is pure.

Anyway, so here, we are talking about something else.
بنَجِسٍ أوسُخِّنَ - The water is now heated with najas. Now it doesn't matter, you can even use human feces as a fuel, you can burn it and it would emit heat. So imagine you have got that and you've got nothing else and you're heating up a small container of water with it. So, what does he say? That:
أي: إذا سخن الماء بنجسٍ تغير أو لم يتغير فإنه يكره

If we have some water, which is heated using some filth, whether the water in the pot changes or not, it is makruh to use that water for wudhu. So I want you to imagine that it is a cold day and you've got some water, it's freezing cold, you need some hot water for your wudhu and you can't find anything (to heat the water)... I know that's random but you've got that there, so you set a match to it and it's heating this water. Regardless of whether anything happens to this water or not, obviously it gets hot but whether anything else happens to it or not, to use this water is makruh according to the Hanbali madhab. So this is the fourth of four differing kind of scenarios.

So now as you can imagine Shaykh Uthaymin is going to have some fun here. He goes that if a man was to gather some dung from a donkey and he was then to heat the water (moving on to page 34 [of sharh]) then it would then be makruh. And then he gives a good example: if it was open, like bubbling away with no lid, then we can actually understand where they are coming from. The issue is apparent because the smoke is going to enter into the water. So it's going to burn, its debris or ash is going to go up and it's going to settle. If you've never burnt dung or feces before an example is*bakhoor*, the perfume stuff that the arabs use. When they burn that in the incense burner with proper solid incense, it gives off a smell and if you breathe it in you can actually feel that it's heavy. It's actually quite heavy particles. So the idea is that when it's burning, that can go into the water.

If the top is open then that is clear and many scholars said that. But what if it's sealed? If it is tightly sealed, then according to the Hanbalis it is still hated. The Hanbalis say that even if it's heated and it's completely sealed, meaning there is no chance whatsoever of this stuff going in, then it's still hated. But the correct opinion, according to him, is that if it is tightly sealed then it is not hated. And that is the taught position of this class, it's my position, it's the Shaykh's position as well.

According to the Hanbalis, it doesn't matter. Covered or not covered, that water is hated to use. They are basically saying that if it's open then it's definitely going to be affected by the najas and if it's sealed then there is a possibilty of it being affected by the najas. The correct position is that if you have sealed it correctly and there is absolutely no way that anything is going in then the water is to be used and it is not hated.
The other argument that he (Shaykh Uthaymin) is talking about there, is something that is not really relevant for now. So therefore that now completes this statement:
كُرِهَ، بنَجِسٍ، أو سُخِّنَ مائيٍّ، بِمِلْحٍ أو أو دُهْنٍ، كافورٍ، كقِطَعٍ بغيرِ مُمَازِجٍ فإن تَغَيَّرَ
It is offensive to use if it changes as a result of something which does not mix with it, such as a piece of camphor or grease (that's the first category) or is mixed with salt taken from water (that's the second), or heated using filth (and that's the third).

I say three types of things happen, but you can divide it into four rather than three. You can divide grease and camphor into two separate things, which I prefer to do just for clarity. So the camphor was a clear not mixing thing - you can take it out. The grease was slightly more difficult. But according to the way that it could be read, you could put those two mixings into one category. The second type of issue or problem would be something actually dissolving in it like salt, and that's okay because it's actually originally water anyway. And then the third thing that could happen to this water in this scenario is that it is heated with something. Here, heated with najas and according to the madhab that is also makruh.

So moving on to the next line insha'Allah, which is page four in your notes.
Shaykh al-Hajjawi says:
لم يُكْرَهْ، أو بطاهِرٍ بالشمْسِ، أو سُخِّنَ مَيْتَةٍ، أو بِمُجاوَرَةِ شجَرٍ، ووَرَقٍ فيه، عنه من نَابتٍ الماءِ صَوْنُ بِمُكْثِه أو بما يَشُقُّ وإن تَغَيَّرَ
It is not offensive to use if it changes as a result of remaining still, something growing in it, or tree leaves or something which is difficult to avoid; or changes from being adjacent to a carcass; or changes from being heated by the sun or something pure.

So this is the next big subcategory. Let’s see what Sheikh Uthaymin says here. In the middle of page 34 he says:
‘If it changes as result of remaining still’, meaning it’s been left for long. Standing water, basically. Standing water hasn't been touched for a long time and nothing has happened because with standing water, no incident, nothing has fallen in to it or anything like that. If it changes by itself, its changing by itself is not by a najas, it's not by something which will take away its purity. It changing by itself still means that the water is upon its original state and this, again, is the position of Sheikh Uthaymin and of the madhab. Then he goes in to details about
" وورق شجر. أو بما يشق صون الماء عنه من نابت فيه "
Then he gives an example: there is now something growing in it. Tree leaves or something which is difficult to avoid. Something growing is the *naabit*and the *waraqa shajar.*

Waraqaa is leaves and Shaajar is tree. So he is giving examples of things which you can find in water

which is natural. It’s very difficult to avoid that. Remember this is a Fiqh for the real world and not a modern twenty-first century that is taking it from taps and chemical plants and all the rest of it. Water is like that. Your purest, cleanest water is pulled out of a well, and the well is going to have twigs in it, it's going to have leaves in it, it’s going to have all kinds of things in there. At the bottom there will be silt, there will be stones, there will be mud, and there will be dirt. Now watering holes are commonly used in those areas which don't have an abundance of water, and they have all kinds of issues. We are going to come to discuss that in a lot more detail because near a watering hole you get the problem of carcasses. Dead animals that just die and then they come into contact with that water, or they are close to it. We are going to come to that. So I want you to understand that these puddles or watering holes are not big enough to be called lakes or to be called a reservoir. These have algae, they have lots of moss, and all these kinds of standard, normative stuff.

Soil will have also maybe discoloured it slightly. This is...How is this referred to in shariah?
ما يشق صون الماء عنه
what is just inherently difficult to take out of water.

He gives this example: he says maybe there are some leaves or moss that have fallen into it. فإنه طهور غير مكروه

It is water which is purifying and it is not disliked at all
ولو تغير لونه وطعمه ، وريحه
Even if the colour changes, its taste changes, and its smell changes,

والعلة (wa l-‘illah) meaning : and the reason, the shariah reason.

I have told you about this word before and it is an essential word in Fiqh. You heard Sheikh Kehlan talk about the difference between knowledge and Fiqh(understanding). I can tell you that there is one word that identifies the difference between the faqeeh and alim, between the one who just knows and the one who is a deep scholar with Fiqh – it’s because they understand what the ‘illah is in an issue. They are able to look at the issue, understand exactly what's going on and that's normally by identifying the ‘illah.

What do I mean by ‘illah? Allah (SWT) obligates many things and he prohibits some things as well, and when he prohibits a thing he states a reason or maybe he doesn't state a reason. Now the English word “reason” is not going to help us here because sometimes a reason is what Allah intends, it’s what we want to make a reason mean, and then we have *hikm,* which is wisdoms behind something.

The classic example is alcohol. So alcohol is prohibited. So if you are having a chat about alcohol you could say it’s prohibited because it’s expensive, or because it doesn’t taste nice, and most of it looks like urine. So these are all what we consider reasons but these are just fun. Some of them are not fun; some are serious, but in shari’ah we will be much more accurate. We would say all of these reasons and

another ten you come up with are *hikm*. These are just *hikm* - side kind of consequential, kind of good points that we can reflect over. But the '*illah* is that it intoxicates the mind, leaving one unable to think for himself and therefore he can then say things, do things, and be taken advantage of. So intoxication is the 'illah.

The 'illah is, as I said, the shari'ah reason for something. Once you know the 'illah of something, and once you know what Allah is intending behind an action, the scholars of Fiqh then use that reason to make other things impermissible. So that's when the principle of Qiyas(analogy) comes in. There is nothing in Quran that prohibits cocaine, opium, heroine, weed and all the rest of it. It becomes haraam because we know and we identify the 'illah behind alcohol - intoxication. We then find those other substances that can fit that category and that genre. Also, then creating intoxication can be given the same ruling based upon it. So that's why it's so important.

Shaykh Kehlan taught me a couple of things really early in my studies and they are some of the best lessons and the most beneficial that I can tell you. You know you have debates that are pretty meaningless but we like to talk about. Like someone might say "who's the best footballer ever? Then we start comparing, some say Maradonna, some say Messi, vs. Pelé, vs. Zidane." They are actually meaningless discussions, aren't they? Because there are so many different factors, etc. So there are these kinds of things in the deen as well.

What is the most difficult thing that a scholar can ever do? This used to be like one of the questions and it's a question. There are a number of potential answers and I will share with you the top two that our Shaykh taught us. The first one at the very top of them is *takfeer* i.e. to take someone out of the religion after they have willingly entered into it. So someone says the shaahadah* willingly, happily, knowingly upon belief, and then you say "you are *kaafir"?* Then boy, you had better be sure son because you are coming with a big time right there. You are coming with a big time and you would be dealt with big time as well.

RasulAllah (SAW) said: When one brother to the other says you are *kaafir,* it will definitely be one of them. Anyways, it's a major issue, and a major difficult thing that has to be done. It must be done and it is being done and it's an obligation upon the scholars to do *takfeer* in the right place and time. It doesn't matter if they do a lot of it or a little bit of it but it has to be done for the shari'ah reason to protect the nation. We can't just go around and say we are a pluralistic faith and it's all 'live and let live' and love and peace and all that bakwas, no. This is *Islam.* This is shari'ah and we have establish very clearly certain things.

I was debating with some people not too long ago and they were saying that you don't need Hadith, that you only need the Quran. I said if you believe that you are completely *kaafir*; you are absolutely a disbeliever. It has to be done. When there's a time for it, it needs to be done.
The second thing that they said is the most difficult thing a scholar can do is to identify the '*illah,* because you're making a judgement call. Allah SWT doesn't always mention it or make it easy to determine. You have to make a decision and you're effectively speaking on behalf of Allah SWT. You're

saying that ‘this is what Allah intends by this’, which is big talk. This is the concept of the ‘illah.

I always found Sheikh Uthaymin very nice because when he thinks he’s got the ‘illah, he will state it. Here he’s saying: even though your mind is saying to you ‘hold on, this doesn’t make sense. The colour, taste and smell of this water has changed, and it has some leaves, dirt and moss in it, so why is it still purifying, and why is it not even makruh?’

والعلة في ذلك : أنه يشق التحرز منه
He says that the ‘illah is that it’s too difficult to take it all out of the water. If we had to do that, it would become a huge problem.

مثلا - أن يمنع أحد هذه الأشجار من الرياح حتى لا توقع أوراقها في هذا المكان.
He says: what are you going to do when a windy day comes along and blows all the leaves into all the wells and every single day you have to go into all these wells and send a person down to filter and clean? This is life. This is the difference between just sticking to the text and understanding the system, understanding shari’ah. The sheikh said maqasid al-shar’iah, which means the objectives of shari’ah. It is understanding the spirit of Allah’s system. Not Allah’s law, because law is too tight a term to use for shari’ah. Law is too specific. Shari’ah includes law, adab, wisdom, everything. The shari’ah of Allah SWT has some immutable laws but there’s also a system that we can achieve or at least try to achieve through some other means. Maybe it’s not clear with some evidences but in trying to achieve the objective, we allow certain things to slide. That’s why the understanding of shari’ah is spacious, easy and wide.

It’s too difficult for people not to use water that is changed by itself. These are two categories of natural happening which the world is based upon and that’s it. Then he gives an example: if we said to the people that this water has now become *taahir* and not *mutahhir,* we would have put a huge*mashaqqa* (difficulty) upon them.

وإن تغير بطين كما لو مشى رجل في الغدير برجليه، وأخذ يحرك رجليه بشدة حتى صار الماء متغيرا جدا بالطين؛ فإن الماء طهور غير مكروه؛ لإنه تغير بمكثه.
if it changes by this dirt/mud, like if a man walked through a big puddle, and using his feet he kicks up the water and scuffs it up, making it cloudy, the water is still purifying without any dislike because this is a change of its natural nature.
Something that will happen to it that will go back to normal, then something that will happen to it, that will go back to normal.

Q: We have normal access to normal water like in a tap, then we have this specific water in another container and it just has some leaves in it. Is using that water makruh in the presence of the original water, even though the sense would say that the water which has been changed by this thing is not purifying but the scholars have said it’s purifying because it’s difficult to take something out of it?
A: I don’t know the answer to that question. It’s not a hypothetical question because of course you would use the pure water, so you are asking a shar’i question but Allahu a’lam.

Q: If you have water with oil in it, how can you make wudhu with that? Because for example if you put your hand in, it could have some residue on it…
A: You couldn't. If you put your hand in water and oil gets on your skin first, if it got onto the skin, we couldn't make wudhu with that. The only issue is that if you were to get that water and put it on, there's a possibility that the water did touch and the oil just gives a Maybelline-Lancome-Loreal kind of sheen.

Q: (inaudible)
A: are you saying that the ash has become pure anyway, or the ash is normative in the air? He didn't say ash, by the way. That's why I gave the example of bukhoor. When you burn bukhoor, it's not ash which goes into the air. It's smoke, or *dukhaan.* It's not ash. We're talking about actual particles of the original substance.

Q: Water that's recycled and water that has fluoride in it
A: On the previous line, the madhab says it's offensive if the water mixes with something that doesn't mix with it. Like if a twig falls into it, or kafoor. Now you're saying it's not offensive. The answer is that actually the author doesn't say 'twig'. He says kafoor, and camphor is not a normal twig that you see all around. It's a very specific tree and it has very specific type of bark. I gave twig as an example of the physical characteristics of the camphor as opposed to the ruling on a twig. So if twigs, leaves, roots, water lilies and moss – all of these kinds of things that are standard in a normative area, it's not offensive to use.

صلى الله وسلم وبارك على نبينا محمد وعلى اله وصحبه أجمعين

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
اللهم صلي وسلم وبارك على نبينا محمد وعلى صحبه أجمعين
اللهُمَّ لا سَهْلَ إلا مَا جَعَلْتَهُ سَهْلا وَ أنتَ تَجْعَلُ الحزْنَ إذا شِئْتَ سَهْلا
اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

وإن تَغَيَّرَ بِمُكْثِه أو بما يَشُقُّ صَوْنُ الماءِ عنه من نَابتٍ فيه، ووَرَقِ شجَرٍ، أو بِمُجاوَرَةِ مَيْتَةٍ، أو سُخِّنَ بالشمْسِ، أو بطاهِرٍ، لم يُكْرَهْ،
It is not offensive to use if it changes as a result of remaining still, something growing in it, such as tree leaves or something which is difficult to avoid (such as roots at the bottom, soil at the bottom, silt, water lilies, water moss etc); or changes from being adjacent to a carcass; or changes from being heated by the sun or something pure.

For example you have a watering hole or a watering area. A body of water. If you can't imagine this, then I have a really good picture in my mind. If you type into Youtube: 'Abu Eesa, Islamic Relief and Niger'. I went to Niger for Islamic Relief for some fundraising, and there is one video where I presented from where you will see the water that we're talking about, where the animals are coming to drink, and where the animals have died by it. People have defecated, animals have defecated into it, and it's dirty. This is the kind of water that is the standard water source for many people - not just Muslims but people in the developing countries. That's the kind of water that we're talking about that is surrounded by or adjacent to dead, rotting carcasses. They aren't touching, that's the key point here.

Shaykh Uthaymin gives the example on page 35 that there is a big watering hole or puddle (ghadeer) and there are 20 sheep carcasses from every single angle and you find that there is a very disgusting smell because of the rotting carcasses (bi sabab al-jiyaf). Even though the water itself has been changed by the disgusting smell, and the only thing you can smell of that water is the overpowering smell of the carcasses, to use this water is not hated. We're still carrying on from that paragraph, we're talking about the types of water which is not hated to use. The issue here is basically that it hasn't touched it. It hasn't actually got in touch with this rotting carcass. He says: "The change is due to it being adjacent to it, not because it has mixed with it, dissolved in it and come into contact with it."

Shaykh Uthaymin says:
وبعض العلماء حكى الإجماع على أنه لا ينجس بتغيره بمجاورة الميته،

"And some of the scholars claimed a consensus that water which is adjacent to the carcass does not become najas. It is still purifying." He also says, perhaps that some of the scholars, use as an evidence for this position, some of the wording of the following hadith which is narrated by al-Bayhaqi on the authority of Abi Umaamah, and it is a weak hadith.

أن الماء طاهر، إلا إن تغير طعمه أو لونه أو ريحه بنجاسة تحدث فيه
The wording of this hadith is interesting:

“The water is pure except if it's colour or it's taste or it's smell changes because of an impurity (najasah) that occurs within it (feehi).”

We consider this hadith to be weak, but this hadith mentions “feehi”. It's almost as though it is specifying that if you want to make water impure, it's because of a problem that happen in it - not because of a problem that occurs next to it and then transfers its properties across, like a bad smell. So this is the idea/concept that is being put forward by the fuqaha (jurists). Pretty much all of the scholars are upon this opinion.

Shaykh Uthaymin says that there is no doubt that to try and avoid such water is better. I mean why would you go to such water if you have access to pure water? He is right of course and the reason why we have to do these things is that maybe some people don't have pure water. Shaykh Uthaymin also says, especially now we have people telling us that it is more of an invisible problem. Microbes, germs and infections that might be transferring across to the water due to the rotting carcasses that we can't see and maybe that we can’t even smell, but certainly we can't see that it makes this water poisonous in some way, so we should certainly avoid it.

The next one then he mentions:
“...or changes from being heated by the sun or something pure.”

So now this is another part of the water. Again, we are still dealing with pure and purifying water. The author is now saying that if it is heated by the sun, that's not a problem. For example, if a person has water which is too cold and he leaves it out (in the sun), it gets lukewarm and then he uses it. This is okay.

Now some of you may be thinking, what's the issue there? That doesn't make any sense whatsoever. And the reason for that is that there are a number of scholars that use the hadith which is narrated in some of the sunan and the hadith-- according to the scholars of hadith--it is actually fabricated. That Rasul (salallahu alayhi wa sallam) came to A'isha (radi Allahu anha) and I think this is the hadith where he called her Ya Humayra (like a nice name) and he said (paraphrasing): Don't use the water which has been heated by the sun because it brings about leprosy.

Some of the scholars considered that the hadith to be okay and so they use that hadith. But as I said, the majority of the muhadithin say that this hadith is very weak, indeed fabricated. There is also a statement of Umar, who effectively said the same thing but from himself – Don't use sun heated water because it causes leprosy. Now this also is a weak athar. Hadith is when a statement comes from the Prophet (salallahu alayhi wa sallam) and the word athar is when it comes from a companion, even though the word athar itself means a narration. So you could say an athar (narration) is from RasulAllah (salallahu alayhi wa sallam), and if you said the word athar like that then you are of course referring to a hadith. But when you use the word athar you are generally referring to it being a narration from a companion.

So this is the reason why some scholars did have this opinion. There are a few that considered it to be hated and even though it is a strange opinion, not allowed to use heated water by the sun.

Let's just follow this narrative out: say we have a scientific discovery that says water that is heated by the sun causes leprosy. We would then give a fatwa and say that it is not to be used. It is permissible in shar'iah when something that has not be obligated by the Prophet (salallahu alayhi wa sallam) and just been allowed. So water is allowed to be used no matter how it is heated, the sun included. Then if scientific proof comes and shows that it is very harmful and there is very little doubt about it, it is permissible for the scholars to rule upon that because of the dharr (harm).

The next statement is, "or from being heated by the sun or something pure". Previously we were talking about dung or something which is najas. Now we are talking about pure things - we are talking about wood, basically. Then in extension to wood, we are saying that if you have a campfire made with pure wood and you light it up (or you have even got it started with paper) and then carry on with wood, twigs, and leaves - these all pure objects. Therefore the whole issue of you being a part of that process, or it being sealed or not sealed now doesn't come into play.

Any water which is heated in this fashion is no problem. Likewise, when we are talking about wood and the like, we then add on to this kerosene, petrol, gas, electricity, etc. For example, the element itself is made of metal but it's not something which is a najas item.

Back in the day, they used to use rocks. They used to take the rocks from outside that would be heated, then put into the top of water, and the water then would heat up itself. Anything which is used which is pure in itself to heat this water is okay. *We are not talking about being in contact with the water - I just gave the stone as an example. We are talking about water for example that is on a fire in a pot.

Now we move on to a new section and we are still talking about that first type of water. We are still talking about water which is tahur and tahir – it is pure water and it purifies as well. When we say tahur we mean it lifts the state of hadath, spiritually cleansing you from ritual impurity.

The sheikh says وإن استعمل في طهارة مستحبة كتجديد وضوء, وغسل جمعة, وغسلة ثانية, وثالثة, كرة
The translation is: It is offensive (makruh) to use this type of water [according to the Hanbali madhab] if this water was used in a recommended purification such as renewing ablution, washing for the Friday prayer, or washing a second or third type.

Basically what the hanabilah are saying is that it's hated to use water which has been used, and then they try to explain what 'used' means. They say that 'used' is water which has been used in a purification which was recommended, not obligatory. He gives the example of making wudhu again, doing the bath for jumu'ah, and having a second or third washing - ghasla (غسلة). Ghusul is the bath, and ghasal is the washing. There is a difference in the Arabic.

On page 36 the Sheikh says: first of all, you need to know what ‘used’ means in shari'ah. Remember, the word ‘used’ can be many different things, but when we want to define it for the purpose of fiqh (jurisprudence), we need to understand what musta’mal (used) means in purification.

It means: that water which has actually passed by the limb that is intended. Imagine I have a small bowl of water and I have a bathtub, and I am going to do my wudhu in the bathtub, but I don't have a tap. So I’m taking water from the bowl and I take it over and I wash my hands in the bathtub. It goes through the drain, then I lift it up and then I put in my mouth and I spit it out and then I do my nose and I clean my nose and the water comes out and then I wipe my face.

Each time, water is falling from me into this bathtub, and this water which is falling from me is either used in a very specific way or for example if I put in my mouth, rinse my mouth and I spit it out, this is something which is used but it has gone way beyond what we want to define as used. Used, for us, is simply putting it onto the face, putting it in my mouth, and even running it off my hand - this is called used water.

In our time, when we take water from out of that small bowl, the water is considered used water because they say you’ve put your hands in it. You have taken water from it, you have done things with your hands, you have put it in your nose, you have washed your mouth, and you are putting your hands back in. This water that I’m taking from - even though it’s a small amount in a bowl, not running, and it doesn't have a way of renewing itself – it is not called used water. It is just a standard source of water.

Used water is that which comes off the limb as part of the washing. We are going to come to this in a lot of detail later in the section of wudhu. If I were to just pick up some water and just splash it on my face, some of the scholars of the madhahib would not even consider that to be washing of the face. Therefore, the water that falls off of my face wouldn't be considered used because it wasn't used to actually purify. We will come to this later.

For example, the malikiyah are very much upon the issue of rubbing and making sure that all limbs are properly wet and so on and so forth. Other scholars allow a simple passing of the water onto it. We will come to that later. That is not the issue here; the issue to understand is that used water is that which has come off of the actual limb itself during the act of wudhu. This is used water.

The second question we will be asking is: what on earth are people talking about used water for? The answer is very clear: we don't have an issue here, but in some countries water is of this level of scarcity.

At the time of Rasul s.a.w, it was well-known and we will have lots of discussion about how they used to use the same water source. You all know of the hadith of the companions of Rasul s.a.w (although this is not really for the use of the water - it’s more about taking the barakah of Rasul s.a.w) that when he used to make wudhu, the companions used to jostle with one another and try to catch and touch the drops that would come off of him because it’s blessed water coming from his blessed face s.a.w. So that’s

something different. Even though at their time, water was scarcer than you could ever imagine e.g. being in the middle of the desert. But, I want you to know that the ahadith which talks about them jostling and trying to get the drops of water that would come from his beard or from his hands – this is more to do with the barakah and not to use the water.

In our times, I'll give you my own personal example: when I was studying back in the day, maybe 10-15 years ago, I had definitely collected water that I used in washing. We would have no water supply. Water would be very cold. You would avoid having a bath. Friday would be the only bath that we would do. That was at a time when we were students and studying fiqh for the first time, so we were switching between the opinions that the bath for jumu'ah is obligatory and the bath for jumu'ah is sunnah. When we accepted the opinion that it's only sunnah to have a ghusl for jumu'ah, that changed the ruling of the water. Because the bath that I was doing was not an obligatory ghusl for jumu'ah, any remaining, used water that comes off of my body, we would use again for bathing. We would collect the water that would come off of our bodies.

So the dirty water would be washed away but we would collect the rinsing water. All the students would do that to use it again. So I want you to understand what isti'maal is, what musta'mal water is and why you would use it again, because of scarcity. So what's the issue here? The Hanbalis are saying that if this used water is used in a recommended purification – so a wudhu, or a ghusl which was recommended and not obligatory - then it is allowed to use it, but it is offensive (makrooh).

Now let's look at the three examples that they give for this.
كتجديد وُضُوءٍ
"…to renew your wudu…"

Shaykh 'Uthaymeen says that to renew your wudhu is sunnah. So if a person prays with his existing wudhu, and then the time for the next prayer comes in and he knows that it is actually sunnah to make wudu again, if he still had his wudhu and had not broken it, and he now makes his new wudu for the next prayer, this wudhu is a recommended one. Any water that comes from this wudu is used water and the Hanablis allow it to be used, but they consider it to be offensive (makrooh).

Shaykh 'Uthaymeen is not happy with this at all. He's not happy with the label of makrooh again. Why is Shaykh 'Uthaymeen going to say that he is not happy? It's the same reason as last week and the week before that. Why did the Hanbalis even say makrooh? Because in the madhab, there were some scholars that said that they weren't sure whether this water loses purification quality when it's used in this fashion, and now it's just pure. So because of this existence of difference of opinion in the madhab, we are going to go on the safe side and say, stay away from it, it's makrooh. We said that from a 'aql point of view, that's fair enough, because Rasoolullaah (sallallaahu 'alayhi wa sallam) said in many ahadith that the halal is bayyin and the haram is bayyin and then in between there are some doubtful matters and the one who avoids these doubtful matters, then he has protected his deen and his 'izza. So to stay away from doubtful matters is good.

The second example that Shaykh ‘Uthaymeen gives of a recommended purification is the jumu’ah bath. This is according to the majority of the scholars. There are some scholars that said that it is an obligatory act to make the ghusl for jumu’ah. If you believe that ghusl for jumu’ah is an obligation, then you can’t use it here. But Shaykh ‘Uthaymeen says, let’s go with the opinion of the majority of the scholars (and it’s the correct one and it’s my opinion and the taught opinion of this class as well) that the ghusl for jumu’ah is only a sunnah and not an obligation. If you do believe that, then the water that comes from your ghusl can also be used. You can add to that the ghusl of ‘Eid. According to the majority of scholars, the ghusl for ‘eid is only a sunnah.

And then he says;
و غسلةٍ ثَانيةٍ، و ثالثةٍ
“…the second and third washing...”

What does he mean by that? Allah, subhaanahu wa ta ‘ala, when it comes to the ayah of wudu, Allah says,
فَاغْسِلُوا وُجُوهَكُمْ
“…wash your faces…” [Qur’an 5:6]

‘Wash you faces’ in this ayah, it doesn’t establish the obligation for repetition; it establishes the obligation for washing; single. And we know that from the hadith of Rasoolullah (sallallaahu ‘alayhi wa sallam) that he would sometimes actually wash each limb once. And we know that it is sunnah to sometimes do it twice, and that the perfect one is three times. But what’s obligatory? Just once. Therefore, it means that when you have water and you are doing wudu and you wash something once, the hukm have been achieved. You have lifted your state of impurity. Your second washing of the limb and your third washing is recommendation. And so what the Hanbalis are saying is that, if you are collecting water, you wouldn’t collect it from the first washing, but from the second and the third washing because this is non-obligatory. You could collect it and therefore it could be used afterwards.

So then on page 37, Shaykh ‘Uthaymeen says
والصّواب في هذه المسائل كلِّها
Having said all that, the truth is something different. Shaykh ‘Uthaymeen says that all of this usage of all this water is allowed without any kiraaha; it’s not offensive at all. It is completely permissible for you to use all if this water in all of these three circumstances. This is going along with his idea that when you start making a statement like makrooh, you have got to bring the evidence. If you’re not bringing the evidence, then we appreciate and respect your caution, your wara’, your carefulness and your taqwa, but don’t go and make it something in the religion. Keep it something personal, educate the people, and tell them that it is best to avoid this water because you just don’t know and it’s good to use pure, original water. But don’t tell the people that it is something which is hated in the religion to use, because you are making a shari’ah, legal statement without a shari’ah legal basis.

To prevent the servants of Allah (Muslims) from something which the Shariah has not indicated is the same as allowing something which the Shariah has indicated is prohibited.

The reason he said this is because emotionally when you weigh up both statements they are different. So where Shariah has prohibited/indicated something is not good and you say that it is allowed, there is a shock factor there. He said that similarly, if shari'ah has not prohibited something and you are saying it is offensive, that is exactly the same.

Then Shaykh further said that it is actually worse. He said that to say something is makruh when it isn't, is worse than saying something is allowed when it isn't. the Shaykh's argument for this is:
الأصل في الأشياء الحل

because the basic principle in life is permissibility

then he mentions the ayah:
وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَٰذَا حَلَالٌ وَهَٰذَا حَرَامٌ
In Surat al-Nahl 'And do not say about what your tongues assert of untruth, "This is lawful and this is unlawful,", this is a warning from Allah subhan hu ta'Allah in Surah al-Nahl verse 116.

To go around and making the haram matters halal is a very serious matter, especially when we know that in principle everything is halal. Islam is a religion of practicality, a religion of the future. It would be difficult to uphold that claim to be the religion of the future' if it was the other way around – where every aspect of life is prohibited and we have to find permission for every single thing that we do. Can you imagine how difficult life would be? For example, using a brick to build a house, using a carpet to put it in, to lean on a wall, to walk bare footed, to wear this brand of clothes, to wear this colour. You would have to get evidence and permission from a scholar for every single thing. So instead Allah subhanahu wa ta'Allah has done the exact opposite; He has allowed everything to be halal. Everything is halal until Shariah comes and indicates what is haram.

Like we said, the majority of things are halal. Obviously Islam and scholars get a bad reputation for making everything haram. There is this idea that scholars are there to make everything haram and religiosity is linked with haram. It's the exact opposite, subhanAllah. You think of life and realize that haram is so little. A bit of interest, a bit of gambling, a bit of alcohol and a bit of pork… khalas. Everything else is okay, everything is all good, except a few things here and there. Compare the haram list to the halal list - it's a joke. It's 0.0001% to the other list.

I remember a Shaykh once told me "People came to start criticising me, they said 'you Shaykhs you do nothing, but say haram, haram, haram.'" So the Shaykh said to him "'That's because you come asking us nothing but 'is this haram, is this haram, is this haram?' What do you want us to say? You're the one that come to us asking that question.'" It's true, I can tell you from my experience that when people put questions forward they are so negative. The question is so negative, they are asking about it in a negative way, they are not looking at the issue in a positive fashion, they are not looking for an alternative, and it is always putting us into a box and then expecting to us to create a tide or something. So as I said, in principle, things are halal. I just wanted to add, though, that there is a category of life

where the principle is not that everything is permissible. That category of life is ibadah (worship). So in the category of worship, it is the exact opposite - everything is haram until proven halal.

When you're about to worship Allah subhanahu wa ta'ala, Allah did not allow you to work that out for yourself and the Prophet did not leave this for you to make up your own kind of style. Because when you do, you basically end up with Christianity. You get chilled out churches, choirs, we will do a mass here, we will do a chill here, a rave there, we will have a couple of gay priests here, we will have a gay woman here, we will do that and it's all good. She can read the sermon, he can do this and so on. People mess about, you understand what I mean? There has to be a protective system to this very important part, which is the most important aspect of life - worshipping Allah subhanahu wa ta'ala. He has taken it upon Himself to explain to us very specifically what to say, how to say it, what to do, when to do it and you have to stick to that.

When you stick to that, you have what is called the sunnah. This is the way of worshipping Allah according to His Prophet sallalahu alayhi wasallam. When you don't stick to that and you come up with your own rules, this is called bid'ah. Our Nabi sallalahu alayhi wasalam warned us in a big way, in many ahadith focussing on people who introduced their own ideas. People will look at something and they might think "I can do it better, or I can do it this way as an expression of love". You have seen this in the last couple of weeks, when you have Muslims who are passionate about their religion and they want to express love for Rasool sallalahu alayhi wasalam, especially upon his birthday. Some people say let's stick to the way he used to be and others will say actually I have a better way of expressing my love and it might not been practised by the Prophet and it might not have been practised by the companions but I feel it, I benefit from it, and others benefit from it, so let's go out and do it.

Worship is a genre of life which is protected by this principle: everything is on lockdown until Allah gives you the key. If you understand this principle, then you can understand this concept that when people start creating moves and creating ideas and come up with all this kind of nonsense, it's not right. Without having to get into debates, arguments, and daleels, just step back and think "is this really what worship was about?" There are lots of things we can come up with and we can get all the people to agree on how amazing the idea is. But it's not going to work.

As Rasool sallalahu alayhi wasalam said "Whoever brings something new into this religion, it is rejected and returned back to him" It won't be accepted by Allah subhanahu wa ta'ala.

It's very serious. As we know many hadith "Let him take his seat in hell-fire, the one who lies against me or brings something new into the religion"

It's an attack on Allah subhanahu wa ta'ala because He has said that He has completed this religion. So when He says "Today I have completed your religion" and you start bringing new moves, then what is that is saying about Allah? That he forgot to say that you could also bring something in? That it was on hold and not closed? When people will come to drink at his hawdh (pool) and they are being prevented, the Rasool (SAW) will ask why, and the angels will tell him that these are the people that started

inventing things after you passed away. They started bringing new things.

There is an interesting lesson to take from this point. We understand why people say its hated, but we don't like the idea of making it a legal fact without evidence. So what sheikh Uthaymeen says here is very good.

Q: In the translation, though, it says it is offensive. Shouldn't it have said that it is not offensive?

A: When I said it is not offensive, that was Sheikh Uthaymeen's commentary. It's also my opinion as a teacher, this is the opinion of this class, and this is what I want you to go away with. It's the opinion of Sheikh Uthaymeen, it is the opinion of Sheikh Muhammad Mukthar ash-Shinqiti, and of quite a large number of other scholars. I don't want to make an argument to authority, though. I want to make it clear to you that the Hanbalis say "No, we consider it to be offensive. We consider it to be offensive because we have a doubt that this water is actually pure and purifying. Because of that, we going to assume that there is doubt, and we are going to use the title of makruh to scare people away". We are saying that's great that they want to scare people away, but don't put a legal reality on it and call it makruh.

Page 6 - Now we are talking about water in a more physical fashion. Sheikh al-Hajjawi says

وإن بَلَغَ قُلَّتَيْن وهو الكثيرُ - وهما خَمْسُمائةِ رَطْلٍ عِرَاقِيٍّ تقريبًا - فخالَطَتْهُ نجاسةٌ غيرُ بَوْلِ آدَمِيٍّ، أو عَذِرَتِه المائعةِ، فلم تُغَيِّرْهُ، أو خالَطَه البَوْلُ، أو العَذِرةُ، ويَشُقُّ نَزْحُه كمصانِعِ طريقِ مَكَّةَ فطَهورٌ

If (the water) reaches an amount of two qullahs - which is a lot – i.e. approximately 500 'Irāqi ratls, and it mixes with filth which isn't urine, or any other human liquid waste, and it doesn't change, or it mixes with urine or other waste products which is very difficult to remove, as is the case with the watering holes on the road to Makkah, then (the water is still) purifying.

We are now being introduced into a whole new concept. In books of Fiqh, this is called the mas'ala of the qullatain - this is the issue of Fiqh concerning these two large containers. What we need to understand is where this qullah comes from, why the scholars focused on this so much, and why there is a differentiation in the first instance between urine and other types of najasa and then a submission to all types of najasa including urine for certain parts.

Sheikh Uthaymeen starts off on page 37 of the Sharh by saying that the qullatain/qullatan is the tassniya of qullah.Qullah is something that is well-known amongst the Arabs.

In surat al-A'raf verse 57 Allah (SWT) says:
حَتَّىٰ إِذَا أَقَلَّتْ سَحَابًا
It is God who sends the winds, bearing good news of His coming grace, and when they have gathered up the heavy clouds, we drive them to a dead land where we cause rain to fall, bringing out all kinds of crops, just as we shall bring out the dead. Will you not reflect?

Allah (SWT) is talking about the winds. When the winds start to come and they effectively get the very heavy clouds which is referring to them heavy full of water and it drags them, it picks them up, carries them, and it gathers them and it brings it over to dead land. Then Allah(SWT) says “and we release upon the dead land and we bring it to life”. So the word aqallat has this concept of gathering and carrying and the qullah used to be a container that would gather and would carry a large amount of water. It is so big that it would sometimes be just dragged, pulled or carried. It’s large. How large?

If we go back to the notes I have actually put right at the bottom an approximation of what we are talking about. The ulema differed over the exact volume of 500 Iraqi ratls because the Hadith only mentions qullatain. Different scholars start to give it estimations. What is that today? Some said 191-195 kg of water. The Hanafis were more keen on surface area so they use square meters which I didn't particular find very beneficial because it (water spreading out over a large area) is not something which you can visualize. But if you give me a weight of water or a volume of water, I can appreciate it more.

Sheikh Wahbah al-Zuhayli is one of the modern day fuqaha, who said that it’s about 270 litres. Other ulema said 190 litres and others said 216-217 litres. So there’s quite a lot of variation on how much this water is. Some said roughly 200kg, others said well over 200liters.Whats the key to remember? It’s a lot of water. It is a serious amount of water and if you understand it like scholars did you won't have a problem.
If you keep focusing on this little kind of numbers then you will have a problem and that's why Sheikh said in the text “wa huwal kathir”. He prefaces the whole debate about how much this is by basically putting it out there. He says that whatever it is, it is a large amount of water.

On page 38, he says that if we have some kind of najasa which mixes with it other than urine…
The Shaykh says:
“المراد لم تغير طعمه ، أو لونه ، أو راحته ، و هذه المساءلة - أعني مساءلة ما إذا خالطت الماء نجاسة - ثلاثة أقوال”

There are three opinions with respect to understanding this whole issue of what happens when urine is mixed with this water.
Let me give you a quick summary of what the whole issue is about.

The issue is that when we have this large amount of water and something (najasa) fallsinto it – If it is less than qullatain, it doesn’t matter what happens to that water. It, according to the Hanbalis, will be najas. If something falls into that water when it is over qullatain (2 qullahs), then it will not be najas. That’s it. That’s the basic issue.

They’re saying that the water is of such a large amount that it is diluting that impurity/filth. So therefore, that large amount of water (200 liters of water or 2 qullahs) - once it goes over that, it doesn’t matter what happens. If it (najasa) falls in, no problem. But if it is less than that (2 qullahs), then it is too small an amount, and therefore – it’s no good. This is not running water, this is standing water. So make sure we don’t get mixed with this cause that’s a whole different discussion.

This is what the madhab is saying.

We are going to say something quite different- we're going to say that actually there is no basis for this idea of the qullatain. When I say no basis, it's not to knock down the argument - we're just saying that the real issue is about the changing of the water. If the water changes, it's a problem; if the water doesn't change, it doesn't matter. That's basically what's going to be our summary.

So, the first opinion (القول الأول), Shaykh Uthaymeen says: And this is the opinion of the Hanabila scholars - that if there's any najas that mixes with water and the water is less than 2 qullahs, then the water has become impure. That's it. تغير أو لم يتغير.

First opinion: if the water is less than 2 qullahs and najas (of any type, urine or whatever) is mixed with it or falls into it- and whether it changes the water or doesn't change it and whether the colour/smell changes or not – it has become najas. This is regardless of whether it is human urine or any other fluid. (For example, prostatic fluid (madhi) which is an impure product that comes from the human (unlike semen which is considered to be pure in the madhab) and other impure liquids.) But let's not worry about the liquid itself, rather let's concentrate on the principle.

If the water has reached above the amount of 2 qullahs (over 200+ liters), then they started to differentiate between the najas. They said that if it is urine, then it will still be najas.

We've got this water which has reached above qullatain, so now we're going to differentiate between the najasa which is falling into it.

a. If the najasa is human orientated, human origin, human urine – it would become impure. Even if it (the water) does not change. This large amount of water, more than qullatain, will become impure. و إن لم يتغير the Shaykh says on page 39.
Except if it becomes very, very difficult to remove. Meaning: this is a situation where this is the only water source for the people, this is the only watering hole for the city and you've got a policy where you're putting up public statements and announcements saying 'do not urinate' near it, or 'do not go there' and you keep telling the people but it's your only place, it's the main place for the musafireen, main place where people come and you're realizing that you just cannot stop the people doing it – so, here, the scholars have given an exception and they have said: Even in the case of urine, we will not say that the water has become impure.

So, in this issue of point one, I've said:
- If the water is less than qullatain and najas falls into it, it becomes najas.
– if you have more than qullatain, and urine falls into it, it does become najas.
– if it was very difficult to avoid that happening and you've tried your best, and it's too difficult to get rid of that urine or najasa, then the water is okay. It's like a refutation of its own point almost.

The Shaykh then says: the issue is about difficulty. Meaning, taking this urine out of the water is something that is too difficult for the people.

Questions & Answers

Q about the temperature of water

A: Sheikh Uthaymeen makes a point about this. He says that although we may get lost on the whole issue of water being heated electrically or by firewood, etc., he says that there is a serious point that needs to be considered. We know that the Salaf used to enjoy making wudhu' with cold water. There are some athar from Sahaba (and maybe even from the Rasul SAAWS, if they're authentic) that praise the use of cold water, like there's an ajr in it – like it's pushing yourself further. It is something that is praised in books of adab. Sheikh Uthaymeen says that in this issue of cold water, we also need to consider the very hot water. It is okay to use, but it may be makruh or even impermissible if the water is so hot that people aren't making their wudhu' properly. If the water is too hot, you might (for example) pull your hands away quickly before letting the water reach all the parts properly.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
اللهم صلي وسلم وبارك على نبينا محمد وعلى صحبه أجمعين
اللهُمَّ لا سَهْلَ إلا مَا جَعَلْتَهُ سَهْلا وَ أنتَ تَجْعَلُ الحزْنَ إذا شِئْتَ سَهْلا
اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

أو فخالَطَتْهُ نجاسةٌ غيرُ بَوْلِ آدَمِيٍّ، أو عَذِرَتِه المائعةِ، فلم تُغَيِّرْهُ، - وهما خَمْسُمائةِ رَطْلٍ عِرَاقِيٍّ تقريبًا - وإن بَلَغَ قُلَّتَيْن وهو الكثيرُ خالَطَه البَوْلُ، أو العَذِرةُ، ويَشُقُّ نَزْحُه كمصانِعِ طريقِ مَكَّةَ فطَهورٌ

If (the water) reaches an amount of two qullahs - which is a lot – i.e. approximately 500 ‘Irāqi *ratls*, and it mixes with filth which isn’t urine, or any other human liquid waste, and it doesn’t change, or it mixes with urine or other waste products which is very difficult to remove, as is the case with the watering holes on the road to Makkah, then (the water is still) purifying.

There are quite a few opinions within the madhab itself , and the one which we will choose is different than the one which has been stated.

On page 38 of Sharh Mumti’, the sheikh says:

قوله : "غيرُ بَوْلِ آدَمِيٍّ، أو عَذِرَتِه المائعةِ فلم تُغَيِّرْهُ" المراد لم تغير طعمه، أو لونه، أو رائحته، وهذه المسألة – أعني مسألة ما إذا خالطت الماء نجاسة – فيها ثلاثة أقوال :

Shaykh Uthaymin says that there are three positions in the madhab.

القول الأول – وهو المذهب عند المتقدمين – أنه إذا خالطته نجاسة – وهو دون القلتين – نجس مطلقا، تغير أو لم يتغير

He says the first statement and this is the madhab ‘ind al-mutaqaddimin, meaning that in the classical sense the majority of the Hanbali classical scholars are upon this opinion that if any najasa (filth) mixes with water, and the water amount is less than two qullah, then it is **.**completely najas. The water is najas whether we see a change in the water or not, it’s najas.

وسواء كانت النجاسة بول الأدمي أم عذرته المائعة، أم غير ذلك

The najasa could be urine or any other type of waste.

The first position:

Let’s assume we have some type of container, and this is the mark for 1.5 qullah, and this is the mark for 2 qullah. The water goes up to the 1.5 qullah mark. We have some kind of najasa – a Liverpool shirt. This is our standard, international symbol for najasa. The first position is saying that the if the water is less than qullatain (2 qullah), whether there’s a physical najasa, liquid najasa – why is there a different between the two? A liquid is a bigger problem because it dissolves, mixes with it a lot better, so the first position is saying actually it doesn’t matter whether it’s liquid or physical. It doesn’t matter whether the water changes or not, so you can put najasa in and the water remains absolutely clear or you can put najasa in and the colour changes, the taste changes, regardless. They say that as long as the water is under two qullah, then this is najas.

أما إذا بلغ القلتين فيفرق بين بول الآدمي أم عذرته المائعة، وبين سائر النجاسات، فإذا بلغ القلتين وخالطه بول ادمي أو عذرته المائعة، نجس لم يتغير.

In scenario B, the water is above two qullah. Now the ruling is going to depend on what type of najas is present. If the najas is normal najas like a standard physical najas, then the water is pure because it's above two qullah. The idea is that the water is too much, the najasa is too insignificant, and therefore there's no problem. If the najasa is urine, or any liquid kind of waste like urine, then the water is considered to be najas, *even if it does not change*. If you had over two qullah, and it contained human urine in it, the madhab assumes the position that since there's a lot of water, the urine no longer matters because it's being diluted – especially if it doesn't cause any change in the water and you can't smell anything. But if it's urine, it doesn't matter whether it changes or not, the water is najas.

There is an exception to this scenario - (this is referring to what is mentioned in the text: "…or it mixes with urine or other waste products which are very difficult to remove"). There might be a scenario where there is a large amount of water. Common sense says it doesn't matter, because it is such a large amount, but because it is urine we have to just go with the najasat - we can't risk it. Urine has mixed with it so we can't take the risk.

Then they said: but in some scenarios it is very difficult to get rid of that urine (and the Hanabila mentioned in their madhab what 'difficult' means. They said 'a standard man of standard strength'). When they talk about difficulty, they like to give some kind of abound for what difficult means. Here, it means it's going to be very difficult for a standard man of standard strength to remove it. He will have to use x and y and so on to get the urine out. That is too difficult to do on a daily basis, so therefore this water will be okay to use.

He says:

المائعة نجس وإن لم يتغير، إلا أن يشق نزحه، فإن كان يشق نزحه، ولم يتغير فطهور،

So if the water hasn't changed (we are still talking about the exception), it is pure and purifying. So the water hasn't changed, the najasa (urine) is in there, but because it is so difficult to get out, they are saying that it is allowed because of the difficulty. It does not matter what the amount is.

The brother asked the question 'when is it ever going to be easy to take the urine out?' the Ulemah have mentioned this point specifically, they said that the real benefit of mentioning this is that they want to indicate if the water is less than two Qullah, then it is not even a option of trying to take it out. If the water is of a small amount, and the idea of trying to take the najasa out is too difficult/too late then it has already done the job.

Then the Shaykh says:

وإن كان لا يشق نزحه ولو زاد على القلتين فإنه ينجس بمخالطة بول الآدمي، أو عذرته المائعة وإن لم يتغير.

If there was a scenario where the water was above two Qullah, there was urine in it and the water still didn't change to the physical senses (the smell or the taste), but it was easy to get it out in some way, then the water is najas.

This is just from the first statement. We are still in the first position of the mutaqadimeen.

The Shaykh says:
فالمعتبر – بالنسبة لبول الآدمي وعذرته المائعة – مشقة ألنزح،
So according to this first opinion, the real reason that will make the water pure or not is all about whether it is easy to take out the najasa or not. If you have realised and you have understood the mas'alah, then you will see that actually if it is easy to take the urine out then it doesn't matter because it will be najas. But if it is not easy to take the urine out then it is going to remain pure. That is very important.

Shaykh says:
وأما بقية النجاسات فالمعتبر القلتان،
As for if it is other filth, then the factor to consider is the amount. According to this first opinion, if they want to try and understand what the ruling is, they will first of all look at what type of waste it is. If the waste is urine, the issue to consider is whether it is easy to take out. If the waste is any other najasa then the issue to consider is the amount.

Then Shaykh gives an example:
مثال ذلك: رجل عنده قربة فيها ماء يبلغ القلتين، فسقط فيها روث حمار، ولكن الماء لم يتغير طعمه، ولا لونه، ولا رائحته فطهور.
There is a man who has a container that has two Qullah and some donkey droppings fall into it, but the water does not change (neither its taste, its colour and nor its smell). What is the water? The water is pure and purifying because it is above two Qulah and it is not urine - if it was urine then that would be a problem. Because it is physical najasa, we only focus on the amount. The first example we just gave is pure and purifying.

The Shaykh gives another example:
مثال آخر: عندنا غدير، وهذا الغدير أربع قلال من الماء، بال فيه شخص نقطة واحدة وهو لا يشق نزحه؛ ولم يتغير؛ فإنه يكون نجسا؛ لأن العبرة بمشقة ألنزح.
The Shaykh gives an example of water in the watering hole. This watering hole has four Qullah of water in it, and a person urinates into it a small amount. Just a drop of urine - it is not difficult to get rid of that urine, and the water has not changed. What is the ruling on this water? It is najas. What were the key issues, why do we say it is najas? It *is* urine, but there was four Qullahs of water. That is the key: the issue was about removal. Even though the water had not changed, the issue was removal. If it can be removed then it has to be removed, and if you don't remove it the water remains najas.

All of this comes under the whole issue of the first opinion. What are the evidences behind the first opinion, and what are the controlling factors behind the scholars who held this early option in the Hanbali School? The first one we have already looked at:
واستدلوا على أنه إذا بلغ قلتين
When water reaches a Qullatain, then it does not become filthy/najas, unless the water changes. Remember whenever you study this subject, it does not matter what Madhab you follow, it doesn't matter what opinion you follow, if the water changes so that it smells like it, it tastes like it, the colour is like it, then every school says the water is najas. It doesn't matter whether the amount is like the amount of a swimming pool, it doesn't matter if it is a stream, a thousand Qulah or one Qulah. Every

scholar admits and agrees that if the water changes completely meaning its colour and everything else has gone, then amount does not factor in.

What is the evidence for this? It is in the hadith of the prophet sallalahu alayhi wasalam
إن الماء طهور لا ينجسه شيء.
Water is pure and purifying, it is not made filthy by anything. This hadith is narrated by Ahmed and it has been authenticated by Ahmed, and Ibn Maiin, Ibn Taymiyyah and at-Tirdmidhi said that the hadith is Hassan.

This is very interesting and a nice statement. Imam Nawawi said:
'The position of these scholars and this statement, their ruling that the hadith is authentic/Hassan it takes precedence over the statement of Imam al-Daaraqutni'

Imam al-Daraqutni is a huge hadith scholar and he is considered to be at the very highest level of hadith criticism. He is a naqqid.
Remember, when it comes to hadith, you have a number of different levels when it comes to scholarship. So, you have a ***Muhaddith*** who is basically an expert in hadith and he is able to know what goes where, and able to work out a ruling and able to find a hadith and the sources and so on. And he's memorized quite a few and so on- this is a muhaddith- a very senior hadith scholar.

The next level up from that would be a ***Hafidh***. Remember the word hafidh, in our time; we reserve it for one who's memorized the Qur'an. Back then it would be an insult if you though the word hafidh meant someone who has memorized the Qur'an. Memorizing the Qur'an was the base; everyone had to memorize the Qur'an. The word hafidh meant someone who has memorized a hundred thousand hadith. So, a hafidh is going to be higher up because he's going to have everything that a muhaddith has, plus the fact that he's got a hundred thousand hadith as a minimum.

The very highest level of scholarship that one can achieve in hadith- and it's only been held by – you can probably count them on two hands - is the position of ***Naqid***. Naqid means to criticize hadith to the extent that you could look at a narration and say this hadith is weak- just by looking at it- I can tell/feel that there is something wrong with this statement/ the wording is wrong/ it's not in the right order/ there's some kind of strangeness- mostly it is looking at the *sanad* – the chain. They'll look at the chain and say: you know what, there's something hidden here. From the apparent- everything looks *Muttasil* (connected) - the chain looks connected- he took from him, he heard from him, he was alive at his time, he was his student - but the people who know can see almost like X-ray vision- they can see that there is something unexpected or a break. This person's called a Naqid. And we're talking Imam Bukhari, of course, at the head of them, and few others. Literally, I'm struggling to think of another name. If I would say another name, it would be Imam Ad-Daaraqutni. He is from the masters of hadith in our history. He said this hadith is not established. إنه غير ثابت – that this hadith - that water is not made najas by everything –is not established. Allahu a'lam this is a weak opinion, as Imam An-Nawawi says: actually this hadith is established, the majority of the hadith scholars consider it to be established, and this a principle which Ahl al-Sunnah, all of the scholars of fiqh take as a key/ corner-stone to the issue of

purification - that water is pure and purifying, and it is never made impure. And there will be a use for this hadith later on as well InShaAllah.

Q: (inaudible)
A: 'Ilm Ur-Rijaal -- which is the 'knowledge of the men' refers to the entire science behind the narrators of the hadith. The word Rijaal is very interesting- Rajul is 'man' and Rijaal is 'men' (plural). Now what this 'men' is referring to are all the narrators and the transmitters of hadith. So, all of the characters that are involved in narrating a narration – from the Prophet SAW all the way to the one who's collecting it and putting it in his book or teaching his students- all of these people are called Rijaal- and the way that we authenticate hadith is that we have a biography on every single narrator, every single one of these Rijaal.

Rijaal obviously means men but we have female narrators as well. So 'Rijaal' is a generic term referring to male and female, of course. The big scholars wrote a biography on each one (hadith narrator) and made a statement about each person – like: he's very authentic, he's very good/very strong/very weak, he lies/fabricates, he was great whilst he was young but when he became old he became senile, he started to forget things when he moved from Makkah to Basra - They would give a biographical piece of information that makes it clear for the one who comes afterwards to be able to make a decision on this person and his presence in the chain. That would then help that muhaddith to give a ruling upon the hadith and say this hadith is broken, this hadith is weak, etc- this whole science is called 'Ilm ar-Rijaal- knowing the status of these people. 'Ilm ar-rijaal is just one aspect/science of the entire science which is known as

Mustalah Al-Hadith- the science of hadith in its entirety.
The naqid would be one of these people who is sitting right at the very top- one of the ones who establish this science, establish the principles for Ilm-ur-rijaal, establish the rules and conditions for Mustalah Al-Hadith and he is the one who can make a decision, in looking at a narration and telling us things that other people can't. That's what a naqid would do.

And the other basis for this first opinion is that water does not become impure/najas. On the next page he gives another hadith:
((إذا كان الماء قلتين لم يحمل الخبث))
This is another narration which states that: If the water reaches the amount of 2 Qullah (or above), it does not/ cannot become filthy.

These are the two hadith which effectively govern this entire science.
(For those who are students of knowledge, those who want to take this knowledge further, one of the biggest benefits of studying with a teacher is the pronunciation of names of scholars. Because pretty much everyone can read Arabic and understand things, and get an idea of what's going on, but what's difficult for a student to do by himself is to get a person's name right.)

So if I were to now switch to the bottom of page 40 where the Shaykh is about to explain – all the

footnotes are written by the Shaykh's students and they're doing this retrospectively. They're going through the statements that Shaykh Uthaymeen made, hadith that he quoted, and they're giving all the references and details behind it. So this is where you might benefit.

This hadith that I just told you that: if the water reaches two qullah then it cannot become impure- has been narrated by Imam Ahmed, by Imam Abu Dawud in the Book of Purification, by Imam Tirmidhi and Ibn-Majah as well – all on the authority of Abdullah Ibn Umar (RadiAllahu anhu). It was rendered weak/da'eef by Ibn Abdul-Barr (the big maliki muhaddith scholar and the Imam of the west) and Ismail al-Qadi. And it was considered to be sahih by a number of the scholars such as Imam Ahmed, Shafi'ee, Ibn Ma'een (teacher of Imam Bukhari), Ibn Mandah (scholar in hadith), *Abdul Haq* Al *Ashbeeli, Ibn Al-Mulaqqin (Shafi'ee hadith scholar) and others.*

Imam An-Nawawi says that this hadith is sahih, and the major scholars of hadith made this hadith to be authentic. Ibn Taymiyyah said:
" أكثر اهل العلم بالحديث على أنه حديث حسن يحتج به "
that the majority of the scholars of hadith- and you see how he focuses on the people of hadith- he says that they considered this hadith to be hasan (acceptable). So, in that statement he is already indicating that there are problems with the hadith and there are. The hadith is acceptable and it is to be used in evidence. It is to be used as a hujja.

The reason that I mentioned this amount of detail is because this hadith is a very important hadith as you will see when it comes to our chosen position in this chapter. It's almost going to be like we're take up the whole hadith on qullatain, and the whole chapter on qullatain- just put it to the side.
You need to know that this hadith is a very important hadith, that there were scholars who considered it to be weak and there are some (the majority) that consider it to be authentic.

At the moment, we are giving evidences for the first position, of the early scholars of the Hanbali madhab. They've made their statements. We're trying to explain to you the basis for their statements.
The first hadith: water is purifying; it never becomes impure. So this would explain then why if they have lots and lots of water and there's some impurity in it, why they don't consider it to be impure.
The second hadith: If the water reaches two qullah then it does not become impure.

So this is why they give the detail of anything over two qullah then it doesn't become impure. Now what is the other strange thing that this opinion had? They made a difference between normal najasah and urine. So we need to know where that is coming from - what's the basis for that? The basis for that is the hadith of Rasul (salallahu alayhi wa sallam):
و استدلوا على الفرق بين بول الآدمييى وغيره من النجاسات بقول صلى الله عليه وسلم: ((لايبولن أحدكم في الماء الدائم الذي لا يجري ثم يغسل فيه))
"Not one of you urinate in standing water (i.e. water which is not running) and then wash in it."

This is an authentic hadith is narrated by Imam Bukhari in the Book of Wudu.

So the Hanbalis wanted to utilise this hadith in the issue of standing water with najasah in it. What did they therefore understand from this hadith?
The Hanbalis said that the Prophet has made it very clear that it is not permissible to urinate in water and then wash from it. Therefore if someone urinates in water, you can't wash from it. It doesn't matter if the water is changed or not changed. You're not allowed to use it. That's what the Hanbali scholars said. Urine has gone in, the hadith is clear therefore we can't do it.

Where does the fourth idea come from, which is that if it is difficult to get rid of it, then it's okay to use? The answer to that is that this is the principle in fiqh. When things become very difficult, the issue becomes relaxed. This is what we call from the qawa'id fiqhiyyah - when things become difficult, things become relaxed. Meaning that when the situation becomes untenable, it becomes difficult upon the people then the ruling is dropped. So this is a principle in fiqh.

So I'm just mentioned a number of things that in your mind now should make you understand that this is the basis for this first opinion and all of its nuances… differentiating between this, and differentiating between that.

The second position is on page 40 of the text:
- المتأخرين سلمذهب وهو - :الثاني وقول
دون بالتغير،وما إلا ينجس لم قلتين الماء بلغ فإذا سواء، الكل النجاسات، من هما غير ونين المائعه، وعذرته الآدمي بول بين فرق لا أنه:
الملاقة بمجرد ينجس قلتين.
This is the position of the later Hanbali scholars. It is the same as the first opinion, except that they do not differentiate between urine and other najasah.

For them najas is najas, and that's it.

You can write this down as a piece and it will sum up the entire position:
If the water reaches two qullah, it will not become impure unless the water changes. So if the water become more than two qullah, it remains pure and purifying, other than if it changes (i.e. it turns black).

As for what is less than two qullah, it doesn't matter if it (najasah) is solid, liquid, urine or anything else. It doesn't matter if the water changes or not. The fact that it is less than two qullah means that the water is najas just because of the presence of the najasah in there.
This is the summing up of the position in the second statement. This is the latter Hanbali position. It's almost like they did a correction of the earlier one. And as I said, there are many statements in the madhab and you can see this position in Sharh Muntaha al-Iradaat, Vol 1, page 18. which is a purely Hanbali fiqh text.

Q: How is it practically possible to differentiate between two qullah and just less than two qullah?
A: Which is why we are now going to come to the third opinion.

وقول ثالث: - وهو إختيار شيخ الاسلم وجماعة من أهل العلم -: إنه لا ينجس إلا بالتغير مطلقاً

The third opinion is the position of Shaykh al-Islam Ibn Taymiyyah and a number of the scholars. For the full list of scholars you can see it's right at the beginning of page 41 (of the sharh), it says you can see Mughni, page 56 Vol 1. I did get the collection here so I just want to mention some of the ulema to you, so that you understand that we're talking some big people here:
- Abdullah ibn Abbas,
- Ataa ibn Abi Rabah,
- Ikrimah,
- Sa'eed ibn Jubayr,
- al-Hassan al-Basri,
- Abdur-Rahman ibn Abi Layla (Imams of the Salaf),
- and it is a narration itself of Imam Ahmad, it is the one chosen by Shaykh al-Islam Ibn Taymiyyah and it is the position of his student Imam Ibn al-Qayyim as well.

This is the third position, basically the chill-out position – it is Shaykh Uthaymin's position, our position, my position and also Shaykh Kehlan's position as well.
What is that position? That no water becomes impure, ever, unless the water changes.

It’s nice and easy - it doesn’t matter about the water, it doesn’t matter about the amount, it doesn’t matter even about the najaasah. As long as the water has not changed, i.e. as long as the color hasn’t changed, the taste hasn’t changed, and/or the smell hasn’t changed, the water is pure. it does not become impure; this is whether سواء بلغ القلتين ام لم يبلغ

This is whether it reaches two qullah as an amount or not - that is the position.
The Sheikh makes a point: he adds a note and he says this is an important point to remember - just like we mentioned last week, sometimes he makes a point and the point I made last week was about Wudu. Remember I said that we are talking about warm water, and someone asked why you would warm the water. Obviously you warm the water because you enjoy warm water in Wudu. You should be advised that warm water is fine, but you can go too far and you can either have very warm water. The problem with very warm water is that you don’t tend to give it enough time to wet the entire limb - you “in-and-out”. I said that the opposite is also true with very cold water.

Someone asked why you would do it in very cold water, and I don’t know if I mentioned to you last week, but I said that the ahadith of the Rasul s.a.w and the actions of Sahaba make it very clear that making Wudu with cold water is considered to be from the fada'il. It is considered to be a rewarded action because the hadith which is in Sahih Muslim mentions the one who makes Wudu with difficulty. Those which mention cold water itself are not very authentic ahadith, but the most authentic hadith is the one that mentions that there is some difficulty when you are making wudu.

What does ‘difficulty’ mean? It could be, for example, that: -it takes a long time to walk somewhere but you do it for the sake of Allah s.w.t, -you have very little water but you still make the Wudu because you wanted to do Wudu according to the sunnah, -you have very cold water and you do it because you want to become pure; all of these are easily understandable within difficulty, but cold water is from the fada’il

– it’s the way of the salaf to do that.
Sheikh Uthaymin says cold water is great and there is ajr in it, but you shouldn’t make it so cold that you are risking the Wudu itself. If it’s too cold you might do it very quickly, just like if the water is too hot, so there is something about trying to do it right.

The sheikh is making another point; he is saying our position is that it’s something which doesn’t make water become dirty or najas even if it’s below a qullatain or above a qullatain - as long as the water doesn't change, it is not najas. However, note that he says that if the water is of a small amount, you must take supreme care

ان يتحرز اذا وقعت فيه النجاسه, لأن الغالب ان ما دونهما يتغير
He says that if the water is less than qullatain and najas falls in, you have to be very sure and super careful because the ghalib (the reality) is that it will be impure. The water will become impure, but you probably haven't smelt it right, you haven't seen it right, and/or you haven’t tasted it right. So he is saying even if the water (which is less than two qullah - meaning like 1.5) has najasa in it, we are saying no problem - which is, of course, going against all of the other scholars of fiqh who are not happy with that position.

He says we are not going against it, because the concern is for the changing of the water. If the water doesn't change, then we are not going there. Even though you might look at that less amount of water and najaasah is in there and you don’t see a change, if the water is less than two qullah, there probably has been a change - you have to be very careful. Make sure you put that point.

The Sheikh asks what the basis for our statement is. The basis for this third position has two evidences - one from the evidence, and one from narrated evidence from the sunnah. Logically/rationally speaking (common sense)

As for the athar, then it is easy - straight away the Prophet’s s.a.w statement (ان الماء طهور) that water is pure and purifying and it’s never made impure. He mentions that there is exception to this hadith. What is the exception to it? There is at-taghayur because of najaasah then (فإنه نجس بالإجماع)
by consensus of every scholar that has ever lived, if the water changes because of najas then the water is najas.

When you read that text of the hadith that is given, there is an understood exception that is in brackets: “unless the water changes”. So water is pure and purifying, and it’s never made impure <u>unless the water changes</u> after najaasah has fallen into it.

Then sheikh gives an example which he said that Allah s.w.t says that in Surat Al-An ‘am in verse 145
قُل لَّآ أَجِدُ فِى مَآ أُوحِىَ إِلَىَّ مُحَرَّمًا عَلَىٰ طَاعِمٍ يَطْعَمُهُۥٓ إِلَّآ أَن يَكُونَ مَيْتَةً أَوْ دَمًا مَّسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُۥ رِجْسٌ
Say (O Muhammad SAW): "I find not in that which has been revealed to me anything forbidden to be eaten by one who wishes to eat it, unless it be Maitah (a dead animal) or blood poured forth (by slaughtering or the like), or the flesh of swine (pork) for that surely is impure, or impious (unlawful)

meat (of an animal)

The Sheikh says (using this ayah as evidence) he is saying
فقوله: فإنه رجس معللا للحكم دليل على أنه متى وجدت
الرجسيه ثبت الحكم
Meaning that this ayah is an evidence that demonstrates that it doesn't matter what the reality is about things that are haram or not, or if food is impure or not. If the impurity is found, it becomes rijs and that is why Allah s.w.t says

إِلَّآ أَن يَكُونَ مَيْتَةً أَوْ دَمًا مَّسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُۥ رِجْسٌ
except if its dead meat or blood or pork then its rijs

Sheikh Uthaymin is showing that it is clear from the Quran and sunnah that something only becomes impure once it's found -
So if we have water (no matter the amount) and najas falls into it but it's not affecting the rest of the water, how can we call the rest of it najas?
That is what Allah says in the Quran as well, so Shaykh 'Uthaymeen gives an example; so for example, if we have water and some blood falls into it and it affects the rest of the water, then the water becomes رجساً نجساً – the water becomes impure and it is now najas. And if the blood is not affecting the water, then the water is clean as it was. So, this is from the daleel, athar, the narrated evidence.

As for و من حيث النَّظَرُ – "as for logically speaking…" Shaykh 'Uthaymeen says;
فإنَّ الشَّرع حكيم – this is a system, the shari'ah, it is full of wisdom and full of ease and the reasons for rulings are based upon that which is to be seen and to be understood and – و علَّةُ النَّجاسة الخَبَثُ – the reasons that something becomes impure is filth. The 'illa of najaasah - to declare something impure – the 'illa is impurity; it's the filth (khabath).

فمتى وُجِد الخَبَثُ في شيء فهو نَجِس
If we ever find any khabath somewhere, then it becomes najas.

ومتى لم يوجد فهو ليس بنجس
And if there is no najas or khabath, then how can we declare the thing najas?

So the hukm revolves around the presence and the absence of the impurity. The ruling depends on this principle. Then Shaykh 'Uthaymeen asks an interesting question and says, what if someone says there are certain impure things that is the same colour as water: impurities, which are the same colour as water, maybe the same kind of composition and smell.

What if this najaasah that falls into the water is the same colour as the water and it is the same smell as the water and it is the same taste as the water? What if you're the one who picks it up and pours it in? Shaykh 'Uthaymeen says;
يُقدَّر أن لونَه مغايرٌ للون الماء، فإذا قُدِّر أنه يغيّر لونَ الماء؛ حينئذٍ حكمنا بنجاسة الماء على أن الغالب أن رائحته تغيِّر رائحتة الماء، و

كذا طعمه.

If there is a problem with one of the characteristics, meaning that we can't see, but the reality would have been that if that colour was there, it would have changed the entire water or the smell would have or the taste would have - meaning that everything is saying to you, this is najas but you just can't prove it - then it is najas. In that strange exception where you know the najas has gone in, not smelling and all the rest of it, then it is najas.

So let's discuss the issue of the watering holes. The masaani' is gami' (plural) of masna' and it is a phrase on page 43, in the middle and Shaykh 'Uthaymeen says;

عن مجابي المياه في طريق مكَّة من العراق

On the direction from Iraq to Makkah, you would find a number of watering holes; obviously, water is rare in that whole region. So people travelling are going to use routes that are closer to the water and the water is then going to become very precious and it's very limited. So when the big traffic would come and the hajj season – and this is of course was a pre-Islamic custom - so the rush time was the hajj time, so people would come on that route from Iraq and they would go to Makkah and use this water in a big way. Now, beggars can't be choosers, there is no other water and there are many issues with this water; their animals and humans would come and use this water. And other people, especially travellers and hujjaaj, what are they going to do? They don't have the luxury of waiting till the next waterhole; it could be hundreds of miles away. So this word which is being used by the Hanbalis is a phrase which is referring to any kind of very over-used, very rare watering source.

So Shaykh 'Uthaymeen mentions that these majaabi, the water sources would have a lot of water, but if the urine or any other waste would fall into it and it hasn't changed, according to the author (Hujjaawi), then it's no problem, the water is okay to use, because of its difficulty to remove. Don't forget that. That's exactly what we said and what our translation says as well.

It says, "If (the water) reaches an amount of two qullahs - which is a lot, and it mixes with filth which isn't urine, or any other human liquid waste, and it doesn't change – that's part one - or it mixes – the water - with urine or other waste products which is very difficult to remove, as is the case with the watering holes on the road to Makkah, then (the water is still) purifying." So that's what we're talking about. People need these watering holes. It is way too difficult to get rid of the water, way too much issue, therefore the water is still purifying. And that is something which we can live with and be happy with.

Question: In terms of litres how much is two qullahs?

Ustadh A.E: We mentioned it in the footnotes. We said that there is no agreement on the exact amount, and what the scholars mentioned is if you're measuring it according to litres, then some said 216-217 some said 190 and some said 270. As I said some of the ulema mentioned in weight terms 191 or 195 kg and others according to the Hanafi scholars measured it in square meter coverage. I said to myself that first of all, qullah for us is not really a relevant issue. As much as it could be because the Hadith. If you

just dismiss the qullah what about the Hadith where the Prophet (SAW) said the qullah. What happens about that? And so there will be two points to that:

1 - there will be an argument that the Hadith is actually not strong. It is a weak Hadith. The Hadith of the qullah is weak. This is a difficult argument to maintain because there are a number of scholars that have authenticated it.

2 - this Hadith is indicating recommendation, and regardless of recommendation, even the Hadith itself will allow you that if the water reaches qullatain and above, it is pure. But that doesn't preclude the fact that if the water is less than qullatain, the water can't be pure. If the water reaches qullatain it cannot be impure. It cannot carry khabath. That does not mean that if the water is less than qullatain it must carry khabath.

Question: If you are stuck with water which has a najas in there, do you take the najas out or not?

Ustadh A.E: The answer is that yes, no doubt, unless you taking it out is going to cause it to spread more. This is something which is mentioned by the scholars. So if the water that you are using is pure, because it hasn't changed but you can see the najas as it stands but you know that touching it could make you even more najas, or could cause a bigger problem, you just leave it as the damage is done and we don't want to make it worse.

Question: I just wanted to just clarify something. So you said the classic opinion that regardless of the amount of water, so long as we can't see it or. [A.E: As long as the water has not changed in any of its characteristics, the water is pure and purifying] And why does the sheikh also say, however, we must take care when using small amount doesn't state if that's the general rule

Ustadh A.E: Correct. We do take the Hadith into consideration of qullatain. Anything under qullatain requires a big portion and you have to be super careful especially if najasa has fallen into it. Actually if najasa is in that small amount of water, there is a pretty good chance that it would be najas, so you would have to stop using it anyway, but it’s not a definite. If the water hasn't changed and it hasn't gotten dirty and is less than qullah, then the water is not dirty and that's the end of it.

Question: Say like if you cooked with two qullatain amount of water and you see on the other side someone urinating does that water become najasa?

A.E so does the water become najas if you have more than two qullah of water. You have like a large amount of water
You’re watching the najas being put in so is the water najas? There are so many issues here. Technically speaking, if the water is a huge amount according to our opinion, and the water is still pure and clean and you haven't noticed it. You have only noticed it because you are looking at something you shouldn't be looking at, then the water is okay. And of course if the water is flowing and we are going to come to that much later. Then it doesn't matter anyway. If it was just flowing.

Question: what is the ruling of a swimming pool?

That will come later into the next section when it comes mixing with water and physical substance, which is going to be chlorine.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى صحبه أجمعين

اللهُمَّ لا سَهْلَ إلا مَا جَعَلْتَهُ سَهْلا وَ أنتَ تَجْعَلُ الحزْنَ إذا شِئْتَ سَهْلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

On page 7 of the text, the statement by al-Ḥajjāwi says :

ولا يَرْفَعُ حَدَثَ رجُلٍ طَهورٌ يَسيرٌ خَلَتْ به امرأةٌ لطهارةٍ كاملةٍ عن حَدَثٍ.

If a woman whilst alone uses a small amount of water[1] to make a complete purification from a state of ritual impurity, the water will not lift the ritual impurity of a male.

If a women is by herself making complete wuḍūʾ (so it's not a sunnah kind of wuḍūʾ, rather she's doing it because she was in a state of ḥadath and she wants to lift it), whatever water she has left behind will not be able to be used for wuḍūʾ by a man. That's basically what the Ḥanābila are saying.

Shaykh ʿUthaymīn approaches this with a scholarly point of view. This issue sounds very and a number of people who don't study with a teacher encounter this and misunderstand this issue or take the wrong meaning from it. Let's look at what Shaykh ʿUthaymīn establishes as a system of trying to look at the issue in a fair way.

The Shaykh says in this issue there are seven conditions that the author has given. At the top of page 44 he says:

إذا تمت هذه القيود السبعة ثبت الحكم، فإذا تطهر به الرجل عن حدث لم يرتفع حدث، والماء طهور.

(1) ritual impurity
(2) it has to be a man
(3) it has to be a small amount of water
(4) the woman has to be alone with it
(5) it is a woman
(6) it has to be a complete purification
(7) she has to be trying to lift ritual impurity

So there are seven various points that have to be achieved one-by-one to effectively render this water unusable for wuḍūʾ by a man.

He gives an example of that; he says that if he were to give a real-world example of what al-Ḥajjāwi is saying, it would be that of a woman who has a small container of water that amounts to about 1.5 qullah. We said one qullah is about 200 litres, so you can imagine that's a lot of water. That's why even to the rational mind, if something that falls into two qullah of water you wouldn't think that it would affect the water.

*An important point of fiqh: whenever we are talking in terms of volume and we use relative terms like "small", in istilāḥ that would mean less than two qullah, whereas "a lot" would mean two qullah and above.

So suppose this bucket or container holds 1.5 qullah of water, she's alone by herself in the bathroom, she makes complete wuḍūʾ from it, and then leaves that bathroom. A man comes to make wuḍūʾ from that same water. According to the Ḥanbali position, we would tell him that he is not able to lift his state of ritual impurity because he has used the remaining water (which was small to begin with because it was only 1.5 qullah) that was used by a woman in a state of ḥadath who was by herself who did the wuḍūʾ' completely, finished the wuḍūʾ', and left it for him to use. That's what the Ḥanbalis are saying. That's a very far out statement.

Shaykh 'Uthaymīn said:

والدليل نهي النبي ﷺ أن يغتسل الرجل بفضل المرأة، والمرأة بفضل الرجل. وألحق به الوضوء.

The evidence here is the Prophet's ﷺ prohibition that a man should wash with that which has been left over by the woman, and the woman should wash with that which has been left over by the man. *Bi faḍl al-rajul* (بفضل الرجل) – faḍl usually means the grace or mercy of Allah, but in a linguistic sense, faḍl means overflow/extra. Even in English, when you say 'from his grace', it refers to something extra in a way. If you study muʿāmalāt, you would know that there are two types of riba: riba al-nasīʾa, which means a riba with delay; and riba al-faḍl, which basically means you're giving something better or extra. In the ḥadīth of Bilāl, one quality of dates versus two of lesser quality. If you exchange them, this is a riba. The Prophet ﷺ told Bilāl to sell the lesser quality dates, get cash, and then pay for the higher quality ones. He told him not to swap them because one was better than the other – that was named riba al-faḍl. So that's what faḍl means; it is what is extra or left over.

This ḥadīth, as the taḥqīq notes, was narrated by Imām Ahmad, Abu Dawūd in the book of ṭahārah, an-Nasāʾi in the book of ṭahārah, and it was on the authority of a man who accompanied the Prophet ﷺ. This is very interesting, because we haven't been given the name of the Companion. In the ḥadīth sciences, not having

the name of the Companion itself is not a ʿillah which destroys the chain, because all of the companions are trustworthy, accepted, and respected as narrators. That's why the muḥaqqiq (the one who is giving us evidences for this ḥadīth) mentions statements other scholars authenticating the ḥadīth.

وصححه الحميدي، وقال البيهقي: "رواته ثقات".

Al-Bayhaqi said that the narrators are trustworthy. The imām of all the muḥaddithīn Ibn Ḥajr al-Asqalāni said that its isnād (chain) is authentic. So the ḥadīth that we are going to use to establish this very strange-sounding point is being presented to us as an authentic ḥadīth and throughout this criticism, Shaykh ʿUthaymīn is going to maintain the authenticity of the ḥadīth. Keep that in mind as we go forth with the criticism.

When you study sharīʿah in depth, you will come across the weird and wonderful. There is like a drawer there called the X files, and if you open it you'll find some ajeeb stuff. This is why the word gharāʾib (weird) is linked to ʿajāʾib (wonderful). This is not an attack on the deen or the ḥadīth. Obviously when you take from things that you are not used to, or something that sounds culturally strange, these would fall into that category.

ومن غرائب العلم: أنهم استدلوا به على أن الرجل لا يتوضأ بفضل المرأة، ولم يستدلوا به على إن المرأة لا تتوضأ بفضل الرجل.

Shaykh says that from the peculiarities of sacred knowledge is this issue i.e. that they derive from this authentic ḥadīth (that a man shouldn't wash with what a woman leaves over, and a woman shouldn't wash from what a man leaves over) that the man is not allowed to use that which has been left over by the woman, but they didn't say that the woman can't make wuḍūʾ from that which has been left over by the man.

So they allowed the woman to do it, but the guy is not allowed. It's almost as if to say that when she uses the water, it becomes corrupted. This is very strange.

وقالو: يجوز أن تغتسل المرأة بفضل الرجل

In fact, the Ḥanābilah say that it's permissible for a woman to use the water which is left over from the man.

فما دام الدليل واحدا، والحكم واحدا والحديث مقسما تقسيمها، فما بالنا نأخذ بقسم، ولا نأخذ بالقسم الثاني؛ مع العلم بأن القسم الثاني قد السنة ما يدل على جوازة، وهو أنه ﷺ أغتسل بفضل ميمونة ولم يرد في القسم الأول ما يدل على جواز أن تغتسل المرأة بفضل الرجل، وهذه غريبة ثانية.

Shaykh ʿUthaymīn says as long as the evidence is one, and the ḥadīth has been split into two kinds of categories from this same evidence, then why are we just taking one part of equation and ignoring the other? Especially considering that we actually have aḥadīth clearly supporting the permissibility of a man making wuḍūʾ with that which has been left over from the woman (the Prophet washing from the same water that Maymūna used for her wuḍūʾ).

And that hadith has been narrated by Muslim, in the Book of Menstruation

(باب القدر المستحب من الماء في غسل الجنابة.) Ḥadīth number 323. So the Ḥanābila

said that the man shouldn't, and that is actually the place where ḥadīth has been narrated that has allowed it. And they didn't allow the woman to make wuḍūʾ from the water whereas in this issue there is not a single ḥadīth that has ever been narrated that prohibited the matter. Did you understand his point?

So the Ḥanābila said the man cannot do it from the woman, and yet we have a ḥadīth in Muslim that shows that he did. Then the Ḥanābila are saying that the women cannot do it from the man and yet we have no ḥadīth to establish the same either.

This is what Shaykh ʿUthaymīn said:

'That second point,وهذه غريبة ثانية this is the second strange point'

Then the Shaykh goes into a detailed criticism of this issue, I don't know whether we should go through this because this is difficult, because the Shaykh will dissect it bit by bit. He says regarding the statement of Al-Ḥajjāwi, 'ḥadath rajulin' (the impurity of a man):

وقوله: "حدث رجل" يفهم منه أنه لو أراد هذا الرجل أن يزيل به نجاسة عن بدنه أو ثوبه فإنها تطهر،

Therefore, what is understood from this situation is if a man is going to use that same water…

Let us go back to that same example: the guy is now in the bathroom after the woman has used the water, but there remains a small amount of water. In that example, the Shaykh is saying that according to the Ḥanābila, if this guy is going to wash some najāsa from his body, it's no problem. Why is it not a problem? Because it

is not lifting the ḥadath; he is just washing najāsa, and cleaning his body so it is okay. If he is cleaning his thobe, that is okay as well.

وكذلك لو غسل يديه من القيام من نوم الليل؛ لأنه ليس بحدث.

Likewise, if I want to wash my hands after I just woke up from sleep, it is okay. The only thing that is not allowed to use this water for is to lift the state of ḥadath. What is also to be understood from this point is that the Ḥanbalis are saying: if a woman came into the bathroom instead of a guy and *she* used the remainder of the water, then it would lift her state of ḥadath because she is a woman and not a man.

What Shaykh ʿUthaymīn is saying is that from this single statement 'ḥadath al-rajulin', he is able to derive all of these points. (If the man came in and washed his thobe, no problem. If he washed his hands, no problem. If he washes najāsa off of his body, no problem. If a woman came in and used the water to lift the ḥadath, there would be no problem.) This is just going through each one of the points academically.

The Shaykh also says 'a small amount of water', therefore:

يفهم منه أنه لو كان كثيرا فإنه يرفع حدثه،

Therefore, that means if a woman had used the water from a large source like three qullahs and then left a large amount, the man could come in and he would have no problem. The Shaykh says that the evidence for this point lies in some of the narrations of the ḥadīth of Maymūna. The word that is used is 'jaffna' and the word *jaffna* means a little amount of water. So there is an indication that even a small amount of water won't be a problem for a man anyway.

Also the Shaykh says that the author has said 'she has to be alone'. Firstly, Shaykh ʿUthaymīn is going to describe quite nicely to us what 'alone' means in the madhab. What is the tafsīr of khalwa?

The Shaykh says: It is when you are not being observed, or in the presence of a mumayyiz. A mumayyiz is someone who is able to know right from wrong. The word mumayyiz is taken from the phrase sinn at-tamīz, meaning the age of discernment (basically the age of seven). Some kids are maybe at that age at six and some who are late developers reach it at the age of eight or nine, but the word mumayyiz means the one who is able to distinguish between right and wrong. The mumayyiz can discern between who has done the wrong and the right, so if there is

a child/adult who is above that age of tamīz and they are witnessing or in the presence of or in the same room or watching, this will break the concept of khalwa.

If there is no one in the room, or there is a young baby in the room, or a five year old in the room; this is considered being in seclusion. That is good point; it's a fāʾida from the madhab. Shaykh ʿUthaymīn then says, 'if there was a nine year old child in the room who was witnessing all of this whilst the woman was doing wuḍūʾ (this child is old enough to know right from wrong), and then leaves that water - even it is a small amount - and then the guy comes in and makes wuḍūʾ, that is not a problem. Why isn't it a problem? It isn't a problem because she was never alone. As you can see here, Shaykh ʿUthaymīn is deconstructing this by trying to make this argument seem absurd from ʿaql point of view. I'm putting words into the Shaykh's mouth, but that is very clearly to me, as the Shaykh keeps going down.

The other condition was that it is a complete purification, so the Shaykh's says: 'therefore if this woman became alone only halfway through her purification (for example, someone came in while she was purifying herself, so she wasn't completely alone during the entire process), that wouldn't apply. The condition is broken. Then the Shaykh carries on and says 'the woman has to also be lifting a state of ḥadath', meaning that if she was just making wuḍūʾ again, this point wouldn't be valid. So this is the ruling on this issue according to the madhab.

What is saḥīḥ? Shaykh ʿUthaymīn says on page 46:

والصحيح: أن النهي في الحديث ليس على سبيل التحريم،

'As for the correct position, this prohibition in the ḥadīth is not upon the way of prohibition (i.e. it is not prohibiting/it is not making haram). Rather it is:

بل على سبيل الأولوية وكراهة التنزيه

Shaykh ʿUthaymīn is trying to make it clear that these are silly points that are being made, or it could be also understood by some scholars that Shaykh ʿUthaymīn is actually not saying that and he is just trying to go into a lot of detail, Allahu ʾaʿlam. Regardless, Shaykh ʿUthaymīn's position is that the prohibition stands, but that does not mean the act is ḥarām. The prohibition that is indicated in the ḥadīth is indicating that the action is hated (makrūh).

This is important. According to the majority of scholars, the word makrūh is a simple and straightforward ruling - it just means hated and disliked. But according

to the proper fuqahāʾ (with no disrespect to ahl al ḥadīth), and they go into a lot of detail, and they say there are some evidences…

I mean the founders of fiqh and uṣūl (the Aḥnāf). The Aḥnāf are the early and first fuqahāʾ, so Abu Ḥanīfa and his students/companions are the ones that established that this concept of makrūh has two levels: makrūh taḥrīmī and makrūh tanzīhī. Makrūh taḥrīmī is a much hated action this is so hated that it is virtually like prohibition. At another level which is lower down, we have makrūh tanzīhī - a karāha (hatred) that we want you to just avoid the action for its nature. This second category, which is the lesser of the two, is the same definition that every other faqīh/scholar has to understand karāha to be.

If you remember during the roadshow in Toronto, I went through the aḥkām al-khamsa - the five definitions of the five rulings of the state that things can be in: ḥarām, makrūh, mubāḥ, mandūb/mustaḥab (which are two words to indicate the same thing), and wājib/farḍ. What is the definition of makrūh, according to that list? It is any action which is rewarded if you leave it, but not punishable if you do it. So you make the niyyah that I am not too sure about this action but I'm going to leave it for the sake of Allah SWT because the scholars have said it is makrūh. If you *do* decide to do it for whatever reason, then you are not punished.

As I have said, the Ḥanafis gave this a specific title: makrūh tanzīhī - a makrūh which is just emphasised in its nature of trying to ward you off or push you away. They created that new type and call it makrūh taḥrīmī which is a level between makrūh and haram.

They said that it is so serious that you are still rewarded if you leave it but if you do it, some of them said you are not punished. But if you deny the ruling of that action, what do you think happens? Let me give an example of ṣalah. What's the ruling of Fajr prayer? It is farḍ. What does that mean? If you do it, you are rewarded; if you leave it, you are punished. If you deny that it is an obligation? That is kufr and you are kāfir and whatever falls upon it as a result of that.

The Aḥnāf say that that's all fine and good, but there are certain things that we are not so sure that we can be certain about. This is now going to a very controversial area called ḥadīth al-aḥād: those aḥadīth which come in a singular form or in an uncertain form. Therefore if a ruling is established in a manner where they believe that the daleel is dhanni (that the evidence for the matter is speculated), then the fuqahāʾ is not going to classify a person as kāfir if they deny this.

I will give you a classic example: smoking. There are a number of scholars that have said out and out that it is ḥarām and others that called it makrūh. Now for those who are saying it is ḥarām, that is a big statement. It's a big call to make smoking haram and they do it mostly based upon the ayah ولا تقتلوا أنفسكم [Surah 4:29]

Allah (SWT) said don't kill yourselves. Nowadays it is absolutely clear that smoking is the number one cause of lung cancer. They also mentioned some side reasons like that it causes bad smell, bad discoloration etc. You can't come to the masjid in this manner, and it's a waste of money. But these are side evidences. They didn't build their evidence upon that. They built their evidence upon the single point that it is something which kills you.

In response, the other scholars said that this is making a qiyās (analogy) upon a point. This is making a big call, because it's not in kitāb as-sunnah. It's not clearly in the Qurʾān or Sunnah, so when you are making that call you have to be careful. If you are going to make your evidence or your basis for that statement that it kills you, then the same ruling must apply for a diabetic who eats Haagen Dazs. So obviously there is an issue there. It is a fine line.

There are some scholars who say Haagen Dazs *are* ḥarām for a guy who is super sensitive. Sugar is going to take him over and kill the guy. Maybe a ʿālim will give a fatwa and say this is ḥarām for you. The point is that when you start saying things are ḥarām because It's going to kill you, you are going to have that absolute burhān min Allah (a clear burning proof from Allah (SWT)) before you say it's ḥarām.

Shaykh Kehlan, for example, considers smoking to be makrūh. I respect the argument, but I have a medical background and I feel better with the ḥarām point of view. What is the point that I am trying to make? If a person were to come and we tell them that smoking is ḥarām, and they reject that ruling completely, we could argue and say are you denying that it is ḥarām. It's as if you are saying Allah didn't make Fajr obligatory.

And he said the same thing about like alcohol. Let's say that the guy had alcohol and I took it away from him and I say to him, 'Listen, you can't be busting alcohol.' and he refuses to accept that ruling and he keeps drinking. If he did that, that's a major issue. It's kufr. Whereas if he acknowledges the ruling, but continues drinking because he is weak and can't stop, that's not okay but it is not kufr. Do you accept the point?
There is no definitive evidence that makes smoking ḥarām and because there is no

definitive evidence, we cannot give smoking the status of ḥarām. Therefore the people who say smoking isn't ḥarām are not falling in to kufr.

How do we make a balance between trying to ward them off from it? We have this category called makrūh taḥrīmī. So this category is an action that if you do it, you are not punished; if you avoid it, you are rewarded for your intention. If you deny it, you do not become non-Muslim. This is what makrūh taḥrīmī means, and it is the second category. The Ḥanafis did all the hard work to create the system, then the Shafiʿīs come along and they added taḥrīmī and tanzīhī themselves. As for the Ḥanbalis and the other scholars, they just kind of watched them playing around with it and were not interested. We just believe in ḥadīth makrūh, and that's the end of it.

As you remember from the beginning lessons, I consider Shaykh ʿUthaymīn from the fuqahāʾ of our time, despite his background. The word najid and where he is from. He had the mind of the fuqahāʾ. He is respectful of the scholars and that kind of system. So he says that this is his position - that this ḥadīth is valid and this ḥadīth is actually just trying to say that it's best not to do wuḍūʾ from the water which is left over from a woman and that may be hated. Allāhu aʿlam what the reasoning for this is.

At least he is going to prove to you that his position is valid. He says that the reason that we can say it is not ḥarām is because of the ḥadīth of ibn ʿAbbās (RA) narrating that some of the wives of the Prophet (salla Allāhu ʿalayhi wa sallam) made ghusl from a small amount of water and then the Prophet came to make ghusl from it as well and they told him, "Ya Rasūl Allah, we were sexually (ritually) impure, then we used to this water". So as we can tell, there is some issue there. The Prophet (sal Allāhu ʿalayhi wa sallam) then said that water itself does not become impure. It does not go into the state of janāba. As if to say, 'I respect what you've done, but I can use this water that you have left for me as well, because it doesn't become impure. And then he carried on.

This hadith is narrated by Ibn ʿAbbās and it is a hadith saḥīḥ. It is also narrated by Imam Aḥmad. It's narrated by Abu Dawūd in Kitāb at-Tahāra, it's narrated by al-Nasāʾi in the Book of Water, and it's narrated by Imam al-Tirmidhi in the Book of Water and Imam Abu Isa Tirmidhi said this hadith is ḥasan saḥīḥ. It was also authenticated by Ibn al-Khuzaymah ash-Shafiʿī, Ibn Hibban ash-Shafiʿī, Ahl al-ḥadīth, al-Hakim, al-Nawawi and al-Dhahabi. And you can find the other references in the sharḥ on page 46. This ḥadīth is saḥīḥ inshaAllah, regardless.

So because of the existence of this ḥadīth showing that the Prophet did that, the claim that you cannot be able to use the water at all cannot be ḥarām. Rather the indication from that statement is that it is basically trying to push you away from using that.

So basically, Shaykh ʿUthaymīn concludes that a man is allowed purify himself from that which a woman has used by herself, even if the water is little. His purification will be correct and valid and his state of impurity will be lifted. And this is what was chosen by Shaykh al-Islam Ibn Taymiyyah (rahimahullah)."
We have now finished page 7 of Zād al-Mustaqniʿ. If you remember the Shaykh said that there are three types of water. We have reached the second type of water.

The first one was pure and purifying. It's the only type of water that actually lifts the state of ritual impurity and removes foreign filth. Obviously we're reading directly from the Ḥanbali text, and as we were studying all of this we were stating what our position is (meaning the position of Shaykh ʿUthaymīn), as the taught position of this class. So now reading through the text we're just emphasising the Ḥanbali position. As for the next statement "removes foreign filth", we said any water will be able to do that. We even said, actually it doesn't even have to be water. The Ḥanbalis said that it needs to be pure and purifying, and we said even sticking it out in the sun and burning it all off will do. That is Ibn Taymiyyah's position and we gave evidences for it.

So be aware that I am now only saying what the Ḥanbali position is. We did cover other opinions for all these points.

So, purifying water is that which lifts ritual impurity or removes foreign filth. It is water that is in its original state. So whenever you find original water, it is always pure and purifying.

It is allowed to use, although it was considered offensive if the water changed from that original state by mixing something in it that didn't dissolve in it. Such as a bit of camphor, which is basically hard and therefore it does not dissolve like ink, for example. Grease is another example, because it's not really mixing; and salt which is not from water, like rock salt is not from it originally.

Or the water itself was heated or uncovered, using something which is impure, because that impurity was then going to go up into the air and then fall into the water, potentially.

Then we did say that there was no problem using that same pure and purifying water for wuḍūʾ if it was just changing in nature, in colour, in its kind of original nature, just by the fact that it remained still. We didn't add anything to it, it kind of changed during a long period of time, in whatever way.

But if we didn’t do anything to it and it was in its original state, then that's how it is. You can think of many examples: waterholes that have been untouched, wells that are deep that we come across, track watering glaciers that we find twenty-six millions years later, etc. All of these things are water in its original state, despite the amount of time that went by.

We also said that this original water sometimes has things growing in it naturally - water lilies, water moss on top, leaves falling into it, twigs, and so on. This is natural and very difficult to avoid. This is a religion for all people, therefore that is water that we are allowed to use for wuḍūʾ, even though it may be muddy, even though there are plants in it, and even though the mind might think that we can’t use that.

Likewise, we said that there is not a problem using the water if it's next to some dead carcass of some sort or that the water had been heated naturally by the sun or the water was heated if we got some clean fuel like wood and we burnt that and it ashes then fell into the water. That wouldn’t affect it either, and we would still be able to use it.

We said that that same water would still be allowed, though it would be considered offensive (according to the Ḥanbalis) if it was used in a recommended purification such as renewing the ablution or washing for the jumuʿah, or washing for a second or a third time.

Then we also mentioned the point about the nature of the amount of water. The Ḥanbalis said that if the water reaches the amount of two qullah (which the footnotes explained is around 270 litres, 190 litres, 216 or 217 litres – there are different opinions, so we'll just chuck out 200 to keep it on a simple kind of scale), so it is over 400 litres, then if it mixes with filth which isn’t urine or any other human liquid waste, then it doesn’t change. If it mixes with urine or other waste products which is difficult to remove by their nature because it's a popular drinking spot or because it's the only watering hole, then the water is still purifying. We discussed that in a lot of detail and it was very complicated so we spent a lot of time on it. That was the Ḥanbali position and our position.

For those people that are really lost on that, it's very simple when it comes to how we treat water. It doesn't matter whether the water is a lot or a little, it doesn't matter if it's a million qullah or if it's just under two qullah. If the water changes completely, then it's no longer good enough for us to use. That's it, that's the only thing that we're going to consider from a fiqh point of view. And that was the position of Ibn Taymiyyah.

Then we mentioned that if there's a woman and she has a small amount of water that she uses to make wuḍūʾ whilst she was alone, then the guy comes afterwards, he won't be able to use it for himself. We just proved that that's not the case and he actually is allowed, but if he can avoid it then use fresh water instead and so on.

Obviously this is not going to be applicable for us, because this is mostly referring to water which is still. I told you that it's important for you to understand the nature of how people used to wash back in the day. They would have a bathtub and then they would pour water over themselves in that bathtub. It wouldn't be draining, they would carry that water out and then throw it away. They would be using some kind of bucket to pull (water) from.

The issue where doubts come in (and the issue as we're going see in the ḥadīth about water that has become sullied) is when you're putting your hands into this container. So you would scoop up water and whilst you're scooping it up, you quickly rub your hands before all the water falls down. It's a skill.

The point is that when you are putting your hands into that water, it is seen as ruining that water. That's where the whole issue comes from. This is before the invention of a plumbing system and taps. This doesn't apply any more. We open the tap, we can use any hand to open the tap and the water is running and flowing, so we don't have any of these problem at all anymore. It would apply if we were still using one utensil to wash.

That's important to remember and to keep that in context; otherwise you can get quite confused.

So, let's jump into the pure water, the second type of water. Shaykh ʿUthaymīn says:

وإن تَغَيَّرَ طَعْمُه، أو لونُه، أو ريحُه بطَبْخٍ، أو ساقِطٍ فيه، أو رُفِعَ بقَلِيلِه حَدَثٌ، أو غُمِسَ فيه يدُ قائمٍ من نومِ ليلٍ ناقضٍ لوُضوءٍ، أو كان آخِرَ غَسلةٍ زالَتْ بها النجاسةُ فطاهِرٌ.

Pure water is when its taste, colour, or smell changes as a result of cooking or something falling into it; a small amount of that water is used to remove ritual impurity; or that same small amount of water has someone's hand dipped into it

after they arise from nocturnal sleep which invalidated their ablution; or it was the last water used in removing filth.

Now, as always, reading and listening to that first time straight off, it sounds strange and confusing. Don't let that worry you. It's going to become clearer when Shaykh ʻUthaymīn deals with this chapter. You're going to find that it's actually quite nice and will become quite clear.

So Shaykh ʻUthaymīn says that this is clearly the second type of water according to the madhab. It is ṭāhir, i.e. it has completely changed, and it has:
تغيّر تغيراً كاملاً بحيث لا يُذاقُ معه طعمُ الماء، أو تغيَّر أكثر أو صافه؛ و هي هذه الثَّلاثة
this is pure water and it has completely changed from water or most of it has changed. And what are the parameters of change? There are three parameters; the taste, the smell and the colour of the water.
Shaykh ʻUthaymīn says the author starts with tabagh – أي: طُبخ فيه شيء طاهر

So, first of all, Shaykh ʻUthaymīn says the example that's been given is that it is cooked with something i.e. meat. If the water is cooked with some meat and therefore, the water's taste has changed or the colour changes or the smell changes – تغيُّراً كثيراً بيّناً – a significant change which is pretty clear – فإنَّه يكون طاهراً غير مطهِّر – therefore, this water now is still pure.

What does that mean if I say that the water is pure but not purifying? A practical example would be if you spill a whole load on your shirt when it's time for Salah, you don't have to go and change your shirt. That's the point. It's pure and it's not a problem for the Salah. But we can't use it (the water) to make wuḍūʾ.

أو ساقط فيه
"Or if something falls into it." Something which falls into it (the water) and changes its nature. Shaykh ʻUthaymīn says that the Ḥanbalis already excluded from this the dirt of the mud. If there's water with soil at the bottom and you put your foot in it and shake it about, it's muddy. It smells and looks muddy. We said that it is permissible to make wudu from that water; it's still pure and purifying, because it's very difficult to imagine that we're going to obligate upon mankind to take mud out from every single source of water. That's how the world works. That's why Shaykh ʻUthaymīn says,

و يُستثنى من هذه المسألة
"And we exclude from this issue…"

ما يَشُقُّ صَونُ الماء عنه، و ما لا يما زجه
And we are also excluding from this that which doesn't dissolve into it. We already mentioned that it can mix with something like camphor, but because it doesn't dissolve into it like ink, we decided to give it a pass. We talked about grease and that

changes the colour completely, but because it doesn't mix with the water and you can still do something with it, we're allowed to use it. There are some exceptions that already have been stated clearly, but now we are talking about something which has fallen into this water, i.e. there's a bucket of water and a pot of ink topples into it and what happens is that it completely dissolves into the water and now we've got a major problem; the whole thing has now dissolved.

Shaykh ʿUthaymīn then says,
و التَّعليل لكون هذا طاهراً غير مطهِّر
What's the reason the Ḥanābila are giving? What is the taʿleel (the reason) they are giving that we cannot use this water? Because this is not absolute water anymore; it's not ماء مطلق (māʾun muṭlaq). It's something else. It's not water as we understand it.

و إنما يُقال ماءُ كذا فيُضاف، كما يُقال: ماءُ ورد
Now, you're not going to call it water anymore. Once something falls into this water or is (inaudible) with this water, you don't call it water. At the best, you might still retain the word water, but you're going to put a prefix to it; rosewater.

و لكن يقال: إن هذا لا يكفي في نقله من الطهورية إلى الطهاره ، إلا إذا انتقل اسمه انتقالا كاملا ، فيقال مثلا: هذا مرق ، و هذه قهوه. فحينئذ لا يسمى ماء ، وإنما يسمى شرابا

Shaykh Ibn Taymiyyah (Rahimahullah) says: The problem I have with this is the same problem that Shaykh ʿUthaymīn had. He said that it's not good enough; we cannot say this unless that water changes *completely*.

Until we get to the stage where we say that this is coffee, for example, we can still use that water. That water has *not* lost its purifying property.

So what the Shaykh is basically saying is that: If someone is still not confident enough to take the title/word 'water' out of the title, then neither are we. And we are going to rule upon the ruling of water - that it's pure and purifying, whatever the Ḥanābilah say.

The Ḥanbalis are saying that if something – like if you mix rose-concentrate with water – but you still call it 'Rose Water', meaning that it's not pure water and it's not all rose-concentrate, then you're still saying that it has characteristics of water strongly there. And we're not going to say that the water has lost its purifying property. The second you start to take 'water' out of the title of that substance, then we'll say yes, it has lost its purifying property.

So when you're making a drink, you might just put a drop in, and the guests might say what did you do, you've just put a little drop in the water, it's very weak, the

color's very weak – whereas you've got another whole scenario altogether where if you dump a good third of the concentrate in the glass and add water, you will get a good result - no one in his right mind would call that anything other than juice.

Shaykh ʿUthaymīn is saying is that the second you have water with a teabag in it, and until it is still that, that water can be used. Once you look at it and say this is 'tea', it's a different name and the people understand it's something different. That is when it has lost its reality – that's now when it's moved- now it has lost its ṭahūriyyah (الطهورية). It has lost its ability to purify; it's now just pure. You can't make wuḍūʾ with it, but if you put it over your head, you can still pray.

Q: al-Ḥajjāwi (the Ḥanbalis) says that a man can't use a woman's used water. Shaykh ʿUthaymīn goes on to say that you *can* use it and then quotes a ḥadīth. Why is there such a contradiction? Did al-Ḥajjāwi not receive the hadith that the Prophet SAWS did use his wife's used water?

A: The first thing you need to know is that there were some of the Ḥanbali scholars that disagreed with al-Ḥajjāwi on this. So it's not a major position in the Ḥanbali madhab. A number of them themselves corrected the position in the Ḥanbali school.

Secondly, there are some people that considered the other ḥadīth not to be applicable here - that it's referring to non-washing scenario. So the reasoning for difference of opinion within the Ḥanbali madhab on this issue is quite understandable and acceptable.

Q: You were saying that water that a woman uses for purification…now is that referring to a woman who is making wuḍūʾ in the actual bucket (container) and the water is going back in, or is it the remaining water that has been touched by her in taking water out of it.

A: The ḥukm is all based upon *the water being used*, not water falling back in again.

It's referring to the actual water as a source, the fact that the water is being touched, or the fact that the water is being taken from. It is not talking about the fact that is going back in again.

Any issue that we discussed in this whole chapter is never referring to water being put back in again. The issue is all about the original source.

Q: what about water from taps or pipes which contains rust? When the water comes out, it's discoloured and the tap does not run clean, even when given time.

A:

(1) Still no one is going to call it rust. They are going to call it water. They are going to say that it has got some dirt in it, so there is no issue there according to our position.
(2) Secondly, this is water which we don't have any other system other than pipes and we cannot keep changing the entire system of pipes.
(3) The Prophet SAAWS was asked the question about a certain well and its water had become red, and the Prophet SAAWS said that water does not become impure. So there is no issue in this scenario with water by itself in this kind natural state, without anyone adding stuff in it.

بسم الله الرحمن الرحيم

الحمد لله

الصلاة والسلام على رسول الله وعلى اله وصحبه ومن والاه

Last week we reached the bottom of page 47 in the sharḥ.

What ibn Taymiyyah is saying is : Unless it has lost all connection with water, it is still water. As long as it still has the title 'water' in it, it shows the lack of confidence in the person who's describing it to say that it has lost connection with water completely.

You're going to start to feel the ibn ʿUthaymīn / ibn Taymiyyah flew come out by the end of the lesson.

Shaykh ʿUthaymīn does say that the same Ḥanbalis are saying that if this water is mixed with something that changes one of its characteristics in some kind of way, it's no longer purifying; a couple of sections ago, the same Ḥanbalis said that if it mixes with mud in a watering hole, it's okay to go ahead with it because it's too difficult to take out.

So Shaykh ʿUthaymīn says: well hold on, what we're saying is that if a person puts it in intentionally, then you can't use the water for ṭahāra, whereas if it happens on its own – even though it's difficult to remove in both cases but you still can't use it when it's muddy. He says that there's no evidence to ascertain this point, and to divide between these two points.

He has a point. This fits with Shaykh ʿUthaymīn's position which has been established a few lessons ago in your mind very clearly, that unless water has changed completely, and has lost its properties, we are going to consider it pure and purifying. Not just ṭāhir – it has to be ṭahūr as well.

، أو رُفِعَ بِقَلِيلِهِ حَدَثٌ

a small amount of it is used to remove ritual impurity;

What does 'small amount' mean? Remember we said that whenever the madhab talks about small and large amounts, it means less than two qullah and more than two qullah, respectively.

Shaykh ʿUthaymīn says:

أي: بقليل الماء – وهو ما دون القلتين – حدث، سواء كان الحدث لكل الأعضاء أو بعضها،

Then he gives an example. He says a person has a bucket which has less than two qullah and he wants to make wuḍūʾ so he puts his hands in it and washes his hands from it. Then he dips his hands in again to wash his face. The water which is in this bucket is continually being used to wash each part with the intention to make wuḍūʾ.

The madhab is saying that because this is a small amount of water, and it is being used in the form of putting the hands in (even if the water isn't going back into the container), this water cannot be used again to purify.

Shaykh ʿUthaymīn says that there's no evidence for this. A lot of people who try to establish evidence for this concept that you can't use used water, will often give the example that if you had a slave, you can't free a slave twice. So once you've freed a slave, you can't free it again. They're trying to find evidence for why it is that you can't use water twice. Who said that you can't use water twice?

Let's imagine you've had a shower and you're absolutely clean, but you don't have wuḍūʾ for whatever reason. So you start to make wuḍūʾ from a small bucket of water. Every drop that falls off of you back into that bucket is clean because you've just had a shower. There are no suds or scum or anything like that in the water. What's stopping anyone from using that water again? The reason we can't use it again is because of the qiyās (analogy) that you can't free a slave twice.

This is a poor analogy, as many of the scholars have mentioned. Shaykh ʿUthaymīn mentions this as well. Firstly, the two things are not directly comparable. Secondly, it actually *is* possible to free a slave again; you could free him and he could be enslaved again by someone else, then you could free him once. So the example is an incorrect one, Shaykh ʿUthaymīn says.

He says

فالصواب أن ما رفع بقليله حدث طهور؛ لأن الأصل بقاء الطهوريه

The correct position is not the statement of al-Ḥajjāwi; rather, even if a small amount of water lifts someone's ritual impurity and there's still water left, that water is still ṭahūr.

It is not only ṭāhir, but ṭahūr as well. It is still purifying until that water has completely changed. Why? Because the status quo of all water at all times is that it is pure and purifying.

، ولا يمكن العدول عن هذا الأصل إلا بدليل شرعي يكون وجيها.

It's not possible to leave the status quo unless we have a clear, sharʿi argument. That's a very strong and clear point.

We'll mention the various positions of the different scholars. Shaykh Al-Mukhtār Al-Shinqīṭī mentioned that there are 3 positions in this matter:

The first opinion in this matter…

ان الماء طهور في جميع ما تقدم بشرط ألا يتغير بالإستعمال ،

…is that water is going to be pure in all of these circumstances that have just been mentioned. Water is always going to be pure as long as it has not been changed by using it.

وهذا هو مذهب المالكية في المشهور ،

This is the position of the Mālikī madhab, according to the popular opinion,

وقولٌ للشافعية ،

it is a position from the shāfiʿīyyah (from the Shāfiʿī madhab)

*There's a lesson here: it's very inaccurate for me to say it's a position from Shāfiʿī when it's actually from the Shāfiʿī madhab because there's a difference between the two. The Shāfiʿī madhab was constantly evolving and going through years of revision and so on and so forth. There were lots of different minds bringing their own opinions before making an official position. Whereas Imām ash-Shāfiʿī speaks for himself and deals with it according to his own evidences. It's the same with all scholars and the madhāhib. Even in the madhāhib there might be two or three popular opinions, and the imām himself might have two or three different statements.

وروايةٌ عند الحنابلة إختارها شيخ الإسلام ، وهو مذهب الظاهرية رحمة الله على الجميع .

It's a riwāya from the Ḥanbalis as well, and it is *that* statement which Shaykh al-Islam ibn Taymiyyah chose. It is his position and therefore this is Shaykh ʿUthaymīn's position, it is Shaykh Muḥammad Mukhtār al-Shinqīṭī's position, it is Shaykh Kehlan's position and it is my position as well. What is that position? That water is pure and purifying unless it has been changed completely, whether by use, cooking, etc. This is the first position in this masʾalah (issue).

القول الثاني : إنه طاهر ، وليس بطهور ، وهو مذهب الجمهور رحمهم الله .

The second position is that the water is pure but not purifying after it's been used, and this is the position of the majority of the scholars.

القول الثالث : إنه نجس ، وهو قول القاضي أبي يوسف من الحنفية ، وبعض الحنابلة رحمة الله على الجميع .

The third opinion is that the water is najas. This is a strange opinion, but it is the opinion of some of the Ḥanbali scholars, most famously Qāḍī Abu Yūsuf (the student and companion of Imām Abu Ḥanīfa) from the Ḥanafīyyah.

Let's remind ourselves of the evidences in this issue. For us, the situation is very clear and simple. Water, upon its principle, is very pure and purifying. There's no evidence to take it away from that unless it changes, so that we have the principle or status quo evidence. From the Qurʾān and Sunnah, we mentioned the ḥadīth of Abu Saʿīd al-Khudrī which states that the Prophet Muḥammad (ṣalla Allāhu ʿalayhi wa sallam) said,

إِنَّ الماءَ طَهورٌ لا يُنجِّسُهُ شَيءٌ

Water is pure and purifying, and it never becomes najas.

This indicates our principle. It's the evidence for our principle. Water is pure and purifying until it really has become najas. It doesn't become najas until it is najas. This is the ḥadīth; it's the most powerful, strongest, most primary ḥadīth in this chapter of purification with respect to water. Water is pure and purifying and does not become najas. That is the ḥadīth of Abu Saʿīd al-Khudrī. It established the principle that unless it

really becomes najas (and you will know that it has become najas) it is pure and purifying water.

Also, we have the ḥadīth of ʿAbdullāh ibn ʿAbbās:

إِنَّ الماءَ لا يُجْنِب

Water itself does not go into a state of impurity. This is from the ḥadīth that we mentioned last week when the wives of the Prophet (ṣalla Allāhu ʿalayhi wa sallam) were all bathing from one set of water, then when the Prophet (ṣalla Allāhu ʿalayhi wa sallam) went to use it, they informed him that they used it in a state of janāba, to which he replied that water does not become impure.

I'm not going to go too much into the evidences of the other sides. In reflection of what we said, we don't want to go into too much detail in this chapter. The other scholars do have evidences. For example, "Let not one of you make ghusl from janāba (sexual impurity) in standing water" and the other ḥadīth is to not urinate in standing water. That second ḥadīth is going to support the people who say that it is najas, and the first ḥadīth indicates that you shouldn't wash in water while you're in junub.

We're saying that that's not what it means; it simply means don't do it. It doesn't mean that the water can't be used afterwards, we're saying that it's not right whether you wash in it, do ghusl in it, urinate in it, it's not good.

There's no evidence per se in these narrations and especially so when you keep in mind the narrations that we mentioned from our side, it's clear that the water actually *can* be used, but it's just not good and we should avoid using it.

Now let's move on to the next point:

، أو غُمِسَ فيه يدُ قائمٍ من نومِ ليلٍ ناقضٍ لوُضوءٍ،

someone's hand is dipped in it after they arise from nocturnal sleep which invalidated their ablution;

This is a very detailed sentence in the Arabic, and Shaykh ʿUthaymīn is going to deconstruct it in detail.

The first thing you need to know immediately is what is 'it'? Dipped in what?

The question that we're saying in Arabic is: the ḍamīr returns back to what? Look in the sentence - what is the ḍamīr (the pronoun) returning back to? It is returning back to the word qalīl (small amount). The ḍamīr is returning back to the word qalīl. So the Shaykh has already mentioned that small amount of water less than two qullah. So keep in mind that the masʾalah, according to the Ḥanbalis, is moving ahead on the principle of two qullah.

On page 49 Shaykh ʿUthaymīn mentions small amounts of water and the Shaykh mentions the 'yadd' (the hand) is a word that is used in an absolute sense. It is a fāʾida (a benefit). The Shaykh says whenever the word is used in an absolute sense, it always refers to just the hand. Because the word hand in Arabic can refer to the entire arm. So when the word 'hand' is being used in an absolute sense it means up to the wrist.

Then the Shaykh gives an example to explain what the Ḥanbalis are referring to. He says, 'a man gets up from sleep at night-time and he has a bucket. This bucket has a little bit of water (like half a qullah) that he dips his hand into until he dips his entire arm in'.

Shaykh ʿUthaymīn is going to have some fun here. He dips his entire arm in. This water is not going to be purifying; this water which is left in the bucket is only going to be ṭāhir. This is what the Ḥanbalis are saying. What is the evidence for what the Ḥanbalis are saying?

The statement of the Prophet ṣalla Allāhu ʿalayhi wa sallam, that 'when one of you wakes from his sleep, then let him not dip his hand into the vessel until he washes it three times, because he does not know where his hand spent the night'. That is narrated by Bukhāri, in Kitāb al-Wuḍūʾ, and it is narrated by Muslim in Kitāb al-Ṭahāra.

Subḥān Allāh it is very interesting, I don't want to impose upon you but when Imam Muslim narrated this ḥadīth, he put it under the chapter title:

باب كراهة غمس المتوضئ وغيره يده المشكوك في نجاستها في الإناء، قبل غسلها ثلاثا

What a detailed title: <u>The Chapter of the Disliking of the One Who is Making Wuḍūʾ or Anyone Other Than That to Dip Their Hand Which is Doubtful</u> (meaning what is the nature of that hand in terms of its purity or not?) <u>Into a Vessel Before He Washes It Three Times</u>. So you can see the Ahl al- Ḥadīth have made it very clear, right from the

start. We are going to narrate this ḥadīth but we are making it very clear, we can see from this ḥadīth that this a makrūh action, which very interesting as a side point.

So that is what the Ḥanbalis are saying. Now let's look at what Shaykh ʿUthaymīn says. Shaykh says that in this ḥadīth it is very clear that you are not allowed (do not let one of you dip your hand). The ḥadīth has made it very clear that it is not permissible to dip your hand into the vessel. So as result of what the Ḥanbalis have said, we can therefore say that if the hand is put into a lot of water, then it's okay according to the Ḥanbalis. Likewise, if the person puts his foot into that water, it is okay. According to Ḥanbalis, if a person puts his entire arm into that water it is okay, meaning that the water is going to be ṭāhir and ṭahūr. The Shaykh says if a kāfir puts his hand into the water it is okay.

You are going to see how Shaykh is going to prove these points.

The Shaykh mentions if a person puts his hand into the water after a long sleep in the daytime, then it is okay. Why? Why is that okay? Because it says 'nocturnal'. The Arabic word or the verb is 'bātat' meaning to stay over. Now even when you say 'stay over' in English, you don't really mean in the daytime. 'To stay over' means night-time, and that is what the scholars have concluded. When we use the word 'bāta', it is referring to night-time sleep. So 'nocturnal' is an implied meaning in the translations. Shaykh ʿUthaymīn says 'and likewise if a person sleeps only little in the night-time

So the first evidence, Shaykh says, is ماء كثير (a large amount of water). If he puts his hand in a lot of water, that's not a problem. Why is that?

[remember, this is not criticism of the ḥadīth, rather this is criticism of the Ḥanbali position]

According to the Ḥanbalis, if he puts his hand in water which is a lot, that's not a problem because they said qalīl (a little amount of water). That's the first point.

The second point Shaykh ʿUthaymīn made is that if he puts his foot into the water – no problem- because they used the hadith and they said 'hand' only.

The third point he said that if he puts his whole arm into the water – that's okay as well because they still focused upon the word 'yadd' in the hadith.

The fourth point he mentioned is 'kāfir' – what's the proof there?

<< إذا استيقظ احدكم >> If one of 'you' wakes up – So 'one of you' obviously means Muslim. Therefore a kāfir, if he puts his hand into the water, then it's okay- and with that he has a major problem.

And he makes another point as well. He says: Also if a non-mumayyiz – (We talked about Tameez earlier- the age of discernment- a Mummayiz is 7 or up – he is able to discern right from wrong). And of course, when you tell someone to do something, it's only going to be applicable if you understand being told how to do something- So, the audience that this is referring to is not only Muslim, but someone of age – above 7- so that they can understand what to do.

This is an important point. Don't get confused between two things. There's a difference between having to do something and being punished if you don't do it, and being addressed (being told to do something). Like when we tell our children to pray at the age of 7 - if they don't pray at the age of 7, they are not punished by Allah because they are being told to do it at the age of 7 as they know right and wrong. They are not punished because they are young and have not gone through puberty – they are not mature. You're only accountable once you go through maturity. So there's a difference between the two ages from a sharīʿah point of view, legally speaking. You are allowed to speak to someone and tell them to do something but it doesn't mean that they have to do it or they're going to be punished.)

So, Shaykh ʿUthaymīn says: therefore a 5 or a 6 year old could put his hand in that water and it would be okay. Do you understand how he came to that conclusion? Because obviously the hadith of the Prophet SAWS is talking about people who would understand the ruling and they would be applicable to.

Shaykh ʿUthaymīn says: Reflect on that for a minute - A Muslim (male/female, thinking, practicing) goes to sleep clean, makes istinjāʾ, makes wuḍūʾ, is very careful about where he/she puts his/her hands; as opposed to some little 5 year old who is scratching himself all night or whatever and has the two dirtiest hands you could ever imagine. According to the Ḥanbalis, it would be okay for the kid to put their hands in the water and it wouldn't affect the water, but a muʾmin who is clean – if he puts his hand in the water, we can't use it. Do you understand what Shaykh ʿUthaymīn is saying? He's making a point here.

And then he said that the one who sleeps a long time during the day would be okay because they said that the hadith is referring to spending the night and that's right. So therefore a person would be exempt from this if he slept during the day time. Shaykh ʿUthaymīn says that: What is the real issue? Is it the fact that it is a long sleep (at night) or is it not?

His next point is: if a person goes to sleep for a very small amount of time, then that's going to be okay as well, because the ḥadīth of Prophet SAWS says '…because he doesn't know where his hands spent the night.' Shaykh ʿUthaymīn said that it's not possible for you to not know where your hand spent the night unless you fall into a deep sleep. In a light sleep no one moves hands – If you just 'fall asleep' for 5 seconds or 1 minute- everything is pretty much where it is.

So there are these various criticisms of the issue.

Anyway, Shaykh ʿUthaymīn says that the correct position actually is this: An amount of water, whether little or plenty remains pure and purifying if a person dipped his hand in it, but he would be punished for doing it. He would sin.

So, this is a very important turning point for you, students of fiqh, that it's important to emotionally detach yourself from the ruling and be able to see what is applicable from a legal point of view. So, what the Shaykh has said is: You are sinning for going against the hadith of the Prophet SAWS. You are sinning because the Prophet SAWS prohibited you to go and put your hand into the water when you wake up from night time, before washing them. I want you to understand that in our time, it's not applicable, because we turn the tap on and we wash our hands and everything goes down and that's the end of the story. But let's say that you don't have a tap and you have a bowl of water – you are not allowed to put your hands into that water. You have tip the bowl, catch some water in your hands, rub your hands, then maybe get some soap, wash your hands with the soap, tip the bowl again, then rub again, and then tip the bowl and wash your hands for the third time.

And now you can enter your hands into this ināyah. That is what is being talked about in this issue, with respect to the hands. Now, what Shaykh 'ʿUthaymīn is saying that, if a person didn't do that and he just dumped his hands right into this bucket or wash basin after he's woken up, he's sinful because he didn't do what the Prophet (salla

Allāhu ʿalayhi wa sallam) told him to do, but the water itself is pure and purifying; that's the conclusion.

Question: For something that [inaudible] an argument against this, because the issue of him putting his hands in from sleep is due to the high likeness that he touched something to make it najas. But in the other narration, why did the wives of the Prophet (ṣalla Allāhu ʿalayhi wa sallam) wash themselves in water and they all say they were junub and the Prophet (ṣalla Allāhu ʿalayhi wa sallam) said the water is fine?

Answer: Very good question. Nasir said that we just used the hadith earlier on that we have all of the wives of the Prophet (ṣalla Allāhu ʿalayhi wa sallam) using the water and it not having any problem for the Prophet (ṣalla Allāhu ʿalayhi wa sallam) to use and now we're saying that there is a problem with this water. There are three responses:

1. the use of them (the wives of the Prophet ṣalla Allāhu ʿalayhi wa sallam) using that water was not dipping; the use of them using that water was to take water from, not to dip impure hands. This is a very clear hadith about dirty hands which are just dipped into water, versus water (a source) being used by hand or bucket or measuring cup and then used to bath one self. That hadith is in its place, this hadith is in its place.
2. the difference between the two is also completely separate. One is upon knowledge of where the hands are. The issue of janāba is not in someone's hands. The other one, the Prophet (ṣalla Allāhu ʿalayhi wa sallam) made it very clear; فإنه لا يدري أين باتت يده – that he did not know where his hand spent the night. So he's coming up from sleep, whereas the wives of the Prophet (ṣalla Allāhu ʿalayhi wa sallam) knew everything about themselves; it was just a state of janāba, not najas hands which is completely different. A person could be in a state of janāba and be absolutely clean, because it's a state. You could be physically clean.
3. I'm going to come to the third response now.

Question: But what about the ḥadīth of ʿĀʾisha (raḍī Allāhu ʿanhā) when she said that when me and the Prophet (ṣalla Allāhu ʿalayhi wa sallam) would wash ourselves after intimacy, our hands would go into the bucket one after another, which clearly shows that after such an act, the hands would have most likely touched… [inaudible]

Answer: The exact opposite. There is no likelihood of that whatsoever.

Question: But you can't prove it.

Answer: Exactly. And this is the third evidence which I'm going to come to; you can't prove it. And so when you can't prove something, what do you do? You take it upon what's most common. And what's most common and known? That water is upon its aṣl and clean. And this is the third point I want to make. Let's give an example; what if a man goes to sleep with gloves on?

If you turn the page, Shaykh ʿUthaymīn says, I put my hands in gloves, so I know it's not going to touch anything impure from my body. Then I go to sleep also upon istinjāʾ – على استنجاء شرعي، و لو فُرض أنَّها مسَّت الذكَّر أو الدُّبر فإنَّها لا تنجُس؟
Meaning that anything happens after that, my hands are not going to get involved in any najāsa.

So what is the response to this point? Shaykh ʿUthaymīn says,
أن الفقهاء رحمهم الله قالوا: إن العلَّة غير معلومة فالعمل بذلك من باب التَّعبُّد المحض.
There are some actions which you have to know that we do not know the ʿillah for. This is one of them. Meaning that the ḥadīth itself, even though it says we don't know where the hands have spent, it's clear to our minds what the implication is, that it's going to become impure.

But is that implication the sharʿi reason why it's not allowed? And remember what I said to you, it is the most difficult thing in sharīʿah for someone to come and say, this is the ʿillah. The scholars never had the confidence in this masʾalah to say that. And therefore, what did they say the ʿillah was?

The ʿillah is at-taʿabbud al-maḥḍ (التَّعبُّد المحض) – pure worship. Meaning سمعنا و أطعنا (samiʿnā wa ʾaṭaʿnā). We're told to do this, we're told to pray five times a day. Why not three? Why not seven? We have no idea. Five times is what Allah chose; He made it fifty and He brought it down to five, he could have made it a thousand and brought it down six, but He made it to five and that is at-taʿabbud al-maḥḍ – that's just pure worship. No ʿaqli reasons. Now, that is not a bad thing to say. Sometimes you just got to put your hands up and say it; we don't know.

Okay, Shaykh ʿUthaymīn then says لكن ظاهر الحديث
I respect what the scholars have said, that the ʿillah is basically pure worship and we don't know, but Shaykh ʿUthaymīn says, to be honest, when you look at this ḥadīth, it's pretty obvious what the ʿillah is. The ʿillah is that he doesn't know where his hands spent the night. And the conclusion of Shaykh al-Islam ibn Taymiyyah was to use the same reasoning as well, like he used the reasoning for the other ḥadīth, which is narrated in Bukhāri. What is this hadith? The Prophet (ṣalla Allāhu ʿalayhi wa sallam) said

إذا استيقظ أحدكم من منامه؛ فليستنثر ثلاث مرَّات؛ فإِن الشيطان يبيت على خياشيمه

"If one of you awakes from his sleep, then let him blow his nose three times, because the Shayṭān spends the night in his nose."

وقد ذكر شيخ الإسلام رحمه الله أن هذا التعليل كتعليله صلى الله عليه وسلم بقوله : ((إذا إستيقظ أحدكم من منامه ، فليستنثر ثلاث مرات ، فإن الشيطان يبيت على خياشيمه)) فيمكن أن تكون هذه اليد عبث بها الشيطان، وحمل إليها أشياء مضرة للإنسان ، أو مفسدة للماء فنهى النبيي صلى الله عليه وسلم أن يغمس يده حتى يغسلها ثلاثاً.

وما ذكر الشيخ رحمه وجيهٌ ، وإلا فلو رجعنا إلا الأمر الحسي لكن الإنسان يعلم أين باتت يده ، لكن السنة يفسر بعضها بعضاً.

Prophet (ṣalla Allāhu ʿalayhi was sallam) said: "If one of you awakes from his sleep then let him blow his nose three times because the Shaytan spends the night in his nose."

What Shaykh ʿUthaymīn is saying is that we can be pretty confident that the reason has been mentioned, but we cannot necessarily protect against that reason. So we don't know where the hand has spent the night, so as a result we can say we can put gloves on to solve that.

Shaykh Ibn Taymiyyah responded to that point as well, saying that there is another ḥadīth as well that says you should blow your nose because the Shayṭān is there, as opposed to just saying that the nose is very dirty etc. He (ṣalla Allāhu ʿalayhi wa sallam) said that because the Shayṭān is there. So what Shaykh al Islam Ibn Taymiyyah is saying is that Shayṭān (who is obviously metaphysical so we can't appreciate the reality of what Shayṭān is doing to his nostrils) is potentially involved in the same way with his hands, i.e. doing something, making his hands touch something that he doesn't know of and is not in control of. So just mentioning the reason itself does not necessarily necessitate that the reason is the exact reason for the prohibition. Rather it is an indication of what makes sense to us, but maybe the actual reason is metaphysical.

Anyway, that got more complicated than it should have. What I want to say is that a person should not put his hands into any water when he wakes up because this is dirty. This principle should apply to the Muslim at all time, at all ages because it's not right for a Muslim to do that. From a sharʿi point of view, it is impermissible if he wakes up at night to do that. And he has to use a tap or use something else. Does it make the water go wrong or does it make the water lose its purifying property? No, the water (according to our taught position) is still pure and purifying, even though the Ḥanbali taught position is that this action has now left the rest of the water drinkable but not making wuḍūʾ-able. And that is of course another criticism: we're allowed to drink this water but we can't make wuḍūʾ with it? There is a point there as well.

Anyway, just to quickly finish this whole point and you'll be glad that we can finish this entire chapter today. The final point is:

أو كان آخِرَ غَسلةٍ زالَتْ بها النجاسةُ

"...or it was the last water used in removing filth."

What does that mean? This is what it means. According to the madhab you've already learnt that the only way that you can remove filth, physical najāsa from the body or clothes is washing it with water. What did we say? We said that we can use anything as long it removes the impurity, as long it removes the najāsa. But according to a number of scholars, and especially according to the Ḥanbalis, you can only use water. Based upon that premise, let's continue building upon that premise, when you have najāsa, there's two main positions in the Ḥanbali madhab:

1. That to wash something it has to be washed three separate times. That's one opinion.
2. The stronger opinion (and Allah knows best) is that it needs to be washed seven times. Seven separate times. There are aḥādīth that support that and it is coming in about 400 pages' time. I'm sure all of you know about the ḥadīth of the dog and the najāsa of the dog. Seven times plus once with turāb (dust).

So just keep that in your mind, that the Ḥanbali madhab builds this principle upon that something has to be washed three times minimum separately, or seven times. What does washing mean? It means that if I've got a thobe and it has najāsa on it, so I get water, pour water on it, rub it, water falls off and I look at it. Then next lot, put the water on it again, rub it, water falls off and then look at it again. This is what washing means. Even if soap is involved each time, even if rubbing is involved, even if rubbing is not involved. The point is that there is washing that has happened, each time with a separate amount of water. This is agreed upon across the madhāhib by the way.

So I want you to imagine as a Ḥanbali, you believe that something needs to be washed seven times. If you believe that something needs to be washed seven times, then each time when the water falls onto this najāsa, even if you see something there or not it's irrelevant because it needs to be washed seven times. Therefore when the water falls off for the first time, from the first washing, what's the nature of this water? It's najas because the thing that it just touched is najas. Its amount is little, it's just touched najāsa therefore it is still najas. And the thing itself is still najas, first time. Now second time, now third time... on the fifth time? Still najas. On the seventh time, I pour water onto this, and that water falls off. What's the ruling on that water that falls off on the seventh time? If you believe that it needs to be washed seven times, the second that the water touches on the seventh time, that now has become pure. Therefore the water coming off

the pure thing is now pure. It's not the eighth time, this is the seventh time. Because it's the seventh pouring, water which is coming off is still the seventh water. It's the last time, that's why they didn't mention the number, because it's not about the number, it's about what you consider to be minimum amount of times you need to wash something. If you consider it to be three, then on the third time, as soon as it's touched it, the water which comes off it is going to be pure.

That makes sense from a madhab point of view. We are still Ḥanbalis. We pour water on it now on the eighth time onto that area. What is the nature of this water? Pure and purifying, because it was pure on the seventh time but not purifying according to the Ḥanbalis, but on the eighth time it was pure and purifying because now it is just like water touching a stone, touching lead, touching metal. It is just touching pure substance.

Therefore what the text says that in this scenario, this water is pure and pure only in all of the above scenarios. What does Shaykh ʿUthaymīn say? He says that this is only of course if you believe that water is of three types (pure and purifying, pure or not purifying and najas). What is ṣaḥīḥ and the correct position is:

والصحيح إن الماء قسمان فقط: طهور ونجس.

There are only two types of water. There is only pure and purifying water and there is only filthy water. You have pure water and purifying - it is always going to be like that until it changes. If it changes by becoming something else then it is not even water anymore. It is not relevant. If it changes because it has become in contact with najāsa then it is clearly najas and you would not touch it because it is najas then it is najas. End of story.

Isn't that amazing? This is the position of Sheikh al-Islam ibn Taymiyyah, my position, and the position of Sheikh Kehlan as well.

Did you understand that point? I know that was a little of a rushed ending. But it was important to follow the thread of what the Ḥanbalis were saying. Just for your own information, Shaykh ʿUthaymīn ends by saying

فما تغير بنجاسة فهو نجس، وما لم يتغير بنجاسة فهو طهور.

Anything which has been changed by filth, becomes filth. Anything which has not been changed by filth, is just water. What is water? Water is pure and purifying in its original status, nothing else.

، وإن الطاهر قسم لا وجود له في الشريعة، وهذا اختيار شيخ الإسلام

As for this concept of pure water which is not purifying, there is no evidence for this in sharīʿah. There is no existence of this division in sharīʿah and this is what Shaykh al-Islam chose.

والدليل على هذا عدم الدليل؛.

What's the evidence for this? The evidence for this is a lack of evidence for it. They need to prove that there is another category -we don't. What is water Allah (SWT) sent it down and it is there for our use to drink, to cook with, to purify. Allah (SWT) made that abundantly clear in the Qurʾān. They need to start bringing evidences when they want to make it like this, like that etc. This is the first point.

إذ لو كان قسم الطاهر موجودا في الشرع لكان أمرا معلوما مفهوما تأتي به الأحاديث بينة واضحة؛ لإنه ليس بالأمر الهين إذ يترتب عليه إما أن يتطهر بماء، أو يتيمم

The second point which Shaykh ʿUthaymīn makes which is very important: this is making this situation very complicated and this is a very basic thing for people. Allah (SWT) explained the details and the intricacies of wuḍūʾ very clearly and he didn't explain to us the intricacies of water? If there was such a category of water that we are not allowed to use, then there will be pure clear ḥadīth supporting this idea that we have pure water that is not purifying. But we don't have any ḥadīth that show that. We have a lot of ambiguous evidences that people are using here and there and we don't have this clear strong bang making it say yes there is such an existence. So the evidence for our position that there is only pure and purifying water and najas water is the lack of evidence for anything other than that.

Question: If the water touches it (najāsa) on the seventh time, why is it not carrying away the impurity that it comes in contact with?

Ustadh A.E: The answer is that of course it will and of course it does, but seven times is a statement which has been narrated by the Prophet (SAAW) which establishes that a person should wash seven times. And also like I said, the ḥadīth that mentioned the statement that the scholars mentioned about three times. That has also been narrated in

ḥadīth repeat this action three times. So not for washing, but for repeating an action three times, which is the evidence for three. Washing for seven is textual evidence. The idea is that by the seventh time, the najāsa is so gone that it is negligible, which is why the Ḥanbalis didn't say that the water is pure and purifying, but they boiled it down lower than that, and which is why in the eighth time, they say it is pure and purifying because then there is no najāsa there whatsoever.

We will say actually something completely different. We don't look for seven or eight or fifteen or whatever. If we wash it once and it's clean, then the water coming off the first time is clean as well. So the ʿillah is in the cleansing of the area. If we can clean that area in any which way possible, then any water which then touches it after that - whether it is the first wash, the tenth wash, etc., it will then be pure and purifying.

In actual fact there is even a statement in the Ḥanbali madhab which you will study when you reach Mughni or reach that level. In al-Mughni, it states that if after washing something seven times the najāsa is clearly evident, then you would still have to keep on going and the water won't be pure and purifying. And then you have got that there as well meaning they are now going eleventh time, twelfth time. So they have put some kind of little disclaimers saying that there are some exceptions to this.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وصحبه أجمعين
اللهُمَّ لا سَهْلَ إلا مَا جَعَلتَهُ سَهْلا وَ أنتَ تَجْعَلُ الحزْنَ إذا شِئْتَ سَهْلا
اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

We can sum up what we have done so far with the statement of Shaykh ʿUthaymīn that we closed with last week. Let's not forget what is going on here. We are studying a Ḥanbali fiqh text that is called Zād-al Mustaqniʿ by Al-Ḥajjāwi. We are studying it according to the commentary of Shaykh ʿUthaymīn. He is Ḥanbali in principle but he is of a level where he has the ability to decide evidences and decide which position to take or not take. He has the confidence to do that himself and he is also relying upon the earlier scholars as well. So often times when you see him take or make a statement, you will often see him say 'and this is the position of Sheikh al-Islam ibn Taymiyyah'. Or he would even say 'actually this is the second narration from Imam Ahmad'. He might also say the second statement in the madhab itself.

I want you to feel at ease. I get that feeling, I respect that. We have got this kind of sacred text and we are just kind of mashing it up. Everything that they say is followed by us saying something different. Of course, that is not the case. We are studying the original text in a way of logical progression, because that is how you have to progress. We had to go through this whole process because I am trying to explain to you what the author is trying to express. You must understand that from that angle. That is how you study fiqh. If I didn't give you the right answer or another opinion at the end, that is just a mercy and it is just a bonus from the class and so on. In that explanation that I am giving, I am primarily using Shaykh ʿUthaymīn's position but also adding my own and my own teachers' opinions from all the various madhāhib. That is what is producing the class. So you shouldn't lose confidence in the concept of fiqh or the concept of madhāhib.

This is an advanced class. This is not a basic class. If this was a basic class then I could teach this over a weekend. We would just go through the text and we would stick to the position without criticizing any position or without asking for any evidences and that would be allowed. We would just take it word for word and we could act upon that. Our excuse would be that the students don't have the ability to understand anything other than that, and that is a legitimate excuse as the majority of the lay people. That's what Muslims do and that is why there is a madhab and that is why there is a text and

they study it. Of course I have already done that a number of times on a first level, second level and this is the third level. I am not going to stay at one level for the rest of my life.

Now we are getting deeper. We are understanding and if we are criticizing a text we are criticizing it based upon knowledge and not upon partisanship, bias or anything like that. So don't feel insulted if you are a Ḥanbali and don't feel too empowered if you are not a Ḥanbali, because this is neither for one or the other. This is a study of the principles of fiqh and then understanding of why Shaykh ʿUthaymīn is coming to the conclusion that he does and then whether I personally agree or not.

We have spent three months or so talking about the intrinsic details about water and the different types. Our position can be summed up by Shaykh ʿUthaymīn's statement. After everything has been all said and done, we said water is of two types: it is either pure and purifying, or it is not acceptable to use because it is najas. Anything else is just something else. For example, someone asked me at the end of the class about coke or Pepsi or milk. That is a third category - it is not water and it is not najas. It is not just water. That is just what it is. We are talking about water, and the categories of water that are used for wuḍūʾ. There is one which is impermissible to use (filthy water) and there is one which is okay to use whether it has been touched by something and someone put their hands in or it is used by someone making wuḍūʾ which we call ṭāhir in the madhab. According to us, ṭāhir and ṭahūr are the same thing. Water in principle is pure and purifying until it changes.

Now this is the benefit, this is why this lesson is a big lesson: not only are we going to cover a lot of pages and go quick, but I am also going to bring it home to you why you are asking some key questions along the way and I am saying "patience, patience". When we finish it today there will be very few questions to actually ask because most of them will now be answered. It is obviously kind of tempting to ask some questions, and the ones that we are entertaining are those questions which are about understanding various detailed points just so that you can understand the argument. Not just about understanding the entire issue because that is going to come.

So the Shaykh says that for us, it is simple. Water is of two types: pure or filthy. Everything about the two qullah - that is all great but realistically speaking, water only becomes impure once we know it is impure. How do we know if it is impure? We know

it is impure if any of the three characteristics (smell, taste, and colour) are changed. It doesn't matter whether it is a small amount or a large amount. It doesn't matter if it is a huge amount. Water is always pure until we see it clearly changed. And that is a very simple or simplified way of looking at it. It is a raḥma from Allah (SWT) and I can tell you now that Shaykh ʿUthaymīn's fiqh is a manifestation of ease, and that is following in the footsteps of his mentor and his (and our) hero, Shaykh al-Islam ibn Taymiyyah. The reason people call him Shaykh al-Islam and talk about him day and night is because he was an āyah min āyātillāh, he really was a sign of Allah (SWT) in his time and in our times. He had the ability to understand the texts and understand the maqāsid al-sharīʿah (the objectives) and not get too lost in the details. He would give the ḥaqq to the details when necessary but when it is clear that something else is intended and bigger issues are relevant in a small issue, that was the one he focused on. You are going to see that come to life in this following point. On page 9, it says:

والنَّجِسُ ما تَغَيَّرَ بنجاسَةٍ، أو لَاقَاهَا، وهو يَسيرٌ، أو انْفَصَلَ عن مَحَلِّ نجاسةٍ قبلَ زوالِها،

The third type of water (according to the Ḥanbali school) is called filthy (najas) water. That is that water which has been changed by filth or encountered filth whilst it was a small amount. So it touched whilst it was a small amount of water only, or it is that water which is separated from an area containing filth before removing that filth. That is what we talked about last week. Let's take the example of a thobe that has najāsa on it. The water that comes off of the najas part is filthy itself, according to this text. "Or separated from an area containing filth before removing that filth."

Think back to last week when we had the whole discussion of washing something seven times that had some dirt on it. The first time it was najas and the water falling off was najas. By the time it comes to seven washes, there is effectively nothing left and when it touches that water, that immediately becomes pure and anything that comes after it will classify (according to the madhab) as pure. Which is why they say if you wash it an eighth time, whatever comes out of it is actually pure and purifying because there is absolutely nothing there whatsoever. That was a bit of a detailed and deep kind of discussion, but this is talking about in early stages.

The next page is about how to purify filthy water.

فإنْ أُضيفَ إلى الماءِ النَّجِسِ طهورٌ كثيرٌ غيرُ تُرابٍ، ونَحْوِه، أو زَالَ تَغَيُّرُ النجِسِ الكثيرِ بنفسِه، أو نُزِحَ منه فبَقِيَ بعدَه كثيرٌ غيرُ مُتَغَيِّرٍ، طَهُرَ.

So filthy water becomes ṭahūr (pure and purifying) if:

a) a lot of purifying water is added to filthy water. A lot of purifying water means two qullah, according to the madhab. So if a good two hundred plus litres of water is added to that najas water, it becomes pure.

"Not using dirt and the like" Remember this is a little statement reminding us of the early stages of this class. What did the madhab say can only clean? Water. So it is not allowed to use anything like certain chemicals that would clean it. According to the madhab, that is not going to cut it because they say only water is able to clean, which is why they have said "not adding dirt", meaning not adding anything *like* dirt (i.e. a cleaning agent like soap).

b) The second way is: "a large amount of filthy water of water goes back to the way it was on its own". So there is a large amount of water (still najas water which is over a qullatain) and suddenly after a couple of days, a bit of evaporation (because of the sun) makes it go back to the way it was.

c) And the third way is: "by removing water from it and a large amount of unchanged water remains afterwards". There are clearly two conditions mentioned here in this third point. So you have some najas water and you have to remove water from it so that a <u>large</u> amount of unchanged water remains. Therefore that means that before you start, the water must have been more than a qullatain. Also once you have taken the najāsa out, you have to have more than two qullahs left that is the large amount and it has to be unchanged. There has to be no characteristics changed. If any characteristics have changed, whether it is half a qullah or twenty six qullah, it is najas. Any water with the characteristics that have changed is najas. This is all according to the madhab.

Let's now see what Sheikh ʿUthaymīn is going to say with respect to these arguments. He says najas water is that which has been changed by something filthy. That means its taste, its colour, or its smell. What is the exception to this that we have mentioned according to all the schools?

It's a smell. But what is the circumstance of that smell? The exception to water being classified as najas is if its smell has changed because of an adjacent carcass to the water. A rotting carcass next to the watering hole stinks very badly, and if its smell travels across and it penetrates into the water, and its smell has changed, it's not actually the water which has changed, it's the smell of the carcass. There's a consensus amongst the

scholars that this is an exception to the rule of “by colour, by taste or by smell”. So, this is what najas water is; it is that which has been changed by filth.

لاقى النَّجاسة وهو دون القُلَّتين
"...or encountered filth while it was a small amount..."

What is the evidence for this? The evidence for this is the ḥadīth which we have mentioned now a number of times: if water reaches a level of qullatain, it will never become najas. I just want to remind you what this ḥadīth means.

Our position and that of Shaykh ʿUthaymīn is that even if the water is less than qullatain, it's not a problem. We didn't take this ḥadīth literally. Why is that? What was our understanding of this ṣaḥīḥ ḥadīth? Of course, water *can* become najas if it's over qullatain. What does that statement mean then?

Does it mean that water does not become najas, unless it goes over qullatain? It's emphasising the nature of water. This ḥadīth is an indirect statement that if water changes over qullatain, it is not to be considered as water anymore. It's najas water, and this ḥadīth is an evidence for us. If it's under qullatain, it is water. And it remains as water until it has so blatantly changed, then it doesn't matter whether it's below a qullah or above a qullatain or not.

The ḥadīth is there for us as a refutation. That's where the function of the ḥadīth comes. The Ḥanbalis came up with an opinion. They said that it doesn't matter if the water doesn't change if it is less than two qullah. If it just touches najāsa, then that's it. That's exactly what they're saying here again. They're repeating their classic point. If najāsa touches something which is less than two qullatain, it goes. We're saying, water never becomes najas and the qullatain is a figure there which establishes a limit for us. But the key thing to focus on is that water doesn't becomes najas, until it is najas.

And at the top of page 55, Shaykh ʿUthaymīn says
والصَّحيح: أنَّ هذا من قسم النَّجس إلا أن يتغيَّر.
This statement by al-Ḥajjāwi that the water becomes filthy water if it has encountered filth while it was a small amount, is not our position. Our position is that unless that water has changed, this statement has no meaning for us. This is also the second opinion in the madhab itself. This is a valid Ḥanbali opinion as well. This is not just Shaykh ʿUthaymīn getting out of touch with the fuqahāʾ.

Let's move on to the next point;
انفَصَلَ عَن محلِّ نَجَاسَةٍ قَبْلَ زوالهاأوِ

"...or separated from an area containing filth before removing that filth."
As I said, if your thobe or hand has najāsa on it, because the water is touching this area and its filth has not gone, every time it's touching that filth and coming away, it's filthy in and of itself.

Shaykh ʿUthaymīn gives an example;
مثاله: ماء نطهِّر به ثوباً نجساً
We have a thobe which is dirty and the najāsa that was on it was washed off and cleaned away with the first washing.

وزال أثرها نهائياً في الغسلة الثانية
After the second washing, it was completely gone. And then we washed it a third, fourth, fifth and a sixth time. The water which is coming off all of these times, according to madhab, is impure. There's two positions in the madhab for washing something; washing it three times or seven times. So, we said as long as it becomes clean, it doesn't matter if it's one time, two times, with water or without - that's the end of the story. However, the madhab said it has to happen seven times or three times completely, regardless.

We have noticed this thobe, washed it, and after the first wash, it became clean. But according to the madhab, it has not become clean. It might have physically become clean, but legally it's not clean according to them. Therefore, after a second, third, fourth wash, all of this water which is coming off is absolutely clean. According to the Ḥanbalis, it's najas water, because even though the najāsa is not there, it has not been cleaned, because they said it has to be washed seven times. So you can see what Shaykh ʿUthaymīn thinks of that point.

And then the next point (page 10 in the text):
"Filthy water becomes purifying..." if you do the following three things:
1)If you add a lot of purifying water to it

On the top of page 56 of the sharḥ, Shaykh ʿUthaymīn says we have to establish one condition: that it is a lot of water needs to be added to that water.
Shaykh ʿUthaymīn gives an example:
We have a big water container and it has some najas water, the amount of which is half of a qullah. That is approximately one hundred litres. But this is a big container and it can hold more than two qullahs. If we want to purify this water, we have to come with more than two qullah, pour it in into that half a qullah and now we have added a lot of water. It has now become pure and purifying on what condition? The water characteristics have not changed.

What if you added two qullah and the characteristics (i.e. the colour) is still wrong? It's not pure. That's the key point. If it doesn't change, meaning that if it is still najas in any of its three characteristics or all of the three characteristics, it's still najas. You have to add more.

What will Shaykh ʿUthaymīn say here for the situation for the first one? The adding of water, whether it's small or little, it doesn't matter. What matters? The change of the actual water to pure, losing its najas characteristics. That's the response to the actual position in the madhab.

Shaykh ʿUthaymīn moves on to the next point:
أو زال تغيُّر النَّجس الكثير بنفسه
In the second scenario, we have a large amount of water which is over two qullah. He gives an example that we have two qullah in a bucket and we leave it for two to three days and the smell that was in it very strongly, it goes, and there's no sign of filth now.

We do not add anything to it; it is now pure and purifying.
لأنَّ الماء الكثير - and Shaykh ʿUthaymīn is giving some kind of ʿillah behind it - why did the Ḥanbalis say large and not small? He said because a large amount of water aids the ridding of najāsa. Much more difficult to leave from a concentrated solution, which I don't think it's scientifically correct by the way.

I think from an osmotic point of view, evaporation, certainly osmosis goes from a concentration of high to low. So I don't even know if that's right, regarding a large amount of water... and it's a good thing that the Shaykh is giving his own opinion - he's not saying Qur'an wa Sunnah, he's just saying that the reason that it should be large is because that allows other aspects of the water to be purified easier. I think that's right in the sense that if you have a large amount of water and the najas is isolated in one part, then it's obviously easier as a whole to purify the water. But if you were to think that a large amount of water with najas… to think that it's somehow easier for the najas to just go by itself or to evaporate as opposed to a small amount of water, I don't think that's right. I think scientifically speaking evaporation is easier from higher concentration.

So now we have that second position. This is straightforward; we don't need any explanation to this.

Q: It is not the same if there was najas in a container and another party came after a couple of days and they saw the water as water then obviously would deal with it as water because there's no sign of that najas anymore. It's quite clear, if you think of it like

that so that you're coming to it fresh, as in you've not seen this before, you've not seen the najas go in. you've seen it's clear, all the aspects of water so it's water.

A: Correct. I think that this position is one that needs the least sharʿi daleel. It's clear from common sense.

And the third one is:

أو نُزِحَ منه فبَقِيَ بعدَه كثيرٌ غيرُ مُتَغَيِّرٍ، طَهُرَ

c) by removing water from it and a large amount of unchanged water remains afterwards.

So this third way is that you take away from the large amount of water enough najas water to leave behind something which is unchanged.

So now we have these three positions. What does Shaykh ʿUthaymīn say at the bottom of page 57? He says, as for the most correct position in all of these matters,

والقول صحيح: إنه متى زال تغيير الماء النجس طهر بأي وسيلة كانت.

He says the real conclusion of all these matters is this: that the water will become pure whenever we get rid of the thing that made it impure, and that's it. No matter what manner we used to get rid of it. It's not about little or large amounts and it's not about water as the cleaning agent or bleach or anything else. As long as we can get rid of the filth, whether the water we're trying to clean is a lot or a little; whether we use a lot or a little of the cleaning agent; as long as we get rid of that filth or that thing which is making it filthy, that water now becomes pure and purifying. This is what Shaykh ʿUthaymīn says.

Now here's a little bit of benefit for you so that you understand something here. Why do the Ḥanbalis say '*not dirt and the like*'? Shaykh ʿUthaymīn is going to explain this:

والقوله ((غير تراب ونحوه)) ، إستثنى المؤلف هذه من مسألة الإضافة

Normally what would happen is that you add the mud to it and it would then sediment at the bottom. The idea might be that it might help to - there is actually an ʿaqli thing there – It might aggregate with the najāsa, sediment to the bottom and then become settled at the bottom and the top part of the water would be become pure. That's why people might do it, if you're thinking 'why on earth would people chuck mud into filthy water?', that would be the reason. But the Ḥanbalis do not allow this, or allow anything else either.

There is also something else he says which is very, very good. The Shaykh says that this water has not become purified even though turāb (dirt) is one of the two purifying substances. It is water and turāb which are the two purifying substances. And one thing that you need to know is that dirt is not a purifying, *hissi* substance. *Hissiyan bal ma'nawiyan*. What does that mean? When you clean with turāb, it's not something which is palpable. In fact it's the exact opposite - you come out with a dirty looking face, if you did it properly. Anyway what Shaykh ʿUthaymīn is saying is that regardless of whatever the turāb is being used for or not:

والصحيح: إنه إذا زال تغير الماء النجس بأي طريق كان فإنه يكون طهوراً

It doesn't matter what you use, whether you use turāb or soap, or whether you use anything else; as long as it purifies, that's the key thing and that's the only thing that we have to worry about.

He also says that according to the madhab, this ḥukm is not just for water. It's actually for all liquids. So according to the Ḥanbalis, these rulings apply to all liquids with respect to if they touch najāsa or something like that.

Shaykh ʿUthaymīn says that the correct position is that it's just like water, it's pure. Pure substance, pure water, pure oil, pure milk, etc. are all pure until it changes. If it changes then its turned into something else, but it doesn't matter what falls into it if it hasn't changed it hasn't changed.

Q: You just said a minute ago that if it's an area you can take it out and leave the vast majority of it, it's clean. Obviously because it's a big container... how are we saying that it changes? Is it a little bit on the side? If it's a little bit of urine, would you then be able to mix it so there's not sign of it left?

A: Theoretically speaking, if there was a large bucket and you could physically see some urine that has not dispersed enough in the rest of the water and it was separate and it's a large amount, (according to the madhab and according to the majority or the correct position) it has not affected the rest of the water. This is such a large amount of water and it's so big and large and so far and distant and so unaffected by that corner part where the urine is - then this would then be considered like that, whether you mix it or not, and whether it dissolves or not. Would a person be allowed to, seeing that urine there, mix it to try to dilute? Would that even be permissible? I can't give an answer to that.

Q: Would you be able to get the urine out of it anyway?

A: Well yes, as we discussed in the earlier parts, there is an understanding that you are able to get out najāsa to a large extent and anything that is left behind then is effectively diluted by the larger amount.

Now we're talking about a very important chapter which is the issue of doubt. This is what the entire chapter finishes with. So in the Arabic, on page 11, Imam al-Ḥajjāwi says:

وإن شكَّ في نجاسةِ ماءٍ، أو غيرِه، أو طَهارتِه بَنَى على اليقينِ، وإن اشْتَبَهَ طَهورٌ بنَجِسٍ حَرُمَ استعمالُهما، ولم يُتَحَرَّ، ولا يُشْتَرَطُ للتيمُّمِ إراقتُهما، ولا خَلْطُهما،

وإن اشْتَبَهَ بطاهِرٍ تَوَضَّأَ منهما وُضوءًا واحدًا، من هذا غُرفةً ومن هذا غُرفةً، وصَلَّى صلاةً واحدةً.

If one has doubts about the filthiness or purity of water or something else, he acts according to certainty. If purifying and filthy water are indiscernible then it is unlawful to use it and one does not attempt to discern; pouring it out or mixing it is not a condition for making *tayammum*.

If purifying water is indiscernible from pure, one makes a single ablution from them both - a hand-full from one and a hand-full from the other - and prays a single prayer.

So if you have water and we are having doubt about this water about whether it's impure, (even though in principle it's pure water) or the other scenario, we are doubting whether it's pure even though in front of us what were know is that it's najas water.

There are two kinds of scenarios here. The issue is dealing with the *shakk* (doubt) with respect to these two scenarios. Either you have pure water, or you always knew it was pure but something has happened; or you can see something and you are not sure now whether this thing has become najas or not - you have doubt. Or you have impure water (and you've known for the last few days that it is impure water, but you think that maybe the colour has changed a bit it is getting a bit lighter) and you're not sure now whether it is pure or not. So in the first one the principle or the status quo was that it was pure, and in the second one the principle or the status quo is that it is impure.

How do we treat these two scenarios? You build upon certainty.

When you study fiqh you have a number of rules that you use to help you derive rulings, which makes up the science of uṣūl al-fiqh. The fundamental principles of jurisprudence are called uṣūl al-fiqh, and it's very important to study.

The number one rule in uṣūl al-fiqh is that certainty cannot be removed by doubt. If you are upon something that is certain, doubt cannot change that scenario. This is one of the most important principles in Islamic law, because it governs everything.

Here, it's very clearly applicable. If you have pure water and you are doubting whether it has become impure or not, remember that certainty is not removed by doubt. What am I certain of? This water was pure. What am I doubtful of? I am doubtful about whether it has got najāsa in it or whether it has become najas.

What do I do? Build upon certainty. So it is pure. This is a principle which applies everywhere. So the Shaykh gives some examples and Shaykh ʿUthaymīn added also that this principle applies to anything, not just water - any substance. So the Shaykh gives an example:

There is a man who has a thobe and he is not sure whether it is pure or not. What is the principle of a thobe? It is pure it's clean. So it remains clean until he knows for certain that it has become najas. Or he has a sheep skin and he is not sure whether this sheep skin is the skin of a sheep that has been slaughtered or a sheep that has carrion.

وكذا لو كان عنده جلد شاة، وشك هل هو جلد مذكاة، أم جلد ميته، فالغالب أنه جلد مذكاة فيكون طاهرا.

If it just died and it wasn't slaughtered, that is haram means.

So we are not sure whether this is the skin of a slaughtered sheep or one which has just died on its own. What was the reality? We have to build upon certainty. What is the status quo? What are we certain of in principle?

We only get a hold of slaughtered sheep; farmers don't sell dead sheep. We, as a community, don't deal with dead sheep. It doesn't even matter if this was a dead sheep. As far as we are concerned, the principle is that it is a normal sheep.

This is beautiful and very important. The point is that even if this water is najas, there's no sin upon you even if this was the skin of carrion. There's no sin upon you because you have followed the Islamic principle. The principle is there to give you ease in times of difficulty. Then another example the Shaykh says:

وكذا لو شك في الأرض عند إرادة الصلاة هل هي نجسة أم طاهرة، فالأصل الطاهرة.

'That he is about to pray and he is not sure of the ground itself it is najas or not'

What is the principle? It is pure, and so he doesn't think that is najas for someone to read unless it becomes clear that it is that case. So then the other example is the other way, if something is najas. For example if he has impure water and he knows that it is impure knows for certainty

فلما عاد إليه شك هل زال تغيره

He then goes away and comes back, and he is not sure whether that which made it impure has left it or not. What does he do? He is not allowed to make wuḍūʾ from it. Why? He builds upon certainty. What is certainty? That water was impure 100%. So that is how the rule applies in both scenarios. So he builds upon certainty, certainty is the word *yaqīn*.

Page 51

قوله: "بنى على اليقين"

Where does the principle come from? It comes from the ḥadīth which has been narrated by ʿAbdullāh ibn Zayd. It can be found in Ṣaḥīḥ al-Bukhāri in the book of wuḍūʾ, in the chapter of the one who does not have to make wuḍūʾ for anything other than what comes out of the two private parts. It is also narrated by Muslim which is in the book of menstruation in the chapter of the evidence upon the person who is sure of his state of wuḍūʾ and then doubts in the fact that he has broken it that he should carry on praying with that state of wuḍūʾ.

Clearly as you have seen we have spoken of ahl al-ḥadīth - Imam Bukhāri and Imam Muslim have made their positions very clear. The chapter titles put out their fiqh positions. What is the ḥadīth?

قوله: "بنى على اليقين"، اليقين: هو ما لا شك فيه، والدليل على ذلك من الأثر حديث عبد الله بن زيد رضي الله عنه أن النبي ﷺ شكي إليه الرجل يجد الشيء في بطنه؛ فيشكل عليه، هل خرج منه شيء أم لا؟ فقال: "لا ينصرف حتى يسمع صوتا، أو يجد ريحا".

A man came to the Prophet ﷺ complaining about his stomach that he had some kind of cramps and gas in his stomach. He was praying and it was causing him a problem, meaning that if he has IBS he is not sure whether he has passed wind or not and it is all very bad and very confusing signals. The prophet ﷺ said

لا ينصرف حتى يسمع صوتا، أو يجد ريحا

A person does not leave the prayer (he is saying effectively that you do not break your wuḍūʾ) until you hear a sound or smell an odour.

This is a very important ḥadīth in wuḍūʾ; we are going to discuss this big time when it comes to wuḍūʾ. But for now, it is very useful that you come across this ḥadīth if you have never heard it before. It's very useful to know if you're in a position where you come out of a bath or you've just made wuḍūʾ, and you're not sure whether you passed wind or not.

So the Prophet ﷺ is establishing a principle; he has recognised that is a problem and that people can suffer from that problem. Not just chronically - I mean anyone can have that issue. So therefore we are going to say that it has cancelled the wuḍūʾ unless we have certainty. What is certainty? A clear sound, or you smell something which is obviously very clear evidence of breaking of wuḍūʾ. So the Prophet ﷺ has ordered to build upon status quo. Then also there is a narration this is very interesting at the top of page 60.

ولما قال الصحابة رضي الله عنهم: يا رسول الله، أن قوما يأتون باللحم؛ لا ندري اذكروا أسم الله عليه أم لا؟ فقال النبي ﷺ: "سموا أنتم وكلوه".

The companions came to Prophet ﷺ and said, "yā Rasūl Allāh, there are a people who have brought some meat for us and we don't know whether they mentioned the name of Allāh or not." The Prophet ﷺ told them to say bismillāh and eat it.

This is the problem - if we don't explain, everyone is going to enjoy themselves and order two big macs and some chicken wings. Did you see what he did on a ḥalāl basis?

قالت عائشة راضي الله عنها وهي راوية الحديث: وكان القوم حديثي عهد بالكفر، مع أنه يغلب على الظن هنا أنهم لم يذكروا أسم الله، لحداثة عهدهم بالكفر، ومع هذا لم يأمرهم النبي ﷺ بالسؤال ولا البحث.

ʿĀʾisha, raḍī Allāhu ʿanhā, is the one who narrated this ḥadīth. These people weren't Muslim people. These were people that were just new on the whole issue from kufr. There was a high possibility that this meat was ḥarām. That is the real issue of the ḥadīth. And still the prophet ﷺ said that we are at least expecting it to be ḥalāl - that is the point. So if you're not sure about it, at least we know that the meat is ḥalāl amongst our people and among this new religion that people might not be practising. But say the name of Allāh over it and eat it.

So what did the prophet ﷺ do? He did not ask them to ask any questions.

He didn't tell him to look into it anymore - it's a basic principle that the meat is ḥalāl and so therefore that was what we expected to be inshāʾAllāh and if it's not, then you just say bismillāh and Allāhu akbar.

This ḥadīth is narrated by Bukhāri in the book of sacrificing and hunting the slaughter of the Bedouins not the locals Arabs. This even shows that Bukhāri is going even further and obviously the Arabs they took this literally and they've just said everything is ḥalāl these days.

But we are not going to deal with that now because this is too much of a big controversy. I don't want questions on forums about this.

It's also narrated from ʿUmar ibn al-Khaṭṭāb that he and ʿAmr ibn al-ʿĀṣ were walking one day and they wanted to drink. They came across a guy who had water. It's actually a pool of water so it's actually in the ground.

ʿAmr ibn al-ʿĀṣ asked the man is this water najas or not? ʿUmar told the owner not to say. The principle is that the water is pure and purifying by default. If you know something that I don't want to know about, don't tell me. Just keep it to yourself because I'm looking at this water and it looks good. It's a funny statement.

There are quite a few of these kinds of narrations from the companions, by the way, and this is the kind of fiqhi approach of some of the easiest kind. Certainly, this is the style of Shaykh ʿUthaymīn as well as Ibn Taymiyyah.

Let's be a bit critical, though; is this ḥadīth authentic? It isn't authentic, and here is the reason why. In the footnotes at the bottom of page 60, it says this is narrated by Imam Mālik in his Muwaṭṭa in the Book of Ṭahāra ḥadīth number 47 in the chapter titled Pure and Purifying Water for Wuḍūʾ. It is also narrated by ʿAbd al-Razzāq in his Musannaf and it's narrated on the authority of Yaḥyā ibn ʿAbd al-Raḥmān ibn Ḥāṭib on the authority of ʿUmar ibn al-Khaṭṭāb. We know that Yaḥyā ibn ʿAbd al-Raḥmān did not directly hear any narration from ʿUmar. This was mention by Ibn Maʿīn.

Who is Yaḥyā Ibn Maʿīn? He is the teacher of Imam Bukhāri, he is from the greatest of the nuqqāḍ and of the muḥaddithīn.

This is a heavy statement. He is saying Yaḥyā did not hear from ʿUmar. This is mentioned in *Tahdhīb al-Kamāl* and this athar*…

[*Athar: remember we said is a ḥadīth which is narrated from a companion]

…is munqaṭiʿ, meaning broken. What does broken mean? It means that there is a missing link between Yaḥyā ibn ʿAbd al-Raḥmān and ʿUmar. We don't know the identity of this figure in the middle because it's not a companion.

Here, it's a latter generation (tabiʿi) narrating from Sayyidna ʿUmar. He did not hear from him, therefore he is narrating from someone else, and he left that name out. Why did he leave that name out? That is what we as muḥaddithīn are going to ask that question. It's too much of a doubt on the ḥadīth, so we are going to have to rule that this is ḍaʿīf, therefore it's not acceptable as evidence.

This is us looking at it critically. However, in principle, the ḥadīth is pretty similar to the Bukhāri ḥadīth anyway and the ḥadīth before as well about ṣalah, so the principle is established whether you like it or not. So this is from the daleel and also simply from common sense. I don't need to explain that something should remain upon what it should be until you are 100% sure that it's not what it is - that is common sense.

I just want to mention what Shaykh ʿUthaymīn said from a ʿaql point of view. I have given you all the evidences there is the narration of ʿUmar, the ḥadīth of Prophet, so what about from a ʿaqli perspective?

He says 'Imagine a person is walking and he went underneath a watering spout and water came off it.'

For us, the easy way to look at this is: you know when you are in the super market and it's raining, then you stand at the canopy outside. If you stand at the edge, a lot of water overflows from the gutter. The word gutter, in principle, insinuates that it's dirty but the water is coming from the sky into that gutter. We don't know the nature of what is happening in that gutter but that water is now going to fall from that gutter.

فقال لا ادري هل هذا من المراحيض، أم من غسيل الثياب، وهل هو من غسيل ثياب نجسة، أم غسيل ثياب طاهرة؟

This water - has it been used by people? Is it filthy? Has it been affected by something? Is it coming from a bathroom connected via some kind of a system? That is possible, isn't it? (Sometimes water is transferred at the top as opposed to along the sides) Has it been used from a washing machine? Has the washing machine that has done that wash been washing dirty or najas clothes?

So if we are going to keep asking all of these questions every time we get touched by a bit of water from somewhere, this is going to become crazy. Therefore, the principle from common sense is that water is water until we are absolutely sure that it's not.

It's not an obligation upon him to sniff that water and to look for that water and to study that water, وهذا من سعة رحمة الله and this is from the spaciousness of the mercy of Allah subhanahu wa ta'ala.

Summary of this chapter: According to the madhab, there's a third category of water. What are the three categories?

1. Pure and purifying
2. Just pure (which is mostly used water)
3. Najas
    a. that water which has been changed by something najas,
    b. or it has touched something najas whilst it was a small amount,
    c. or it has come away from a najas area and has now separated from there

There's a second opinion in the madhab that says that there are only two types of water.

1. There's pure and purifying water which you can call ṭahūr or ṭāhir, it doesn't matter,
2. And there is najas water

Then there's the issue of how to purify najas water. There are three ways

1. Add a lot of purifying water to it
2. If it's a large amount, let it change by itself, whether by sun (evaporation), or whatever
3. Take the dirty water out and leave enough behind, which is over a qullatain.

That's what the madhab says. What did we say?

We said that it doesn't matter what you do to the water, what cleaning agent you use, or whether it's a small or large amount; as long as the najāsa is gone, that water is pure.

Finally, if one has doubt about the filthiness or purity of certain water, you build upon certainty.

Q: If you have something which you know for certain is najas, do you need to tell another person? I said the answer is yes. So what is the meaning of that narration where ʿUmar said "Don't tell us"?

A: If I were to be lazy I would say the ḥadīth is weak, so don't worry about it. But let's just assume that it's authentic. There are a number of different responses, but I've never saw one which I was happy with that explains this narration. My best explanation is that the individual ijtihād of the companions is not an evidence upon the nation. This is his statement, and he's not alone on this one. If you read my paper on the start time of Ṣalāt al-Fajr and Sayyidna Abū Bakr eating his food at the point of suḥūr, it mentions one man who says that he sees the sun. Abu Bakr continues eating and asks someone else if they see it… In another narration, he was eating and would ask someone to stand in the doorway so that he wouldn't see the sun himself and carry on. How do you explain these narrations? There are hundreds and thousands of narrations from these companions that are controversial and individual. We call them the ʿajāʾib, referring to the individual opinions that are respected but they either have authenticity issues or they are an opinion which is only held by a small group of companions that have a huge understanding of the religion, so we just say that we don't know and we should stick to what the majority of the scholars say.

I prefer to go with that explanation. The reason why is because in my head, I have hundreds of thousands of these amazing narrations that each one would make you laugh.

For example, we mentioned the ḥadīth of ʿAbdullāh ibn Umar when he fell asleep and asked if anyone smelled or heard anything.

What I'm saying is that we don't rule by individual opinions, and that's why we have madhāhib, scholars who come afterwards and refine opinions and collect them, and so on.

This is a tricky area and we're not going to discuss it until I explain a number of further uṣūl al-fiqh principles. And you have to have that.

We need to talk about ʿumūm al-balwa, for example. ʿUmūm al-balwa is a very difficult reality of our times. It means that when there is a problem that is so big that we can't get away from it…

An example that our sheikh gives us just to explain the principle: If I was to do a body search on Suleman, and find a picture of a non-maḥram woman in his pocket, that would be a little OTT (over-the-top). Yet, that's what all of us have with bank notes of the queen. Some may say that she's now in naani status, which is a good argument, Allahu aʿlam, but the point is, when realities change and are enforced upon us, then we have to adapt to these scenarios with a kind of flexible approach.

I don't want to get into that right now because like I said, there are a number of issues there.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين
اللهُمَّ لا سَهْلَ إلا مَا جَعَلتَهُ سَهْلا وَ أنتَ تَجْعَلُ الحزْنَ إذا شِئْتَ سَهْلا
اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

We left off on page 11 of the notes: if one has doubts about the filthiness or purity of water or something else, he acts according to certainty. If purifying and filthy water are indiscernible (you can't make out which one is which), then it's unlawful to use it and one does not even attempt to discern; pouring it out or mixing it is not a condition for making *tayammum*.

What is the issue about? For those who are using the sharḥ, on page 61 Shaykh ʿUthaymīn says under the following:

وإن اشْتَبَهَ طَهورٌ بنَجِسٍ حَرُمَ استعمالُهما

If there is this ishtibāh, meaning that it's too difficult to work out which one is which. It's a classic scenario: you've got basically two bowls of water, one is purifying water and the other is najas water. Regardless of that fact, you can't work out which one is which.

You are not allowed to use either. Why did they say that? Because it's an obligation to avoid najas. If there were feces on the floor and someone said pick it up, it would be ḥarām to just pick it up in your hand because its najas.

To keep yourself away from najāsa is an obligation, so to even entertain that fact when you have this water (one of these two waters is najas), it just makes sense that you have to avoid it. Shaykh ʿUthaymīn mentions an athari point of view, meaning we are going to try to use Qurʾān and sunnah.

So common sense is common sense. But there's also the Qurʾānic principles, hadith, and ayah point of view. When you go hunting - obviously we are not a hunter kind of society - but if you are there in the wild, we are using guns to hunt. Back in the day, it was about using your hunting dog and your bone and arrow.

In Qurʾān and in aḥādīth, this hunting is regulated to a large degree. For example, it has been narrated by al-Bukhāri in the chapter of 'Sacrificial Animals and Game' that a man released his arrow at some game (we don't know what it was). The animal fell into the water and it was distant. When he gets there, the animal is dead.

I don't want to go into much detail now, but you would say 'Bismillah' because, this is as if you were slaughtering the animal. So, if you imagine that you had the animal with you, you would put it down and you would perform ḏabaḥ (act of slaughtering) and say 'Bismillah' now instead of that.

When you are hunting, it's 'Bismillah' with the gun or with the arrow or when you let your dog go. Or your dog is on the chain and it's trying to go and you say 'Bismillah' and you let it go. Then it runs to the animal, so that is given. What is the problem here? What is the point that the Prophet (ṣalla Allāhu ʿalayhi wa sallam) is trying to make? The animal could have drowned.

The function of shooting or the arrow, is to injure the animal enough to either kill it, and that is halal, or for it to be injured and you go over there and then you perform the ḏabaḥ. That is what happens when you are hunting. The problem here though is that, if you injure it in a certain way or it knocks of balance and it falls and it drowns before it actually has been killed by your arrow, then this would be considered by the majority to be maytah (dead meat), thus impermissible.

So, the Prophet (ṣalla Allāhu 'ʿalayhi wa sallam) said,
إن وجدته غريقاً في الماء فلا تأكلْ، فإنَّك لا تدري، الماءُ قَتَله أم سهمُك؟
If you find it immersed in water, i.e. drowned, then do not eat it, because you don't know if the water killed it or the arrow. This is a ḥadīth that has been narrated by al-Bukhāri.

In another ḥadīth, the Prophet (ṣalla Allāhu 'ʿalayhi wa sallam) said,
إذا وجدت مع كلبك كلباً غيره فلا تأكل، فإنَّك لا تدري، أيُّهما قتله؟
If you find that when you have let your dog loose and you hear all the barking and the madness of the kill, and when you get there, you find the animal dead but your dog is there and so is another dog, and they've both got blood in their mouth and they both ate of it, don't eat it. Because, the Prophet (ṣalla Allāhu ʿalayhi wa sallam) said, you don't know which of the two dogs killed it. The other dog could have killed it. It's not like your hand or your knife. And because there is doubt, you don't eat it.

These are the evidences from the aḥādīth. If we make qiyās (analogy) to this, we have two waters: we have pure and purifying water and najas water. Then it becomes clear why the Ḥanbali madhab made this call. I also want you to think about something else, because from a ʿaql point of view. You might say, what if we have got two waters, why don't we make wuḍūʾ from one and make wuḍūʾ from the other and the job is done? So, let's look at that logically.

So, if we start with the first one, let's assume it's pure and purifying. It is common sense if we are making wuḍūʾ with the second type of water (najas water) then we are going into the prayer full of najas. So, you don't even need to think about what a problem that is.

Let's just say for arguments sake, you don't know, is there a problem with it the other way round? You didn't know, so you are not held accountable for any sin or any issue or any problems.

Q: Let's say you made wuḍūʾ with the najas water the first time, then your hands are najas and you go and touch the other water…

Ustādh AE: Okay, you are done with the najas water and now your hands are full of najāsa, and then you touch the other water. Let's say that the other water comes onto you as opposed to you touching it, just to negate your argument. Or let's say that the container has got four qullah of water, so it doesn't really matter. It's a lot of water and you still put your hands in. If your hands were dirty and it was a large amount of water, there will be no issue.

Q: Will they bring in the argument that we mentioned, that if there is najas on your hands, you have to wash it seven times?

Ustādh AE: When you perform wuḍūʾ or use water for wuḍūʾ, how many times are you going to wash your hands? You're going to wash it three times. You are not going to go over three times. You might do it once, you might do it twice or you are going to do is three times. According to the madhab, if you have najāsa on anything you have to wash it. There are two opinions; one is that it's one time and in the other position, it's three times.
So, if you did three washings with your wuḍūʾ, you come out of that washing with no wuḍūʾ. All of your three washings for each limb were to clean the najāsa. It got rid of the najāsa according to the madhab, but there was no lifting of the spiritual state of impurity.

ولم يتحر...
He does not try to work out which one's which.

He's not meant to try and work it out, because he doesn't know whether this is the right or the wrong one.

According to Imam Ahmad, you are allowed to make a judgment call but <u>only</u> if there are three containers and two of them are pure and one is najas. He is allowing you to make a judgment call in that circumstance because there is a good chance that you'll get it right.

But when it's 50-50, it's not being allowed. Not because we're not sure whether it's slightly clean and very clean, but because one is definitely najas. That's the key point to remember.

And according to Imam ash-Shāfiʿī' (raḥimahullāh) :
يتحرِّى وهو الصواب
You do make a judgment call on it. There are two types of waters – one is najas and one is pure - but he still makes that judgment call according to it. And this is the position of Shaykh ʿUthaymīn as well. At the top of page 62, he confirms it and this is actually a second narration in the madhab itself.

What's the evidence for this position? Shaykh ʿUthaymīn says, because of the hadith of ʿAbdullāh ibn Masʿūd (raḍī Allāhu ʿanhu) in the issue of doubt in the prayer.

The Prophet (ṣalla Allāhu ʿalayhi wa sallam) said,
و إذا شَكَّ أحدُكُم في صلاته فليتحرَّ الصَّوابَ ثم ليَبْنِ عليه
If you doubt about how many rakʿāt you have prayed in your ṣalah, then think about it.

Stop, think and go back to some anchor points and some moments and reflect. Then come to a decision. Make a judgment call, and then base the rest of your remaining prayer on that, and build upon that. That's what we do in prayer.

So, what Shaykh ʿUthaymīn and Imam ash-Shāfiʿī and the second position in the madhab are stating is that the same thing applies here. We have doubt, so what do we do? There's a long discussion there, but the summary of it is this: you are in a situation where you are innocent; it wasn't your fault, so you are not obligated to go further and find more water if it's difficult. In this situation, it is <u>permissible</u> (not obligatory) for you to make a judgment call. You will not be held accountable and you will not have to repeat your prayer. That's the point. If you got the time and ability to find more water, that's no problem.

The next point:
ولا يُشترط للتيمُّم إراقتهما، ولا خلطُهما
"…pouring it out or mixing it is not a condition for making *tayammum*."

Now, you have najas water and pure and purifying water. And what Shaykh ʿUthaymīn is saying is that, we have to just leave it. That's what the Ḥanbalis have stated.

If a person needs to pray, what does he do? The madhab says, make tayammum. If there's najas water and purifying water, you make tayammum, because they both look exactly the same.

فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا

"…and can find no water, then take some clean sand..." [Qur'an 5:6]

So, we haven't found water. Now, there were some scholars that said that it is not technically true. The water is in front of you. So what we need to do is mix it together, so all of the water becomes najas, and therefore it's not water anymore, so, you can now perform tayammum.

Or they said, just pour the water out. The water has now gone and you have got two empty containers. Now you can make tayammum. So, this is what some scholars said. The madhab responded and said, no, there's no need to do that. You know you've got pure water and najas water, and that is your legitimate reason, because there is doubt. So, you carry on with tayammum.

In our opinion and according to Shaykh ʿUthaymīn, it is permissible for you to make a judgment call and choose one. According to Shaykh ʿUthaymīn it is not permissible to move to the next stage (i.e. tayammum) whilst you have the ability to make a judgment call on the water.

Then al-Ḥajjāwi says on page 12:

وإن اشْتَبَهَ بطاهِرٍ تَوَضَّأَ منهما وُضوءًا واحدًا، من هذا غُرفةً ومن هذا غُرفةً، وصَلَّى صلاةً واحدةً.

"If purifying water is indiscernible from pure, one makes a single ablution from them both - a handful from one and a handful from the other - and prays a single prayer as per normal."

We have a situation where we have these two buckets, and a person will take water from one bucket, wash his hands, take water from the other bucket and wash his hands again. He'll put water in his mouth from one bucket and then from the other; take water from one to wash his face and then take water from the other one to wash his face and so on. That's according to the Ḥanbali madhab.

What did Shaykh ʿUthaymīn say? You can guess what Shaykh's opinion is going to be: just choose one. He is not concerned about two buckets of water which for him are both valid for wuḍūʾ anyway. It's a given.

But according to the Ḥanbali madhab, they're going to refuse. There is still some doubt, because you can't make wuḍūʾ with pure water, only purifying water. So, what can be done instead is to perform wuḍūʾ bit by bit from each bucket.

Then Shaykh ʻʿUthaymīn says, why can't you make wuḍūʾ from one bucket completely, and then make wuḍūʾ from the other bucket completely? Shaykh ʿUthaymīn says that it is not permissible. What do you think his argument is? Why would it not be permissible to do bit by bit like the Ḥanbalis are doing? Why wouldn't they say, make wuḍūʾ from one and then make it from the other bucket?

According to Shaykh ʻʿUthaymīn – and a number of scholars, in fairness – the niyyah for an action is an obligation, and the niyyah for wuḍūʾ is also an obligation. You cannot intend something which has doubt in it. You cannot intend an act of purification whilst not believing that you are being fully purified.

So what I am saying is that you take from this water that you are not sure of, and perform your wuḍūʾ completely from that water. In your heart you say that you want purification, but you aren't really sure if this is the right one, so you're going to perform your wuḍūʾ again with another one.

Shaykh ʻʿUthaymīn is saying this doubt is not permissible in niyyah. And that is correct, of course. It is not permissible to think you are being purified and not being purified at the same time.

Let's give an example. When you stand up for dhuhr, and half way through the prayer you say to yourself that you are praying ʿaṣr, your prayer becomes invalid, because the condition for niyyah is that it must remain solid from the beginning to the end of the act. This is according to Shaykh ʿUthaymīn.

Shaykh Muhammad Mukhtār ash-Shinqīṭī responded to this – and this is the correct position – and said this kind of doubt does not affect the quality of the niyyah, because it's not similar to ṣalah. This is the issue of water.

According to Shaykh Muhammad Mukhtār ash-Shinqīṭī, it is allowed for a person following the Ḥanbali position to make wuḍūʾ from one type of water completely and from the other type of water, completely. You just intend complete purification from this and then you intend complete purification from that. Just like you are making wuḍūʾ twice, and I'm happy with that, and that's my own top position.

What is Shaykh ʿUthaymīn's conclusion on this issue? He mentions al-Mardāwi – who is the major faqīh of the Ḥanbali madhab – and in his book al-Inṣāf, he said that some scholars held the opinion that you make wuḍūʾ from one bucket, believing in it and then pray. And then you make wuḍūʾ from the other one, believing in it and then you pray again. You can see that is quite a task to perform two prayers.

Even al-Ḥajjāwi is not too interested in that opinion which is why the point is emphasized of only praying once. If you follow the Ḥanbali position here then you are doing it bit by bit and you are praying once.

What is the correct position? Shaykh ʻʻUthaymīn he actually says it in a very dismissive way.
He says that as for the most correct opinion and the strongest opinion, then this issue shouldn't even be talked about. It has no basis in principle, because as far as we are concerned water is of two types; pure/purifying and najas. There is no such thing as pure and purifying as two separate categories as they are both the same.

And the next point is very interesting, and is the final paragraph of this particular chapter.

وإن اشْتَبَهَتْ ثيابٌ طاهرةٌ بنَجِسَةٍ أو بِمُحَرَّمَةٍ صَلَّى في كلِّ ثوبٍ صلاةً بعدَد النجِسِ أو المحرَّمِ، وزادَ صلاةً.
"If pure garments (thobes/thiyāb) are indiscernible from filthy garments, or likewise with an impermissible garment, then he prays in each garment the number of prayers equalling the filthy or impermissible garments and then adds an extra prayer."

We are moving on to clothes and it doesn't belong here and Shaykh ʻʻUthaymīn makes that point that this is not the right place for us to talk about this. The only reason that the author has included this here is, because we are on the same issue; the concept of pure and impure. Otherwise clothing does not get involved in this area at all.

Reading that for the first time is quite overwhelming, so I am going to explain what is happening here.

You have a man and he has two thobes, and they are both black so you can't tell if there is anything on it. One is pure and clean and the other one is najas and he knows it. He knows that one of them is 100% impure (i.e. it has urine on it) and the other one is absolutely clean pure. It is a condition to wear pure clothes for ṣalah. What does he have to do?

According to the madhab, he has to pray three prayers. So what he would do is that he would pray in each one of the garments, and then he would increase in one extra prayer.

Shaykh ʿUthaymīn gives an example of this issue. He says there is a man who has two thobes. One of them is 100% najas and the second one is pure and he wants to wear both of them, but he is not sure which one is pure and which is one is najas. So he prays the number of times that he has of a filthy thobe, and he increases in it a prayer.

Let's go back to the text (page 13).
"If the pure garments are indiscernible from filthy garments or an impermissible garment then he prays in each garment the number of prayers equalling the number of filthy or impermissible garments and then adds an extra prayer."

I think there is something wrong with the translation. If you think about it, you will come to the answer a lot easier than with the translation, because I think that translation needs to be worked on.

Let's put the scenario out again. You've got a clean and a dirty thobe and you don't know which one is which. We need to pray a prayer. How many prayers must we pray and how must we pray in this issue?

[Explanation from one of the students]: If there was one dirty thobe, then you pray two prayers, because you have to increase one. So, if there are forty dirty thobes, then you pray forty prayers, adding one.

Ustādh AE: That is correct.

If you have three dirty thobes and you have four clean ones, you will have to pray four times, according to the madhab, because by praying three times, you definitely now take all of the najas thobes out of the equation. By praying a fourth time, you have definitely at least prayed in one clean thobe.

It is quite possible that you have prayed in a clean thobe each time, but because you didn't know, you didn't know. So if you have two thobes – one dirty and one clean – and you pray for the first time, you might not be sure if you prayed in the dirty thobe or not. Let's assume it wasn't, so you now need to add another prayer, in the other thobe.

When you pray in the other thobe, you know that definitely one of your prayers was in a clean thobe.

Shaykh ʿUthaymīn gives an example. He says there are thirty-one thobes, thirty which are impure and one which is pure. How many times does he pray? He prays thirty-one times.

He is going to pray in all of the thobes that are najas, because he does not know and when he prays thirty-one prayers, he knows that one-hundred per cent he has at least prayed in one clean thobe.

He just changes each time to a different garment and, because he prays the number of prayers in a different garment, the filthy or impermissible garment will amount to an extra prayer.

And according to Shaykh ʿUthaymīn, if there are fifty thobes, you're going to make a judgement call and you pray on it. You pray that prayer with the thobe you've chosen and you do not repeat that prayer. This is the position of Shaykh ʿUthaymīn, as well as my own, the position of my teacher and it's the position of the majority of the scholars as well.

Shaykh 'ʿUthaymīn puts an interesting discussion forward for this.
فإن قلت: ألا يحتمل مع التحرِّي أن يُصلِّيَ بثوب نجس؟

Is it not possible that if you do make a judgement call, you end up praying in najas? Shaykh 'ʿUthaymīn says, of course. But, what else can he do other make a judgement call? Are you going to tell someone to repeat the prayer?

Allah, subḥānahu wa taʿālā, has only obligated one prayer from each person. He doesn't want two, five, ten prayers from each person, only a single prayer.

And Shaykh ʿUthaymīn says, what do the madhab want you to do? They want you to pray and then repeat the prayer.

He says if a man was in a desert and he doesn't have any clothes other than a dirty najas thobe, the madhab itself says that he prays in that najas thobe, even if it is for a month, and when he returns home, he repeats that entire months prayers, because he prayed in a najas thobe.

And he has to pray in that dirty thobe, according to the madhab, because when the time of the prayer comes, he is obligated to pray that prayer by any means. And that's why they say, pray in that najas thobe, but you will repeat it.

Shaykh ʿUthaymīn says this is weak. He will pray in that scenario in the desert and he doesn't need to repeat that prayer, because what else was he going to do?

Shaykh ʿUthaymīn also said about the Ḥanābila, that they contradict themselves. They said when you are praying Ṣalāt al-Khawf, which is the prayer of fear during war, and you have a weapon - which you are allowed and have to hold in the prayer - and the weapon is najas – and it's not permissible to pray whilst you're holding something najas – he does not need to repeat his prayer, because this is ḍarūrah (necessity).

So, Shaykh ʿUthaymīn says, if this is ḍarūrah, isn't the other scenario ḍarūrah as well? Of course it's ḍarūrah. Therefore, according to us, regardless of all these dirty thobes and whatnot, you make a judgement call and go with the one you think is best. Now, that's the najas thobe.

Now, swap the najas for ḥarām thobe, so you have a ḥalāl and some ḥarām thobes. We are not looking at purity; we're looking at permissibility.

You have ten pure silk thobes and you have one that is artificial. So you need to pray how many times for this prayer according to the Ḥanbalis? Eleven times.

First of all, it is haram to wear silk. There's a side point here. There are a number of scholars - and in the Ḥanbali madhab itself there's a position, it's an old narration from the madhab - that said to pray in impermissible clothes invalidates the prayer as well.

My own personal opinion is that it doesn't, but we're going to come to that. According to some of the Ḥanābila, if you pray in a haram thobe, you're prayer is invalidated as well.

So assuming that argument, you have these ten silk thobes which is ḥarām to wear, and invalidating your prayer, and you've got one artificial silk, which is permissible according to the majority of scholars. How many times do you need to pray? You need to pray eleven times, because then you know that you've at least prayed once in the ḥalāl silk one.

That is the end of the chapter of water.

I put up a video because a lot of people might be feeling very detached from what we've been studying these past couple of months. Why would you even think about najas and dirty water? So I put up a video of a trip that I went on showing the kind of water that people use, drink, and make wuḍūʾ from.

For those who saw the video, what do you think about the water that I went up to and I said "Look at the feces and the flies" and I showed you the ladies that were taking the water and filtering it with the cloth? What do you think about the ruling of that water?

It's a watering hole, probably around 10-20 metres squared, it was completely brown, the animals were drinking from it (mostly donkeys), there was dung all over the place, touching the water as well, flies all over, as far as we knew, no human used it to defecate or urinate in. It wasn't deep, but it was considered to be a large amount of water.

What do you think the status of that water is, after studying this entire chapter? If you answer this correctly, you have understood the entire chapter with respect to how we approach water. [Not necessarily the Ḥanbali approach, but the approach of Ibn ʿUthaymīn and the majority of scholars]

It's pure, they can use it to purify themselves and make wuḍūʾ with it. The change of colour to brown is only due to the mud, and the mud is pure itself. We know that when you mix pure with pure, it doesn't matter. It is too difficult to remove, it's not practical because the mud water is everywhere and it's a large quantity.

By the way, all of it was brown, so large quantity doesn't come into play because all of it had changed. Remember, large quantity only comes into play because you're assuming that there's such a large quantity that any change is minimal. But if the entire large quantity has changed, then it's just a large quantity of najas.

Our position is that the animals that are permissible to eat, their excrement and urine are pure. This is based on the ḥadīth in Bukhāri, about the camel and its urine being used as medicine. An analogy from this means that all permissible animals and their urine and dung is allowed. According to Imām al-Shawkāni, all animals' dung is pure.

As far as I know, there is an ijmāʿ that there is an exception for dog and pig saliva, but I can't remember what they said about its faeces and urine, other than common sense which is to make qiyās upon its saliva, but I can't say for certain because I haven't checked.

What about drinking? Drinking it would be fine because it is pure and purifying.

Shaykh ʿUthaymīn mentioned clearly that just because something is permissible to use for wuḍūʾ, that doesn't mean it's okay to drink because what is unhealthy is not a

problem to use for wuḍūʾ if it's pure. Something might be good enough to use for wuḍūʾ, but might cause a disease if consumed.

You can see that you can utilize virtually every week of study that we did to answer the question. ʿUmūm al-balwa came into it, the needs of the people, the reality of mud, the reality of change, the reality that najas is one thing and the rest is all just water, these are all things that we've covered in this study.

There's a big difference between sharīʿah and practical life. Clean water is what we consider to be translucent and able to drink; whereas in sharīʿah, the water can have mud in it, and it's still considered clean.
In the early days, when the Prophet (ṣalla Allāhu ʿalayhi wa sallam) would make sajdah and rise from sajdah, he would have mud and water running down his face in ṣalah, and during tarāwīḥ in Ramadan on Laylat al-Qadr. So, there is a big difference there. Also, as we said before, wuḍūʾ itself is not a cleansing process; it's a spiritually cleansing process.

So let me just check out a few random points. Can you make wuḍūʾ with Coca Cola? No, because it's not water, it's something else. But there's only two types of water, it's either najas water or pure and purifying.

What about sparkling water? The taste of it has changed. The appearance hasn't changed. Where it has changed, is if you shake it. What if you leave it like that as it is? There are some small bubbles but if you left it as it was, you wouldn't see any difference and there's a slight difference in smell.

In my opinion - and this is a matter of ijtihād, it's permissible to use because until someone calls that soda, lemonade or calls it something else, it's still sparkling water. It's water with a pure substance in it.

Let me make it more graphic to you so that you understand it clearly. You're running a bubble bath at home. You wash yourself with that, and then make wuḍūʾ from it and, that's all bubbles. What's the ruling?

It's not cleansing because, the state of the water – its smell, colour and look of it – has changed. But, I'm talking about using some of the water. Now anyone who's had a proper bath knows that when you put your hand into the water, it's proper water. What you do know is that it's so emulsified that when you rub it on your hands, it's very oily.

Is it oily to the extent that it blocks the water? Or is it so oily that it's making your hand very wet? It’s the latter, because it's definitely still water. Until someone says to me that it's a new substance – and this is what we covered in detail in the chapter of 'ṭāhir', that is water.

The best example I can give you is rose water. When it goes too far what do we call it? We call it concentrated rose water. We call it concentrated, because it's now left water completely. But if you were to smell rose water concentrate and smell rose water, there's not that much of a difference in smell. One has completely changed and the other has changed significantly, but it is still water. So this is our position with respect to using that.

These are matters of doubt, because according to the Ḥanbali madhab, you can’t use that because it's a pure substance mixed with pure water and we would stay away from it out of caution. But when the situation is dire, it’s acceptable.

Q: Ustādh you mentioned that when we make wuḍūʾ using a tap and we change the temperature of water, we have to start making wuḍūʾ from the beginning. What about when the temperature of the water changes itself and we just adjust it so, i.e. you want it to be hot or cold. Do we have to start from the beginning?

Ustādh AE: I never said that. That's very important. I didn’t say that if you're making wuḍūʾ from a tap and the temperature changes you have to make wuḍūʾ from the beginning again. The only thing I said with respect to temperature from a tap is to be careful of making wuḍūʾ from very cold water or very hot water. There are many aḥādīth that praise making wuḍūʾ from cold water, because it's more difficult to. But neither should it be so cold or so hot that you don’t perform your wuḍūʾ properly and therefore, increasing the likelihood of leaving gaps.

Q: Sometimes the water comes out cloudy from the tap, because it comes out of the boiler.

Ustādh AE: We don’t get this issue much here, but if you travel south, where the water is hard and you have to start putting various things into your boiler to help make it softer. But it’s flowing water and if you let it gather, it’s going to settle. Water is always pure and purifying and whatever is mixed with it, is something pure. It’s still water that is coming out of the tap and not something else.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين

بابُ الآنِيَةِ

The Chapter Of Implements

This is the first time we come across the word bāb (**بابُ**). There are three types of division; there's book (kitāb) as in Kitāb al-Ṭahāra/The Book of Purification, then there's chapter (bāb) – bāb means door. The scholars said that the reason why books of fiqh and sharīʿah are divided into abwāb (the plural of bāb), is because it's seen as an entry into the barakah. If you think about it, a bāb is the opening in a wall dividing the outside and the inside. When someone is outside and they want the benefit of inside, like if they're out in the cold and they want to come into a warm house, they have to enter through the door. It's the entry point to barakah, knowledge, and benefit – that's the reason why the ʿulamāʾ call it bāb.

The third word that they use is fasla. I have translated this as 'section'. The words faṣla means to divide as well, to compartmentalize and section. In the English language, when we say "He needed to be sectioned," it means that he needs to be put away from the eyes of the people. These three terms are words describing division.

Shaykh ʿUthaymīn says that they start with the general and move on to the specific. Kitāb is the most general and it is a word which encompasses a number of chapters. The chapter will – if necessary – have a number of chapters. In principle, a section is only used for something very specific. A human example would be that of grain or seeds as a book, then rice, wheat, and corn would be the chapters. What happens to corn when it matures and the flour, cob, chaff, and the various products that come from corn would be the sections.

Sometimes this is a human division/process. One shouldn't read too much into it, because this is done by the author to break up long texts to make it something more manageable.

بابُ الآنِيَةِ

I've translate Bāb al-Āniya as the Chapter of Implements. Āniya is the plural of ināʾ, and the word āniya itself has a plural: awān(?). It's possible in the Arabic language to have a number of different plurals that can be interchanged in the right place and time.

What is ināʾ? In Arabic, the word ināʾ is generally used for 'container', whether that's a bowl, pot, basin, etc. If that's the case, why aren't we calling it the Chapter of Containers? In English, the word 'container' is a lot more specific and restricted than the word 'utensil'. Even though, when you use the word utensil you don't think of pots. When you say 'utensil', you think of tools, forks, knives, and so on. The scholars have said that because there are so many

implements, utensils and containers that need to be covered in fiqh, it would be silly to have a subsection for each and every single type, so they created a word (āniya), and they chucked it all under that.

In this, and even according to the original intention, they were intending pots, basins, jugs, glasses, forks, knives, spoons, and other various utensils very much so linked to eating and drinking. In principle, the word āniya is linked to eating and drinking. That's not to say that it's exclusive to eating and drinking, so we will also cover the issue of using tools.

Another thing is, why are we doing this right now? The books of fiqh have a challenge. There's so much to talk about, so we can either put everything in its right order and wait for the right time to come; or we can put it in some kind of order, but if we get an opportunity to deal with something because it's linked to the current subject, then we'll do it now rather than later. As opposed to, not understanding the issue and its surrounding issues now, and saying "We'll do it then". Realize that we have chosen the second one. The books of fiqh generally choose the first one. The reason that we've chosen the second one is because we are in it for such a long haul, that if we did it in any other way, this class would be chaos. Naturally, I am the second kind of style – it's very difficult for me to stick to the subject.

Why are we bringing the Chapter of Containers forward? We've just studied water, and everything that has to do with water. We're in the Book of Purification, and it's not possible to purify yourself with water unless it's in a container. Water, by its very nature, is something that cannot be held except if it's in a container. In fact, in the dictionary definition of what ināʾ is, it is that which preserves an item or holds it together. We dealt with the actual water itself, but what about where it comes from? We have basins and pots that are made from different materials, so we need to know – what if the water is pure but the pot is najas?

That's the reason why we're covering it now. We have pure water, but it has to come from somewhere. If the dish itself is najas, gold, or made of jewels, what's the ruling with respect to our wuḍūʾ? That's the reason why we're covering it now.

Al-Ḥajjāwi says:

كلُّ إناءٍ طاهرٍ ولو ثَمِينًا يُباحُ اتِّخاذُه واستعمالُه إلا آنيةَ ذهَبٍ وفِضَّةٍ ومُضَبَّبًا بهما

All pure implements, even if expensive, are lawful to acquire and use, except for implements of gold, silver, and what is soldered by them.

There are two separate words here: acquire and use.

فإنه يَحْرُمُ اتِّخَاذُها واستعمالُها ولو على أُنْثَى،

This is because these are unlawful to acquire and use, even for a woman,

With respect to utensils, there's an immediate principle that we're going to use.

What are we going to use to determine whether these are permissible or not (whether they are pure or not)? His initial statement is that they're all pure. What do you think the principle is with respect to permissibility? It's permissible unless we have an evidence that it's ḥarām. What's the proof for that?

Other than worship, everything in life is ḥalāl. The reason for that is because Allah SWT says in Sūrat al-Baqarah, verse 29:

هُوَ الَّذِي خَلَقَ لَكُم مَّا فِي الْأَرْضِ جَمِيعًا

"It was He who created all that is on the earth for you."

Allah is saying he is the one who created for you everything that is on the earth, for you to use, benefit from, for you to sell, buy, trade with, look at, enjoy, etc. This principle is called al-aṣl fī al-ashyāʾ al-ʾibāḥa (**الأصل في الأشياء الإباحة**). The basic principle when it comes to things, life, and non-worship matters, is that everything is permissible *except* that which Allah prohibits.

Allah will send something down like an ayah, a hadith by the Prophet ﷺ which will say, 'except gold and silver,' or 'all meat is allowed, except dead meat which is killed in such a manner,' and so on and so forth.

This is the exact opposite as a principle for ʿibādah. When it comes to worship, everything is ḥarām except that which Allah tells us and how he tells us through the Prophet ﷺ.

We can`t make up a religion on our own; we have to have a textual proof (the singular which is naṣ (نص), plural, nuṣūṣ (نصوص) – and you have to start getting used to these words – that allows you to perform a certain act of worship.

Shaykh ʿUthaymīn wants to make a point of this principle. Allah (subḥānahu wa taʿālā), as we just said in Sūrat al-Baqarah, verse 29, has established the Qurʾānic proof, but we have some evidence from the sunnah as well.

Shaykh ʿUthaymīn says on page 69, the Prophet ﷺ said,

و ما سَكَتَ عنه فهو عَفْوٌ

"Whatever Allah is silent about then he has pardoned it for you." The word ʿafūw is an interesting word; it means pardon.

This ḥadīth, as the muḥaqqiq (the one who does the authenticating in this book) has said, is narrated in al-Bazzār (no: 117) in the mukhtasar (abridged) version of the Zawāʾid. This is the

Majmaʿ al-Zawāʾid and it's the book of al-Bazzār and it's a major book of ḥadīth. But this is a reference only being given to the mukhtasar, which is the summarised version.

It has also been collected by Abi Ḥātim al-Rāzi in his tafsīr and it is narrated by al-Ḥakim and al-Bayhaqi. They have all collected this narration and the reason I'm going into such detail is because this ḥadīth is not the most authentic narration you'll find, so an argument needs to be put together for it.

All of these muḥaddithīn have put together this hadith with their chain, on the authority of ʿĀṣim ibn Rajāʾ, on the authority of his father, and on the authority of Abu ad-Dardāʾ (bihi marfūʿan).

Whenever you see the word 'marfūʿan', it means that it has been raised to the Prophet ﷺ and is a statement of his.

Al-Bazzār, himself, was one of the scholars of Hadith. He said, 'the chain is righteous', but technically speaking, it means that it is a good chain. And al-Hakim said it's an authentic chain and Imam adh-Dhahabi agreed. Al-Haithami said the chain itself is okay but the narrators themselves are people of thiqah (trustworthy) and he mentioned that in Majmaʿ al-Zawāʾid. You can see Fatḥ al-Bāri for more information on that.

We will accept this ḥadīth as authentic. What it provides for us is a separate evidence from the sunnah that shows that what Allah (subḥānahu wa taʿālā) has not mentioned and not said it's haram, then you can go ahead and enjoy it or use it. That is the first use.

There is another statement of the Prophet ﷺ and he said,

إن الله فَرَض فرائض فلا تضيِّعوها، و حَدَّ حدوداً فلا تعتدوها، وسكت عن أشياء رحمةً بكم غير نسيان، فلا تبحثوا عنها

"Allah has obligated for you obligations, so do not neglect them. And he has specified the limits so do not transgress them. And He has been silent been silent on a number of issues out of mercy, not because Allah has forgotten, so don't look for them."

This ḥadīth is narrated Imam at-Ṭabarāni and ad-Darāqutni and it's on the authority of Abi Thaʿlaba al-Khushani (see footnotes on page 69).

There are some scholars that said that there is a problem with this. This is explained by the statement,

و أعله أبو مسهر الدمشقي و أبو نعيم و ابن رجب.

There are a number of scholars in the minority, which said there was a ʿillah. A ʿillah, as we said, is a secret hidden fault that is not very clear. And they said that Makhool, who is one of the tābiʿīn in this chain, did not hear from Abu Thaʿlaba and so therefore there is a break in the chain and they considered it to be weak.

In any case, the ḥadīth is accepted and some scholars accepted the ḥadīth as well.

What does the ḥadīth mean? It means that anything that Allah (subḥānahu wa taʿālā) has not mentioned, is not because Allah forgets. He has allowed it for you and He has made it permissible.

So don't make it an issue, because Allah hasn't spoken about it. You don't have to find out the reason and some people can't accept the fact some things are allowed and some things aren't.

This is one of the major problems of our own religious development, because we link religiosity with strictness and prohibition.

The sense that you are more practising is what we call religiosity (diyana). And people believe that religiosity is linked with doing fewer things, and more things should be haram. And this is not right, unless you put upon yourself some control which you are able to do. But it's a major issue when things are made ḥarām which Allah has made ḥalāl.

I hope those are enough background points to establish the principle. As Shaykh ʿUthaymīn said, whatever Allah (subḥānahu wa taʿālā) is silent about, then this is what it's allowed.

Q: Ibn Rajab in Jami' al-ʿUlūm wa al-Ḥikm gathers a number of narrations from the tābiʿīn and ṣaḥāba. He said that between us and ḥarām, we put barriers on what is ḥalāl, so how do you understand that statement?

Ustādh AE: This is an emphasis of what I just said. A person, on an individual basis, decided to leave things out of caution and staying out of doubtful matters. He creates them for himself, without calling it ḥarām; this is fine. They even said they'll put that barrier of ḥalāl. They accept it to be ḥalāl, but they won't cross that line, because it's going to make them soft and weak if they indulge in it.

It's like any human activity; there are certain things that are allowed given to all human beings. But a person will know the more they allow their willpower to become weaker, the more they don't concentrate and allow it to slide each time, when the time comes that they do need to exercise it, the weaker they'll be.

Even though they are not calling it impermissible, they want to test themselves and create strong willpower. This is the principle of the ṣāliḥīn.

Student: But that shows they did use personal strictness as a form of strengthening religiosity.

Ustādh AE: What I'm trying to say is that you mustn't. You are confusing two things; personal practice and personal belief and believing what the religion and what Allah (subḥānahu wa taʿālā) has revealed. And not taking that on a personal level, but actually promoting and calling people out. You begin to look at others and belittle them, because they are doing certain actions and for those types of people, everything should be stricter. For them, the religiosity in the religion is linked to strictness and linked to more prohibition, as opposed to a personal practice.

There is a psychological impact and it affects the external and other people and you can see it when you look at the different people who cause these kinds of issues, such as the 'Muslim Patrol' in London.

Shaykh ʿUthaymīn mentions, what is the basis for the opposite? What is the basis that Allah (subḥānahu wa taʿālā) does not allow anyone to establish anything in worship except that which he allows?

أَمْ لَهُمْ شُرَكَاءُ شَرَعُوا لَهُم مِّنَ الدِّينِ مَا لَمْ يَأْذَن بِهِ اللَّهُ

"How can they believe in others who ordain for them things which God has not sanctioned in the practice of their faith?" [Qur'an 42:21]

When someone wants to worship Allah, it is not permissible except that which Allah has given permission for and this is clear from this verse.

As for the aḥādīth, it is very clear. As narrated by Imām Aḥmad, the Prophet ﷺ said,

إيَّاكم و محدثات الأمور، فإن كُلَّ بدعةٍ ضلالة

"Beware of every new matter in the religion, because every innovated matter is a going astray."

This is a very important point. Every new matter is an innovative action on behalf of that person. They believe they are bringing something new to the table, and all of the new matters from human beings in religious matters, is a going astray without exception.

This is just something to establish the principle. Let's get back to utensils themselves.

All of the utensils – whether they are big, small, nice, ugly or expensive – the basic principle for them is that they are all allowed.

Allah (subḥānahu wa taʿālā) tells us in the story concerning Sulaymān (ʿalayhi as-salām),

يَعْمَلُونَ لَهُ مَا يَشَاءُ مِن مَّحَارِيبَ وَتَمَاثِيلَ وَجِفَانٍ كَالْجَوَابِ وَقُدُورٍ رَّاسِيَاتٍ

"They made him whatever he wanted – palaces, statues, basins as large as water troughs, fixed cauldrons." [Qur'an 34:13]

The reason the scholars are mentioning this point is, because they are trying to state why a person would consider a utensil to be ḥarām. It's only two ways, other than it being impure.

1) It is either made of something ḥarām or,
2) Emotionally, it sends out ḥarām "signals".

What will the emotional ḥarām signals be? If you saw a huge water trough or pot, you may think it's ḥarām, because it's so huge and a waste.

Shaykh ʿUthaymīn makes a point; if you want to consider whether something is permissible or impermissible, it will only be from the ayah,

إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ

"God does not like the extravagant people." [Qur'an 7:31]

This is referring to those people who waste and are not in need of it; they just want to show off. And that is ḥarām from the angle of showing off (khuyalaa'), but it's not ḥarām from the angle of the utensils itself.

So, the first statement on page 71,

كُلُّ إِناءٍ طَاهِرٍ

"Every utensil is ṭāhir."

This is not referring to najas utensils, because it's not permissible to use something which is najas itself, according to the author.

Shaykh ʿUthaymīn says, he isn't sure about it and thinks it isn't necessarily the case, that something najas can be used if there is a benefit for it. It can be used as long as it is not ḥarām.

Shaykh ʿUthaymīn gives a very interesting example and the evidence according to him – that it's possible to use najas if there is a need for it – is the hadith of Jabir ibn 'Abdullah (raḍī Allāhu ʿanhu) when they conquered Makkah.

The Prophet ﷺ said,

إن الله حرَّم بيع الخمر، والميتة، والخنزير، والأصنام

قالوا: يا رسول الله؛ أرأيت شُحوم الميتة، فإنَّها تُطلى بها السُّفن، و تُدهن بها الجلود، و يَستصبح بها النّاس

فقال: لا، هو حرام.

"Allah has prohibited the selling of alcohol, carrion, pork and idols."

The companions said, “O Messenger of God, what about using the fat of the carrion? Because, we coat our ships with it, to give water-proofing, and we oil our skins with it to make them supple when treating them, and we use it for lighting. We burn it as a fuel to create light.”

The Prophet ﷺ said, “No, it is ḥarām.” [Ṣaḥīḥ al-Bukhāri]

Things back then were different, so anything that you could make use of you would and fat was something that was very valuable.

And Shaykh ʿUthaymīn says,

فأقر النبي (صلى الله عليه و سلم) هذا الفعل مع أنَّ هذه الأشياء نجسة

What’s interesting here is that the Prophet ﷺ accepted the argument of the use of najāsa but didn’t allow it, because the item itself was ḥarām.

The benefitting of this itself from that specific item was ḥarām, because it’s been specifically mentioned. He ﷺ has said ‘carrion’, so therefore we can’t use carrion. He didn’t say we can’t use it, because it is najas.

The companions gave a number of uses for the fat of the carrion and the Prophet ﷺ hasn’t criticised it.

What he said is haram is the use of carrion, but the Prophet appreciated the benefit the companions were trying to take from it.

If you translate that ḥadīth in this way, then it would suggest that it is permissible for a need to use things which are najas by themselves, if it’s not ḥarām and if there’s no text that says it is ḥarām.

And perhaps it is permissible to actually use something which is najas, and we’ll come back to later with respect to the text.

Then Shaykh ʿUthaymīn says,

ولو ثميناً

The meaning of ‘thaman’ is an expensive price. Shaykh ʿUthaymīn is saying that emotionally, you need to understand that it doesn’t matter whether the item itself is very expensive or not, except for gold and silver. It’s not about it being a waste of money.

Shaykh ʿUthaymīn says it doesn’t matter if it’s made from jewels, emeralds or diamonds. It can be made from any of these things and it would be permissible to use; it is pure.

At this moment in time, we are not actually talking about using it or buying it. We're still discussing its purity. So far, we've said that every utensil, every implement is pure in principle, even if it is expensive.

The next sentence is what establishes the legal ruling with respect to using it.

يُباحُ اتِّخاذه واستعماله

It is permissible to acquire or to use all of the utensils, even if it is expensive.What's the difference between 'acquire' and 'use'?

For example, you have a spoon, a knife, a fork, and you're eating out of it. And you have a bowl or cup that you're drinking out of; this is 'use'.

Ittikhādh (اتِّخاذ) means to take, linguistically. But legally speaking, it indicates either to buy or to purchase to sell.

Anything that you're taking ownership of without physically using it is ittikhādh. That would be just buying it to give it as a gift, or buying it so you can keep it to sell later, or buying it to put it on the wall (but you don't normally put these things on the wall) to decorate your house etc.

Shaykh ʿUthaymīn says to acquire it in this manner, is permissible as well. So, there are two parts to it.

إلا آنية ذهب وفضّة

"…other than utensils made of gold or silver."

This is an important principle. The word 'illā' (إلّا) in Arabic means 'except'. And Shaykh al-Mukhtār ash-Shinqīṭī mentioned an 'al-Qawāʿida al-Uṣūlīyah' (القواعد الأصولية). It's a principle in Uṣūl al-Fiqh, and this is a tool that a scholar uses to derive evidences. So, when he sees a word, he knows how to use or approach that word.

أن ما بعد "إلا" مخالف لما قبله في الحكم

This is an uṣūl (a rule). Anything that follows the word 'illā' will be different in ruling to what came before it.

Whenever you look in the Qur'an or Hadith, and come across a phrase or sentence which makes a statement and then says 'illā', that phrase or statement is different to that which came before it, thus its legal ruling will differ.

So, in the sentence that we mentioned, the implied meaning is to use it *and* to acquire it.

وذكر بعض الفقهاء استثناءً آخر فقال: إلا عظم آدميٍّ و جلده

The fuqahāʾ stated that there is a third substance which is impermissible; human skin and bones.

In one of the Ḥanbali books of Fiqh by the name of Kashaf, it mentioned that it's not permissible to use a tool or plate or anything similar to it, which is made out of human skin, because of the sanctity.

And in relation to this statement, on top of page 73, the Prophet ﷺ said,

كَسْرُ عظمِ الميَّتِ ككسره حيّا

"Breaking a dead man's bone is like breaking it when he is alive." [Abu Dawūd]

Shaykh ʿUthaymīn says this (gold and silver) covers small amounts, large amounts, that which is half made, not half made, and that which covers small plates and large plates, and that which is soldered.

For example, soldering is when plate or a bowl cracks and in order to join it together, you get a piece of hot, melted gold or silver and stick it back together.

Soldering is of two types; fixing and basic principle of decorating. So, if a plate has been cracked and has been fixed with it or surrounded by it, then in principle this is not allowed, and we'll cover any exceptions later.

When we are talking about gold and silver, we not just referring to pure gold and pure silver, but also that which has been brushed by gold and anything that's gold and silver plated.

What is the evidence for an item not being used as a utensil which has been soldered? The evidence is the ḥadīth of al-Bukhāri. The Prophet ﷺ said on the authority of Ḥudhayfah (raḍī Allāhu ʿanhu),

لا تشربوا في آنيه الذَّهب والفضَّة، ولا تأكلوا في صحافها، فإِنَّها لهم في الدُّنيا ولكم في الآخرة

"Do not drink from vessels made of gold or silver vessels/containers, and do not eat in their plates, because they are for them in the dunya and for you (meaning the companions and us) in the ākhirah."

The ḥadīth is clear. You can reel into that a number of things and we will, because we have got another statement which mentions that even for a woman, it is not allowed. But we will come to that point.

The Prophet ﷺ is giving a ʿillah (a reason) within the ḥadīth. He said, this is the type of things (using the gold/silver utensils) the non-believers do in the dunya, such as showing off with it and their wealth and being proud about it.

Therefore, this hadith is clear and refers to all of the variations, whether it's painted, light, heavy, etc.

On page 74 of the sharḥ, Shaykh ʿUthaymīn mentions the ḥadīth of Umm Salamah, which is also narrated by Imam al-Bukhāri,

الذي يشرب في آنيه الفضَّة فإنما يجرجرُ في بطنه نارَ جَهنَّمَ

"Whoever drinks from a silver container/cup, the water drunk from that will be the fire of Hell bubbling in his stomach."

In sharīʿah, when the Prophet doesn't allow you do a certain action it indicates a prohibition and impermissibility.

What else does this ḥadīth mention with respect to sin? It's a major sin, because a punishment and/or a threat have been mentioned in the ākhirah, and especially in the hellfire. This is a proof that it is from the kabāʾir (major sin) and that's a very important principle when it comes to sins.

Sins are of two types; minor and major. Major sins would be issues such as, riba, to accuse a righteous woman of zina, etc.

Minor sins are mentioned in a negative fashion i.e. 'don't do it,' 'it's not permissible,' etc. For example, a minor sin would be kissing someone from the opposite gender. Don't take it as minor sin, just because it not a major sin.

Another example would be swearing. The Prophet ﷺ said that the believer is not someone who uses disgusting language. And that's enough for you to not it, because it's not the characteristic of a believer. But a specific punishment in the ākhirah has not been mentioned.

You might think that these aḥādīth are talking about big, complete containers or the complete glass. Where is the evidence for soldering, where the cup is normal, wooden and made of china and it has a gold streak going through it?

If you have a china cup with a solder of gold through it, you wouldn't call it a gold cup. But it's also impermissible to drink from that cup.

Imam ad-Darāqutni has narrated a ḥadīth on the authority of 'Abdullah ibn 'Umar, which has a good chain and says,

إِنَّه من شَرِب في آنية الذَّهب والفِضَّة، أو في شيء فيه منهما.

Whoever drinks from that cup/container, the same punishment applies for the one who drinks from any container made of gold or silver or something that has a soldering of gold and silver in the utensil.

So, this ḥadīth covers the concept of soldering, or an edging or a lacing or any other kind of design function.

Then there follows a long discussion (in the footnotes of page 74) on the ḥadīth, which I won't entertain at this moment, but establishes that this ḥadīth has a number of problems.

Imam an-Nawawi said this ḥadīth is ḍaʿīf and ibn Taymiyyah said its chain is weak. Imam adh-Dhahabi rejects the ḥadīth (ḥadīth munkar), and so therefore, it is possible that this ḥadīth is not good enough to use as an evidence to specify the soldering.

That's not a major problem for us at this moment in time, because we're going to give an exception for soldering. But the majority of the scholars insisted that one stays away from gold in every circumstance with respect to eating from utensils and for silver, there's an exception

There are three types of uses.

1) Ittikhādh (اتخاذ),
2) Istiʿmāl (استعمال) and,
3) Eating and drinking from.

The first one I buy to use, whether I'm selling it or putting it on the wall. Second, is to use it i.e. using it to carve, using it for cooking or to arrange something. Third, its only use is just to eat and drink from that which is ḥalāl and clean inside a container, which you're just drinking from.

According to the madhab, eating and drinking from it, is completely impermissible in its use.

And as for other than eating and drinking, is it permissible or not? We're talking about gold and silver and the statement that said, 'except gold and silver'.

What is the exception from? Non-gold and silver are allowed to be used. So, when we say, 'except gold and silver', we are talking about that gold and silver which is not allowed to be used.

Does that mean gold or silver can't be used in anything? Because, it's not just eating and drinking, there's acquiring and using the actual items themselves.

The Ḥanbali madhab believe that it's not allowed to use it at all, whatsoever.

There's a statement in the madhab which is narrated on the authority of Imam ash-Shāfiʿī that says it is not ḥarām. It is permissible to use gold and silver in other matters, other than eating and drinking.

My position and that of Shaykh ʿUthaymīn, is that it is permissible to use gold and silver implements and utensils in the use of acquiring and in the use of other things, other than in eating and in drinking.

The Prophet ﷺ prohibited something very specific; eating and drinking. And if it was impermissible in all matters, the Prophet ﷺ does not forget and he would have told us, because he is the clearest of the people and the most expressive. And he does not specify just one thing.

Shaykh ʿUthaymīn says, the specification of eating and drinking is itself evidence that anything other than that, is permissible.

لأنَّ النَّاس ينتفعون بهما في غير ذلك

"…because the people benefit from that."

And if the Prophet ﷺ had considered buying, using and touching it to be completely ḥarām, he would have ordered for it to be broken like he did with respect to the idols, and the pictures of people that were hanging around in the Ka'bah. So, this confirms that the Prophet ﷺ has made it permissible.

و يدلُّ لذلك أن أمَّ سلمة...

There is a narration which is collected by Imam al-Bukhāri where Umm Salamah had a juljul, which is similar to a container, but bigger than a cup and smaller than a bowl that was made of silver. And Umm Salamah would keep few hairs of the Prophet ﷺ, in that silver cup.

And people would come to her, seeking shafāʿa through it, asking Allah (subḥānahu wa taʿālā) by the barakah of the hair of the Prophet ﷺ.

And they were, by the idhn (permission) of Allah (subḥānahu wa taʿālā), cured when it was relevant and appropriate.

This is a proof of using something which is made of gold or silver, in other than eating and drinking.

Some might think the reason eating and drinking were specified, is because this is what people mainly use it for.

Allah (subḥānahu wa taʿālā) says in Surah an-Nisāʾ,

وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُم مِّن نِّسَائِكُمُ

"…the step-daughters in your care – those born of women…" [Qur'an 4:23]

If you translate this ayah literally, it means it's not permissible (and the context of the verse is before) to get married to the rabāʾib (step-daughters), in your rooms, from your women.

That's why we don't translate things, literally. When we translate this, it's translated to, 'the stepdaughters in your care.'

The statement of 'in your homes' (fī ḥujūrikum), is translated as 'in your care'. The point is not the rooms, and not that they are in your care.

'Fi ḥujūrikum' has been added as an emphasis and rhetoric (balāgha) and a way of beautifying the language of the Qur'an.

But legally speaking, if your stepdaughter is not in your home, but in different home, is it still permissible to marry her?

Therefore, the use of 'ḥujūrikum' does not necessitate or restrict this meaning only to this area.

Shaykh ʿUthaymīn says, just because the hadith mentions the eating and drinking, that shouldn't colour the issue and make every other scenario ḥarām as well.

And just to finish off, Shaykh ʿUthaymīn says with respect to soldering, this refers to men and women.' Is it not permissible that women can wear and beautify themselves with gold?

Yes, but it's not permissible for men to do that. The question should then be:

فما الفرق بين اتِّخاذ الحُلي وإتِّخاذ الآنية واستعمالها فأُبيح الأوَّل دون الثاني؟

So, if it's allowed for women to actually wear gold, what's the difference between her drinking from gold?

Women use the gold for beautification (tajammul). It's not for other people; it's for herself and her partner, so there is a benefit there.

A man is not allowed to wear gold jewellery, because it's effeminate and that's my opinion. But Allah has made it impermissible, so there is a divine text, thus gold can't be used.

But it's allowed for a woman to wear gold for beautification. If we were to allow for a woman to drink from a gold cup, what benefit does it bring that she drinks from a gold cup? There is no benefit, unlike the gold jewellery.

So it's not reasonable to use the logical argument, that if it's already allowed for the women to wear gold, then it should be allowed for her to eat and drink from it as well; that's the first response.

The second response is from the hadith that we mentioned before, which is the clearest response and the ʻʻillah was given; it's for the non-Muslims in this world, and for us in the hereafter.

This is not about gender discrimination; this is about Muslims and non-Muslims. 'Lakum' is including men and women and 'lahum' is including men and women from the non-Muslims. So let them enjoy themselves with it in this life, and it's for you in the next life.

Q: The brother is asking about the kissing of the opposite gender and the hadith which mentions the touching of a non-maḥram, and it being preferred to be stabbed with an iron needle.

A: Three things I will say in response to that:

1) When we're talking about kissing, we don't mean any serious behaviour. It's when a person can't resist himself and just pecks him/her on the cheek. Something similar to that happened to Abu al-Yusr (ra) and because of that, Allah revealed an ayah in the Qur'an, which was to establish the prayer and that it would expiate that action. It's not possible to expiate major sins; only tawbah expiates major sins. Legally, if any act of ʻʻibādah is expiating a sin it must be a minor sin.

2) Some scholars consider this hadith to be weak.

3) If we assume this hadith to be authentic, it is a ḥadīth which referrers to *pain* as opposed to a *punishment* in jahannam. The scholars stated that an indication a sin is a major sin, is if a punishment in hell has been specified.

This principle, of a punishment in a hadith indicating that the action is a major sin, has not been stated by Allah or the Prophet ﷺ. It's a human derived principle and there's a possibility of it being right or wrong, but the majority of scholars have accepted it and Allah knows best.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
اللهم صلي وسلم وبارك على نبينا محمد وعلى آله وصحبه أجمعين
اللهم لا سهلا إلا ما جعلته سهلا وانت تجعل الحزن إذا شئت سهلا
اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

Last week said that just because gold and silver are allowed for a woman to wear, that does not change the ruling with respect to drinking from a vessel or using a utensil. This is because the ʿillah, the sharīʿah reason for prohibition is because of its obvious nature; as the ḥadīth said, "It is for them in the dunya and for you in the ākhirah".

It's a case of extravagance and tashabbuh bi 'l-kuffār, meaning imitating the non-Muslims (not in an innocent way).

People get very confused with respect to this principle of tashabbuh bi 'l-kuffār. The Prophet ﷺ said in the authentic ḥadīth,

من تشبه بقوم فهو منهم.

Whoever resembles and imitates a people, then he is from them.

Shabh means resemblance. Tashabbuh is a much stronger verb and it involves more intention and action. A lot of people misunderstood this ḥadīth and started to say that it's not permissible to wear jeans because that's what non-Muslims wear.

But this ḥadīth has not been read correctly. It actually means whoever resembles a people in those things which are specific to them with respect to their identity, their custom, their religion, their creed. It's like you're freeing yourself from your own identity. Now, our identity is not designated by clothes, but it is designated by religious creed. So if there's something which goes against our creed or is something which is specific to a people and there's some kind of problematic nature to it, then that is something which is ḥarām.

For example, the dog collar of priests. They wear it and it's completely specific to them; no one else wears them. If a Muslim started to wear that, it would be very problematic. If he did it out

of ignorance, we would say that he doesn't know what he's doing. If he does it out of impersonation, then we fear for his deen. He is upon Catholicism with respect to tashabbuh, and he may be raised from them.

Likewise, some things which is a bit more difficult to tie down are those which have to do with emotion and actions, such as extravagance and ostentation. For example, the non-Muslims who don't believe in the ākhirah have no concern for what happens in the afterlife. So they don't need to justify their actions now to anyone because they don't believe that there's a recompense or an accounting afterward. So their behaviour with respect to material items, money, and so on s very blasé and open. Those who are incredibly rich will do some sick and silly things. This is not becoming of the Muslim. Only an idiot would have golden taps and cutlery. There's no justification for that whatsoever; it is complete nonsense.

We're going to come to the section where we get the opportunity to discuss: what about when there is a point? By the way, there is no need for a golden fork. That's just pure extravagance. As the Prophet ﷺ is saying, they're just taking the jannah in this life, whereas for you, that's in the ākhirah. This life is not the life of luxury.

There were some ʿulamāʾ (who were very careful with this) and they said that the real problem in this area is tashabbuh. If you are getting involved with these items and exhibiting this behaviour, then you are starting to resemble the non-Muslims. This would be a separate ʿillah (sharʿi reason) for why the use of these items could be ḥarām.

Alternatively, we can just say that the Prophet ﷺ has made them ḥarām, and that's the end of it. We need to identify the ʿillah because if we're going to say that a woman is also not allowed to use these items, then we'd have to use a different angle to say that she's not allowed because the real reason is not that she's not allowed to touch and display these items, because she is; rather because it's a level of ostentatiousness, lavishness, and showing off which is not becoming.

On page 3, the muʾallif says

وتَصِحُّ الطهارةُ منها إلا ضَبَّةً يَسيرةً من فِضَّةٍ لحاجةٍ. وتُكْرَهُ مُباشَرَتُها لغيرِ حاجةٍ،

Purification from them is valid. Also, it is lawful to use a small amount of silver solder if there is a need, but it is disliked to needlessly touch it.

Let's explain. Shaykh ʿUthaymīn says that purification from them is valid, i.e. when we're using a vessel that is made of either gold or silver, our wuḍūʾ is not affected by it.

You might think that that is obvious, but it isn't. Sometimes, there are certain things that are causative (or in the chain of an action) before the action that would negate the following action. People know that, and not only do they know it, every Muslim that I know knows that. Even the most non-practicing Muslims come up to me and say "Shaykh, is it permissible for me to go and do Ḥajj with ḥarām money?" Everyone recognizes the idea that even though there are two completely different intrinsic things (Ḥajj is an action and money is money), they know that this is a causative factor for the following action. There is an idea amongst Muslims that there is an effect that can come later on down the line.

It is important to recognize that this exists. It's just interesting that the majority of the time, it doesn't have an impact, because they are of two different genus, or two different types of action. They're not causative actions.

The most common fiqh question that I'm asked is: if I don't pray, will my fast be accepted? It's very sad that that is such a common question, but it's unbelievable how many times I'm asked that question.

I could write a book about his question because there's so much behind it – so much emotion, anthropology, it says so much about us as people. Anyway, there are number of people that will go into fasting and they will continue not to pray.

Now the answer to this question is that the fasting is valid if one does not pray - that is the legal answer. The correct answer is: what kind of fast would that be, anyway? I mean that is an

absolute disaster and some (especially the Ḥanbalis) say that his fasting is not accepted because he is not Muslim. He left the religion once he left the prayer, therefore it's just like a non-Muslim fasting without the prayer. That's a scholarly opinion and it's the opinion of the ṣaḥāba. As narrated by Ṭāwūs and others of the tābiʿīn, 'The one who leaves the prayer has become a non-Muslim.' It's not just that he has done an act of kufr (which is where the majority stand). "فقد كفر ", meaning that he has done an action of disbelief. Remember, the one who does an action of disbelief is different than being a *disbeliever.* The fāʿil is different than the one who is doing the action.

Just like a verb and a noun are different - the one who is doing and the one identifies with the doing. If I say I run and I'm a runner, there is whole different connotation. Anyone can run for 10 seconds, but to be a runner is indicating someone who is sportsman or athlete. It's the same with kufr and every action. The one who does bidʿah (and Muslim are doing bidʿah day and night) is not a mubtadiʿ.

Mubtadiʿ is a big phrase – it's a person who has bidʿah basically infused through his blood, and he does it all the time, he is on the wrong path. The one who does act of kufr is not like the one who is established kāfir.

Anyway I just wanted to say there are some people that said that leaving ṣalah is a kufr and therefore it takes them outside of Islam and of course no Islam means that any actions are a waste of time so your fast is not accepted. But anyways position of the majority is that yes, it's an incredibly heinous serious crime not to pray, but from the conditions of fasting is that

1. you are healthy
2. you are bāligh
3. you are Muslim, and then that is it.

*And obviously if you are a female, then you are not on your menstruation

As long as you fulfill these conditions, your fast is correct.

Having prayed is not a condition, legally speaking. So that is why it's important to understand that sometimes certain things *do* have a major impact on what comes afterwards, and other things don't have an impact.

Here, it doesn't have an impact as the imam has said in the Ḥanbali madhab. There were some scholars that said that it does have an impact, and they did try to argue from an uṣūl point of view: how can something which is ḥarām allow your purification to be okay.

What they used as an analogy was a basin or container that is made of najāsa, so for example pig skin. If there was a pig skin container or a water skin (that is how it used to be made), then obviously that is najas. There is a big issue there, and that is obviously going to affect it, so they made a qiyās; they said if najāsa can do it then something ḥarām can do it as well.

Our response is that ḥarām is not the same as najāsa. Ḥarām is one thing, and najāsa is one thing. Our answer is that the purification is not affected inshāʾ Allāh.

Shaykh ʿUthaymīn makes a nice statement:

وتَصِحُّ الطهارةُ منها

Purification from them is valid

Shaykh ʿUthaymīn adds not just minhā (منها), he says منها, بها, فيها, اليها . So he adds four ḥurūf ʾl-jarr (prepositions).

What does minhā (منها) mean in English? "From it". How is it going to work from it? It's a gold basin and you taking the water *from it.* What does bihā (بها) mean? "With it". Give me the example of 'with it'. You holding that item and still pouring, but you are holding it, so you are actually physically handling a movable kind of silver item, like a little pouring thing. that would be bihā. Fīhā (فيها) means inside. An example is a gold bath – it's big enough for you to get in. Then ilayhā (اليها), "to it" is more like a case where it's being poured. A gold tap - it is coming from it, but it's not you taking from it. So it's being poured, for example, whereas in the

first one, *you* are taking water from it. Ilayhā would be the water pouring by itself like from a golden tap.

The next statement is also on page 3: "It's lawful to use a small amount of silver solder if there is a need, but it is disliked to needlessly touch it."

Shaykh ʿUthaymīn says: إلا ضَبَّةً يَسيرةً من فِضَّةٍ لحاجةٍ

This is obviously an exception.

It is an exception from the statement يَحْرُمُ اتِّخَاذُها واستعمالُها (it's impermissible to acquire it or to use it). This exception in the text has four conditions:

1. it's solder and solder only
2. it's a very small amount أن تكون يسيرة
3. That it has to be only from silver. أ ن تكو ن من فضه
4. That it has to for a hajah (need).أ ن تكو ن لحا جه

What is the evidence for this? I it is very clear what the evidence for ḥarām is. What is the evidence for the exception? The evidence for the exception is what is narrated in Ṣaḥīḥ al-Bukhāri from the ḥadīth of Anas (RA) that said that the drinking cup of the prophet ﷺ broke and then it was repaired. You have to understand that now we are going back to old school. When a drinking cup breaks, you don't chuck it in the bin - you fix it. So the crack was held together and silver was used.

Solder is, as I said, melted metal and it sticks together. So it was moulded back together along the break line, so the break line was where the silver was used. You can imagine in an entire cup that has a crack, that is a tiny amount of silver. You might not be able to see that because it is like the glue in between, but you will be able to see if you look closely the silver edging come out just like glue comes out when you stick it together. So it is a tiny amount. That is the ḥadīth.

So you might say that is what the Hadith indicates, that there was a tiny amount, but what is the proof that you are conditioning that it can only be small? The reason we condition small amount is because that is what the norm will be. When you are fixing something like that, you don't use huge amount of solder let alone silver solder. So actually looking deep in to the Hadith, you can determine these four conditions quite clearly.

First of all, the Prophet ﷺ needed to use this, therefore there was a need. Silver was - if not the best - a very good solder at that time, therefore they used it. The amount was always going to be very small and soldering was the solution with respect to how to fix it. So these are all taken from the ḥadīth.

Shaykh ʿUthaymīn says that if someone asks: If the Prophet ﷺ allowed silver, why can't we then make qiyās (analogy) and say that we can do it from gold? There reason we can't do it from gold is because there is no evidence. Even though the principle/status quo in all things is that it is permissible. Here, we have had that status quo changed. We have a very clear ḥadīth that anything that involves gold or silver - whether plating, brushing, full or pure, it is ḥarām. This is our new principle. It is the silver one which is the exception. You can't just add on another exception out of analogy; you have to have an evidence to add that exception. We don't have that for gold, therefore it is not permissible.

The sheikh mentions ḥājah (need). Certain things need to be done because it is a ḍarūrah for it to happen, and other things are ḥājah. I guess you could say the category of things, or another way of looking at things. Certain things are necessary, certain things you have need for and certain things you know that there is no need for but it is just right. It makes it look nice, it makes it look better, it makes it look straighter, it makes it look prettier, more in line with the people. I am not doing a good job explaining because I can't think of the exact term. I didn't prepare for this and I am thinking off the cuff.

The point is this: That the sheikh used the word ḥājah. I want to stop and make this point because this is the most abused concept that I know in our time. If you were to ask what the

biggest challenge to the Muslim in the west is, there are so many issues but I could certainly name this in the top three. That is, the abuse and the misunderstanding of what necessity means, and the abuse and the misunderstanding of what a need is.

When you look at people before Islamic finance schemes came out, they were saying that it is a necessity for me have all kinds of things so I can justify going to get interests, loans, mortgages and whatnot. Everyone was out there and making these things up as they go along and some were valid and some are tenuous and some are controversial and require study not to be thrown out.

I will tell you a controversial one – education. What is education? Is it a ḍarūrah or is it a ḥājah or is it not even necessary at all? Is there a clear defined answer? No. But the scholars have been making ijtihād on that before and in recent times. Myself, I have been involved in the al-Qalam Sharīʿah panel and we were a number of individuals who have been trying to find some kind of solution for the current student loan crises which of course is a ḥarām, interest-based loan.

However, they want to dress it up. A lot of people are trying to work out what to do, so obviously the correct thing to do is to not take it because it is not allowed. Either you delay it and work, borrow money, or you do what you want. There are other people that are justifying to themselves that the education itself is a ḍarūrah (necessity) and because it is a necessity, then the necessities they can turn the ḥarām into ḥalāl because of need.

فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ عَلَيْهِ ۚ إِنَّ اللَّهَ غَفُورٌ رَّحِيمٌ [excerpted Surah Baqarah verse 173]

Whoever is forced without any bad intentions, transgressing, then know that Allah (SWT) is forgiving and merciful.

This is an ayah that is effectively allowing a starving person to eat from dead meat or from pork. Obviously there are conditions, but that is the proof or principle. So they say education is something which is a necessity and therefore I should be allowed to take interest. There are two things to note here; first of all, who said education is a necessity? Is it a ḥājah? Secondly, who

allowed everything absolutely that when you identify a necessity, you can go and do the ḥarām? This is a big thing and it shouldn't be that one leads to two. It shouldn't be seen as easy as that.

I actually think there is a good argument for education being a necessity. I think that especially so for our community. A minority community, we are the wrong religion, the wrong colour, the wrong social class. We have everything against us and at this moment in time, education is our only comeback. When you become educated, you become respected for your opinion because of your academic qualification, your position, and your wealth. People won't use your colour, religion and social class against you. That is when you have power, that is when you are in charge of people, and that is when people can't say things. They have dramatic consequences if they take liberties. So there is an argument that education is a key factor in achieving that status where you protect your right and therefore help protect the Muslim community as a whole.

It can be counter-argued that businessmen do that even better. If you look at the big, big people who are in business, some of them don’t do any education whatsoever, but make plenty of money and they are doing more protection of our ʿizzah (honour) as a Muslim community. That's a good argument and a good example. We should then counter-argue and ask what the norm is. Are people going to become incredibly successful in business? That’s very rare, that an entrepreneur hits the heights. Is it more likely that a number of people will succeed in education and become psychologists, lawyers, doctors, academics and professors and then bring about a real actual change in their community? That's obviously more likely. Therefore, education is definitely a need and quite possibly a necessity.

Should the fact that it's a necessity allow outright ribah? This is rejected by the majority of the scholars. If a scholar gave a fatwa or if a mufti gave a fatwa to allow it, he would take that upon his own shoulders and he would not be punished for that because he would make his ijtihād and his best attempt at making a fatwa and he would be wrong in that. But we know that the Prophet ﷺ said that when the judge makes a judgement and he is wrong, he gets one reward;

if he gets it right, he gets two rewards. This is because his intention is to use evidences, as long as they're valid. But he is wrong in this.

We will argue that the fact that education is a necessity will possibly ease the working environment that we're trying to work in to find a solution. What do I mean by that? It's very difficult! It's very difficult to find an Islamic alternative to a ḥarām loan. Because of the restrictions for money being borrowed and an extra return going back to the lender is an absolute base thing, it's an absolute standard for the capitalist system. To create a system to semi-match that is going to always look dodgy, even though you might paint Islam on it.

It could be argued that the fact that we're trying to fulfil a necessity allows us to maybe do slightly more, maybe unsavoury conditions and features of the contract that we're offering. For example, calculating a mode of payment that is exactly the same as the student loan one. Why would we have to do that? Because the government would never, ever allow a concessionary loan for Muslims because obviously the rest of the country would be up in arms saying how come you're favouring Muslims over non-Muslims? Therefore, legally, they would never allow a product to pass if there was a discount in it, either the same or more money back for the government. Now if we're doing that you can see that that stinks. As a Muslim, you're creating a product which might look Islamic, but ultimately in its consequence it's giving the same money back to the thing. We would potentially argue that we're not happy doing that and we're only doing that because it's a necessity. Do you see how powerful the fact that if education become a necessity what impact it has?

Scholars on the other side will turn around and say: just say that it's ḥarām and we'll give you permission to do it; we'll say this is a fatwa to do a ḥarām act. Don’t try to make it ḥalāl. It's an argument.

Anyway, I want you to understand that that's ḍarūrah (ustadh point high), this is ḥājah (points to middle), this is zeenah, (points low). Zeenah meaning the nice kind of things

So what does Shaykh say? At the bottom of page 80 he says:

الحاجة أن يتعلق بها غرضٌ غير زينة ، بمعنى أن لا يتخذها زينة. قال شيخ الإسلام: وليس المعنى: الا يجد ما يجبر به الكسر سواها؛

Ibn Taymiyyah said that the statement 'need', here, must not be understood in the same light as a necessity. For students of knowledge like myself, to read this statement - it's so full of knowledge that it blows my mind. One of the best sentences I've ever read. He said that this incident in the ḥadīth of the Prophet ﷺ where he fixed this cup with the solder, you shouldn't read from this that it was a necessity. It was a necessity in the category of necessity that we are allowing silver because it's a necessity. We are allowing it because it's a need and the proof of that is because the Prophet ﷺ could have used anything else. He could have used other cups. It's not to say that there was nothing else available. He could have, but he had a need. He had a broken cup and he wanted to fix it, so this has been allowed to us. By his action, the Prophet ﷺ has taught us that if you have a need (not a necessity), then you are allowed to use the silver in a small amount to solder it.

I know it's not clear and I know it's a bit difficult. If you've understood this, what is the significance of this statement that Shaykh al-Islam is saying? What's the significance of Shaykh al-Islam saying that in this ḥadīth, the Prophet ﷺ did not play the ḍarūrah card? In this hadith where silver and gold is not allowed to be used on utensils or to eat or drink from them, the Prophet ﷺ had done so with a small amount of silver. Why did ibn Taymiyyah say that he played the ḥājah card, meaning there's a general need? Why didn't he play the ḍarūrah card? Why is ibn Taymiyyah at pains to explain that when he played the ḥājah card it wasn't a ḍarūrah card? It shows that you don't always need to have a ḍarūrah to have a concession.

If this was a ḍarūrah then it would be permissible to use gold as the solder as well. Rather, Shaykh al-Islam looked at this ḥadīth and he has identified the fact that it's a cup and there was plenty more available and he could have used other items, but he specifically chose the silver and he has made a specific exemption for the silver and he's made it just because of the fact that there's a need.

Why is that important for another reason? Because if there is a necessity, then we are not just allowed to use silver, we can use gold, we can use pork, we can use alcohol... So it's important to identify what rulings we're actually using here. Shaykh ʿUthaymīn gives an example. He says that if a person is dying of thirst and he only had a gold cup of water in front of him, it would be permissible for him to drink from that gold cup of water.

I know that it doesn’t change the ruling, but obviously this is a detailed class where we're studying fiqh and uṣūl in detail. It is nice to learn things like that. Sometimes when a ḥājah is deduced from a ḥadīth, the significance of that is to make sure that the concept of ḍarūrah is not touched, that it's safeguarded. Because when the ḍarūrah card is played, it will open up a whole load of more possibilities. So we have to take each ḥadīth at its right stage. This ḥadīth makes clear that for a need, only silver can be used in a tiny amount. If push comes to shove, though, anything goes - we're able to do a number of things.

Here, we can use the example of the Companions, the ḥadīth of Urfujah (raḍī Allāhu taʿālā ʿanhu) which is narrated in the Jāmiʿ of Imam al-Tirmidhi and the ḥadīth is ṣaḥīḥ. He was in a battle, the battle I believe to be al-Kullab. This was actually a battle in the times of jāhiliyyah, not at the time of the Prophet ﷺ. Anyway, Urfujah's nose had been chopped off and so they're trying to now fix this nose. They would then effectively mould and burn and solder onto his nose. Gold wasn't used, it was silver.

[Brother] Gold is a very inert material, same with silver as well, that's why it's used in the mouth, it doesn't react with the tissues.

[Ustadh AE] What would have been the original reason? Is it because to leave it would open it to infection?

[Brother] Well the tissue responds better to it. There would be less reactions and infections, so yes probably.

Therefore, I think the idea is that there's a real need for it, because the nose is going to get worse and is not going to heal. It's getting too infected so we have to effectively model a nose onto it. So, they made a nose out of silver for him. They put the silver nose on and it lasted only a little while. It became rotten, it started to smell and it started to come away. Then, the Prophet ﷺ said, make one of gold. Gold is an incredibly inert material. It doesn't react with anything; it's very stable which is why dentists prefer to use this in all of their fillings and in their teeth and fixing other things as well. In the books of Fiqh, you will see discussions of the use. So, his nose was gold and the Prophet ﷺ has allowed it. Why did he allow that? Because it was a necessity, not a need.

Now, this then opens up the whole chapter for discussion; a ḥarām object, which men can't wear or use at all and women can for beautification, what are the parameters of using it? The parameters are that when there is a need which has been ascertained by an expert in the field, like a clinician, then it is permissible to use. So, permissible to use in the teeth, on fingertips (mentioned in the books of Fiqh), and extremities and so on, because these are the things when blood supply is cut off to them, they become gangrenous and they are more likely to become infected. Back then, I mean. Obviously now, there must be other things. But it's a way of patching up and keeping these extremities stable.

In the mouth, we have to be careful. There is getting mixed up between some kind of 'hip-hop flex' and going all gold and, using it for its need and just dealing with it in its right place and fillings.

Q: When you crown a tooth completely, is there ever a medical reason to do that other than adornment?

A: We crown a tooth because it's weakened. With gold […inaudible] porcelain in the white crowns is more destructive. You have to cut more tooth tissue away, because you have to allow for the metal and the porcelain… It's not full gold; it's very small percentage of gold, 3 or 4 per cent. It's never pure gold. It's always a miniature but you destroy less tooth.

The Shaykh then finishes, "…but it is disliked to needlessly touch it."

What are we talking about? The same cup, with the tiny silver solder that a person is drinking from, so that his lips are touching the silver solder. The Ḥanbalis are saying that one should turn the cup around, and fear Allah, because this is a concession and drink from it.

Shaykh ʿUthaymīn starts mentioning the āyāt, and Sunnah to tell you what the word makrūh is. Makrūh is a legal reality. It's something which, if a person does, is not punished; if he leaves it, he's rewarded. Therefore, it's an act of worship. It's a legal matter. And he's getting angry now and saying you can't throw the makrūh card unless you have evidences. Makrūh is a serious word. In the Qurʾān it is used when it means something is ḥarām.

كُلُّ ذَٰلِكَ كَانَ سَيِّئُهُ عِندَ رَبِّكَ مَكْرُوهًا

"The evil of all these actions is hateful to your Lord." [Qur'an 17:38]

And then from the aḥādīth, the statement from the Prophet ﷺ:

إن الله كَرِهَ لكم قيل و قال، و كَثْرَةَ السُّؤال، و إضاعة المال.

Allah (subḥānahu wa taʿālā) hates for you needless talk, and asking too many pointless questions, and wasting the wealth. [Bukhāri]

Shaykh ʿUthaymīn says that you cannot make a statement makrūh unless you have clear evidence. He then says, 'what is the evidence to say that to touch this silver is makrūh'? Once they have allowed the concession of soldering it, then you should be allowed to drink from it as well.

فالصَّحيح أنَّه لا كراهة؛ لأن هذا شيء مباح

His argument is, if the action of it (being soldered) is allowed, then the touching of that thing is allowed. This is Shaykh ʿUthaymīn's opinion.

Shaykh Muhammad al-Mukhtār ash-Shinqīṭī says that it is ḥarām to touch it and to drink form that crack, because – and I like his principle better, even though I don't know if that's the correct opinion, but his principle is better – what was the aṣl with respect to silver use in this cup? It's ḥarām, even though the principle with respect to things is allowed.

But we had the hadith which created a new principle when it came to silver and gold in utensils, which made it ḥarām. Shaykh al-Shinqīṭī is saying, if the aṣl is haram, then you can only allow things to become ḥalāl piece by piece, evidence by evidence, bit by bit. His argument is that this ḥadīth has given a concession (rukhsah). The concession was to use it. To drink from it and touch it will require another concession. You can't make qiyās (an analogy) because the principle in the entire subject is that it's ḥarām. Therefore, we require another evidence to show that the Prophet ﷺ drank from it as well. We don't have that evidence. The common sense would say that he wouldn't have done it or at least would say that there is no way you can definitively prove that he did or didn't. And therefore, I favour the opinion – this is Shaykh al-Shinqīṭī speaking – that it is impermissible to touch that silver solder.

My position, is that I think the madhab is a safe position. I think Shaykh ʿUthaymīn is a bit hardcore in criticising – and I accept his point, because you do need evidence and there's no clear evidence per se – but I like Muhammad Mukhtār ash-Shinqīṭī's (ḥafidhahullāh) reasoning. Just turn it around to be on the safe side. There is some doubt there.

Let's have a discussion about what some of the conclusions are that we can make from what we've said so far.

The use of gold and silver - if there is a necessity, then it is permissible, whatever you want to do. Whether you're dying and you want to drink from it, whether it is used in a medicinal place, then it's permissible.

Let's look at other extensions of that. I think we mentioned last week, if you were made to have a tool out of gold that would be permissible, because it has nothing to do with adornment and drinking. These are the three main areas which are ḥarām for a male; beautification, adornment, showing off and eating and drinking from.

As for the woman, then only the eating and the drinking from would be ḥarām. If we talk about displaying, then that is ḥarām, according to the majority of scholars from an extravagance point of view.

Some people might say – and I have to say I like this argument – if a person is a collector, and a buyer and seller of items and he has a business in these things and it is a defined business, then maybe that is permissible, wa Allāhu taʿālā aʿlam.

Now, let's look at those items which have nothing to do with gold or silver, but gold or silver are used in them: a watch, glasses, pen, cufflinks, wallet. We're talking about males here. For females, all of these are allowed. Let's look at all the different categories we have here. If it's pure gold, it's ḥarām. We have white gold. This is always an argument that is put forward.

White gold is effectively 'normal gold' whether 18 or 24 carats, but just a slightly higher percentage of platinum or nickel that has been melted into it

You know when you get 24 karat gold? It's never a 100% gold. There's always some percent (5% or 10%) of platinum and nickel to give it stability, to give it some hardness. That is normal yellow gold.

When you call it white gold- it's when you add about 10% of nickel and platinum – that's enough to change the color. So, the color changes and it now becomes something which is

effectively still pure gold but it looks like white gold. I follow the opinion that that's not permissible either. And this is the position of Shaykh ʿUthaymīn and I prefer this position.

Gold which is used in a tiny amount, in an insignificant fashion- I think that there's some space for that- Meaning that it is not the reason that you are having the item. For example a gold nib, which is hidden in a pen (and the pen has no gold on it whatsoever) - this is tiny, insignificant, not being used ostentatiously, meaning I'm not showing off via it. I can't go around with it saying 'See my gold pen', people will laugh at me.

And that's obviously very important. The ʿurf of the people is very important when you're making a ruling - The customs of the people. Likewise in a watch, let's say that just the number 12 is in gold. This is not what we call a gold watch. And it is not something which is being used for the purpose of beautification. If you're buying it for that '12' – now that's a problem- might be ḥarām, and you're probably sick in the head as well.

A gold plated pen/watch by the way is also not allowed. Gold plating is the same as pure gold, in the ruling.

Gold plated connections- gold plated wires/cables, gold plated jack 3.5 – what do you think is the ruling? It's allowed because it has no meaning whatsoever in adornment or beautification. When you return the issue back to normative scenario, there is no problem like that.

You might ask: What is the reason why men are not allowed to wear gold and women are? Gold is essentially an effeminate item, and like silk, it has that effeminate and womanly kind of nature. So there are a number of problems in wearing something which is gold. Many of the scholars said that it starts to reduce the the manliness or masculinity of a man and it is imitation of women which of course is impermissible and we know that men are not allowed to wear gold anyway.

Ibn al-Qayyim said that when a man is wearing gold, there seems to be a greater attempt at showing off as opposed to woman where it's like the standard – everyone does it. You can't

claim too much by having gold – every woman's wearing gold and so it's not seen as a huge show off kind of thing. Whereas if men are trying to do it, you know a person's trying really hard- when he says 'I've got a gold watch, got a gold pen...' etc.

QUESTION: "Regarding the color of gold- from all the discussion it seems to me like it's because it looks like gold, that's why it's not allowed. So, when you said about white gold……."

This is a good point. I'm not saying that's the ʿillah, because of the color. I will say that appearance and the way it's presented is a major factor, because it plays into not just you showing off- which is a problem- but it also plays into the perception of the other people, which is why a number of scholars, although they didn't say it's ḥarām to have a gold-coloured pen, watch, etc (nothing to do with gold), they disliked it. Because when people look at it they think 'Is he wearing gold? Is he not wearing gold? Is it made of gold? Is it not made of gold?' and a Muslim doesn't put himself out like that – where the people are always thinking about him – you're giving them these doubts to play on- that's not how the Muslim rolls. We don't want to have that in the hearts and minds of the other people as well.

Then why on earth would the white gold then be ḥarām? There are some scholars that said that white gold isn't. But it's a risky statement- because they're basically putting all of their eggs, in which basket (when it comes to the ʿillah)? In the 'look' -that the ʿillah is that it's ḥarām only because it's all in the look. That's a big call, because the hadith is saying that gold is ḥarām. And you would have to be a brave soul to know that this is pure 100% gold, or I'm going to wear it because it doesn't look like gold. And that's why a few scholars, only a few, scholars will allow it. They were given confidence in their ruling by the fact that it is permissible, in an ironic fashion, to wear a platinum ring which is more expensive, to wear diamond encrusted stuff which is more expensive. This really can cause confusion because those items are even more expensive, more ostentatious and even more extravagant. So we would then go back and say that if a person is of immense wealth and this is normative then maybe there is space for that

but if a person is normal and basic and they're wearing it- that's a major issue, we need to look at that. We can't say it's ḥarām, but yeah.

QUESTION: As a dentist, can I put a gold tooth/crown onto someone who has made it clear that they want to show off that gold tooth. (We'll leave the fact that it's actually easier and less destructive to put the gold one on, for now.)

Which leads us to another question: Is it permissible to sell gold jewellery to a male? Is it permissible to sell gold utensils and containers to anyone, not just Muslim (male/female) but also non-Muslims?

Which leads to a bigger question: Are non-Muslims judged in Sharīʿah?

Which leads to a more detailed question: Is it that non-Muslims are held accountable in Sharīʿah with respect to very specific matters?

I think that (and Allah knows best) the correct position is that non-Muslims are held accountable to - not only the uṣūl (primary matters) of sharīʿah but to the furūʿ (secondary/subsidiary matters) as well. This means that it is not permissible to sell gold to a non-Muslim man. For example, I know I wouldn't sell a gold ring to a Muslim man because I know it is ḥarām. Whereas if he tells me he is buying it for his wife and it is a unisex or its only for women then I accept that. Likewise, if the non-Muslim says that, then I don't question it. If it is completely obvious that this is for males only and I sell it to a non-Muslim, then I consider it to be impermissible because I believe that the non-Muslims are held accountable to the minutia and details of sharīʿah as well'.

Just as the Muslims aren't allowed to the wear the gold ring, neither should the non-Muslim wear it. And when he wears it, what is the legal consequence of this statement that they are held accountable? It means that I believe that when it comes to the Day of Judgement, there is an idea in the minds of the people that the Muslims will have every single action accounted for, but there is an idea that the non-Muslims will come and there is no judgement. I follow the

opinion that every ḥarām action will go in the bad scale. Some think that doesn't make sense because he is non-Muslim, so it is the end of the story anyway and that is a logical argument. Which is why the scholars rejected it, there were so many scholars that said they are not held accountable to the furūʿ. I do believe they are, and therefore it would not be permissible. Allah knows best. This is my opinion.

Question: Ustādh how does it change when they pay jizyah in terms of accountability in sharīʿah?

You mean them paying jizyah allows them to rule by their own law. There is some space for that. There might be some space where the Muslim ruler will allow a people, but from top down I mean, to rule according to their own law. You rule by your own book to the Christians and to the Jews, there is some space for that.

Question: Shaykh, what about ʿUmar al-Khaṭṭāb (he gave the silk garment to a non-Muslim)?

This is a very important ḥadīth of Sayyidna ʿUmar and everybody knows about this. The Prophet ﷺ received some garments and they were made of silk. So the Prophet ﷺ has this silk garment and it's obviously ḥarām to wear silk, so he gives it to Sayyidna ʿUmar, and Sayyidna ʿUmar is like "You're not going to wear it, and you expect me to wear it? It's ḥarām for me as well." So the Prophet ﷺ says that he didn't give it to him to wear, and that he could do whatever he wanted with it. So then he (Umar RA) gave it to his brother who was still mushrik who hadn't accepted Islam. So the people then said this is the evidence that the non-Muslims are allowed to do ḥarām things. I have to say that I have told you before that there are number of scholars that allow this (using this ḥadīth) and that is why even I used to be upon this opinion. I have to say that I used to practise it most of the time when you get alcohol. So someone gives you a gift of alcohol, bottle of whisky or whatever. So I've been given that a number of times, there are some people that just flatly refuse, but I don't refuse any gifts.

Somebody gives me a gift I will make use of it. So whenever I would get something like that, I would just give it to my neighbours and say knock yourselves out, literally. So that would be

the end of it because I would say in their religion they are allowed to drink and so therefore I think it is okay. I might even argue that is the majority opinion. I can't call on that, but it is a well-held opinion. I'm saying that one thing you *can't* do is use the ḥadīth of ʿUmar as proof. When the Prophet ﷺ gave it to ʿUmar, he didn't expect him to wear it either, but he allowed him to sell it. He allowed him to gift it, he allowed him to use it some other way. So when Sayyidna ʿUmar gives it to his brother who is non-Muslim, we have no proof that he gave it to him to now go and wear this. When you give it to him, is it allowed for this non-Muslim or any person to sell that silk? Yes, it is allowed to sell to women, but silk is not like an earring. An earring is in the ear, silk you can go make curtains out of it, you can a pillow out of it, you can go and put it in your bed sheets, you can wear it; make a cape make a thobe etc. So it is permissible to make lots of uses out of it. For someone to use the ḥadīth of Sayyidna ʿUmar and say that he gave it to his brother to wear, he will have to bring the evidences. Where does it say 'to wear'? He gave it to him for him to benefit from; in fact, there are some slightly weaker narrations in which he said to him "Go and use it/go and sell it", meaning take benefit from the money that you will make from this because other people will be able to wear it.

I hope that that makes sense with respect to selling gold to non-Muslims. So selling gold or a gold trinket, or antique something that is not going to be worn but is going to increase in investment to a man, this will be permissible in my opinion, because it is not being worn. Selling something which is solely for ḥarām purposes because it is gold (like earrings) would be a problematic application. Allah subḥānahu wa taʿālā knows best.

Jazaakum Allahu khairan

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

They told me that there's a full moon outside. The full moon in Arabic is known as the badr. In our history, when it comes to the most famous full moons, certainly the most famous badr that has songs about it and anasheed, that was a badr which was a human badr. The best of all the "badrs" was RasulAllah ﷺ when he did the hijra from Mecca al-Mukarrama, his true home. So if someone comes from Mecca to his home in Manchester, it's only fair to call him badr if he's special and he shines like a full moon. Shouldn't we sing *Ṭalaʿa ʾl-Badru ʿAlayna* for him? The only real badr that we have is Shaykh Kehlan from Mecca. He has joined us again, and he's the only badr worth talking about ḥafidhahullāh taʿālā. He's shinier and more beautiful than a true badr, and coming from Mecca as well. Ṭafaḍal, yā Shaykh.

<u>Shaykh Kehlan:</u>
As Abu Bakr as-Siddīq used to say,
اللهمَ اجْعَلْنِى خَيْرًا مِمَّا يَظُنُّونَ وَاغْفِرْ لِى مَا لَا يَعْلَمُونَ وَلَا تُؤَاخِذْنِى بِمَا يَقُولُون
"O Allāh, make me better than what they think of me, and forgive me for what they do not know about me, and do not take me to account for what they say about me."

بسم الله الرحمن الرحيم
الحمد لله، نحمده و نستعينه و نستغفره و نعود بالله من شرور أنفسنا و من سيئات أعمالنا، من يهديه الله فل مضل له و من يضلل فلأ هادي له و أشهد ان لا إله إلا الله وحده لا شريك له و أشهد ان محمد عبده و رسوله.

I thought I would share with you a ḥadīth which is narrated in Bukhāri and Muslim. It's a very famous ḥadīth in which the Prophet ﷺ is distributing the war booty from one of the battles and he gave some of the influential people of that time a lot of money. A man who seemed like a very practicing man came to the Prophet ﷺ. He had a thick, long beard, his forehead was out (protruding), and he had sunken eyes. He said to the Prophet ﷺ "Fear Allah. This is not a fair division". Muhammad ﷺ was shocked by the statement of this man. He said, "Who will fear Allah SWT if I don't?" and he also said "May Allah be merciful to Musa AS. He was hurt more than that and he was patient".

One of the companions of the Prophet ﷺ said "Let me kill him". Muhammad ﷺ said no, and then he left. When he left, the Prophet ﷺ looked at him and said, "From this kind of people, a group of people will come out. They will be young, not very wise, and foolish, when they talk you listen to them, they read the Qurʾān more

than you, they fast more than you, and pray more than you, but they leave Islam faster than an arrow leaves its target. If I am there when they come out, I will kill them like the killing of ʿĀd and Thamūd."

This ḥadīth has a lot of rulings but one important aspect that came to my mind: This man who came to the Prophet ﷺ and saw the way he distributed things, he said "This is unjust". He gave his opinion quickly and he left. For a believer, this is something which is kufr. In a way, he was saying that Muhammad ﷺ was unfair and that he deliberately gave more to some people than he did to others and this is not acceptable for a normal person.

The image of what Muḥammad ﷺ has done, for a lot of people, might seem strange, but what Muḥammad ﷺ did was for a reason.
The Qurʾān also gives us some lessons like that of Musa AS and Khidr. Musa AS was a prophet, and he accompanied al-Khidr AS. Some scholars say that al-Khidr was a prophet, and some say he was a scholar. When he went with him, he damaged the ship and Musa AS said "Why did you damage the ship? This is unfair". Then he killed a young boy and he said "Why did you kill him? This is unfair". Then he fixed the wall, and Musa AS said "Why did you fix it? This is unfair. These people didn't feed us". When you look at the actions of al-Khidr, you would think that they are unfair.
Al-Khidr eventually explained the situation to him and we understood the reason behind it and we acknowledge the knowledge and wisdom of al-Khidr AS.

This is very important for us because two people might do the same thing and one person might be rewarded while the other is sinful. For example, there are a lot of rulers around the world nowadays that give their followers/supporters millions, and they give the other people nothing. This is unfair.

The difference between the giving of these people in the image of the giving of the Prophet ﷺ is the same, but the intention behind it is so different. These people give to enhance their power, to maintain their authority, to bring more people towards them, and to rule the country in their own way. When Muhammad ﷺ gave, he knew that when these people became Muslim, their followers would become Muslim as well. Many people would become Muslim and be saved. So the image of the action is the same, but the difference is in the intention.

This is applicable to any part of our religion. We are faced with so many questions. Can I become a taxi driver/policeman/teacher/doctor/pharmacist? You can see two people doing the same job; one of them is a great man, and the other is sinful. It depends on the intention of the person and the way that they conduct their actions.

For example, we know the story of Yusuf AS. He was in Egypt and at the time, Egypt was ruled by a non-Muslim government. He became a minister in that government. Of course, when you're a minister in the government, you'll be invited to certain occasions, you'll attend meetings of the king, and you'll do a lot of work with them. You have to support them, help them, and attend their gatherings. A lot of people might say 'How can Yusuf AS be employed by a non-Muslim government/organization?'

Many people will say, 'Well, since Yusuf AS has done what he did, then it is lawful for anyone to do the same.' They'll go on and drink, abuse their power and authority. The difference between them is that when Yusuf AS did what he did, it was for a reason – he wanted to call people to Allah SWT. He had to be in a sensitive position so that he would become an influential figure, not for his own benefit, but for the sake of Allah SWT. The image may be the same, but there is a big difference between the actions of Yusuf AS and the actions of so many people who become powerful but for their own benefit.

In summary, if we want to summarize our whole religion, we can say that the issues that we face are divided into three:

- One of the issues are what we have been commanded to do (مأمورات - maʾmūrāt)
- Some of the issues include prohibitions (حرام - ḥarām)
- and some issues include a little of both; if you look at it from one side, you see the maʾmūr (مأمور) and if you look from the other side there are some prohibitions

Especially when we live in non-Muslim countries, we face a lot of things in the third category.

We can also classify the people who deal with them into three:

- there's the person who did what he did sincerely for the sake of Allah SWT
- the other person did what he did for his own benefit
- there is also a person who is in the middle. Sometimes he does things for the sake of Allah SWT, and sometimes for his own sake.

From that, we can make nine categories according to these three levels of issues and the three different kinds of people who deal with these issues.

For example, Muḥammad ﷺ said the first people to go to hell are scholars, then the mujāhidīn, then the people who give charity and you expect these people to be immune from the Hellfire. How can a scholar who is teaching people all the time, or a person who is very generous and gives millions for the sake of Allāh SWT, or the

one who does jihad and goes to the battlefield, how can they be of the first people to enter jahannam?

Muḥammad ﷺ said that they will go to jahannam, because their intentions weren't not for the sake of Allāh SWT.

A scholar was sent to jahannam because his intention was not purely for the sake of Allāh. He wanted to be seen as a scholar, to be respected, and to have a high position in society. And the mujāhid wanted the people to say that he was very brave. And the person, who gave a lot of money, did not give for the sake of Allāh, but for his own benefit.

We have a ḥadīth from the Prophet ﷺ where he was in a battle, and he had a servant helping him and an arrow killed that servant, while he was helping Muḥammad ﷺ. The companions believed him to be a great man. He was a companion himself and he was with the Prophet ﷺ, helping and supporting him. And Muḥammad ﷺ said, 'by Allāh SWT, he is in jahannam.' He had stolen a garment from the booty, and that was a share for all the Muslims. He was not sincere, and he took something that was not his.

It's important for us to understand these kinds of things. I personally believe, nowadays, you see it a lot in the news. For example, a doctor has come to the crime and people trust him. But instead of becoming a sincere doctor, he abused his work. Or a teacher who doesn't teach for a good reason, but does it for a bad reason.

Although these people are the same, there's a major difference between their actions. It all depends on their intentions and their reasons behind it. That's why we can't give an answer when people say, 'can I work in a bank or police or university.' It depends on the reasons and their intentions. And I think all these things are summarised by one āyah of the Qurʾān, which is an amazing āyah. Allāh SWT said,

﴿ إِنَّ الْأَبْرَارَ لَفِي نَعِيمٍ
وَإِنَّ الْفُجَّارَ لَفِي جَحِيمٍ﴾

"The good will live in bliss, and the wicked will burn in the Fire." [Qurʾān 82:13-14]

All the people can be divided into two; barr and fājir. A barr is a good person, who does what he does for the sake of Allāh SWT, and for good reasons. He will enter Jannah. Wherever he goes, he will be a good person and follow a good route, whether he joins the parliament, or becomes a minister or a king.

The fājir is the one who has bad intentions and wrong reasons and he will enter jahannam, because of it.

Therefore, the criteria's are your intentions and your reasons. If they are valid, then it's acceptable.

People might do the same action, but the person who does this action might be a kāfir, or a major or a minor sinner, or a person who is excused or maybe he will be rewarded.

For example, if he did something deliberately and it's ḥarām, and said that he doesn't believe in Islām, then this is kufr. Or he knows its ḥarām and he does it intentionally and knows it's a major sin, it's a major sin. Or he doesn't know, and then it's a minor sin. Or if he forgets, he won't be sinful. If he tried his best and he didn't reach a conclusion, then he might be rewarded as Muḥammad ﷺ has mentioned.

What I want to say is that if Allāh SWT has told all these stories – and even Mūsā couldn't understand and this man couldn't understand why Muḥammad ﷺ did what he did – then we shouldn't jump to conclusions.

Whenever we are faced with something from a scholar or a student of knowledge that we don't understand, then ask what their reasons are and if they are valid reasons. And if we saw from his background that he has good intentions, then we should understand him in a positive light.

And in general, if a Muslim is good and sincere, then leave him wherever he goes, and he will show his […inaudible] as Muḥammad ﷺ said.

"A believer is like rain; wherever he goes, it will benefit people."

أقول قولي هذا، وأستغفر الله لي ولكم و جزاك اللهُ خيراً
وصلَّ الله وسلِّم وبارك على حبيبنا محمد وعلى آله وصحبه أجمعين

Q: What do you think are the limits with respect to what can be done, regardless of intention? Because, this principle has been misused by those who for example, might vote in favour of homosexual marriages and things similar to this?

A: I think we said there are things which are clearly ḥarām, and that's outside the equation. There's no intention behind it. For example, I cannot say I approve of this great sin and have good intention. Good intention can be a mixture. Look at one side, there's good and another side, there's bad. These middle issues we can't say, because they depend on intentions and the reasons. As for the ḥarām things, there's no intention. I can't say, I will steal and kill and I have good intention. Allāhu aʿlam

[End of talk with Shaykh Kehlān]

بسم الله الرحمن الرحيم

I think we've finished everything to do with gold and silver. We did the text from the book with respect to gold and silver and implements. We also covered some principles and discussed some issues and a few other matters that were brought to my attention.

The first one was if you already have gold and silver implements, what do you do with them? What is impermissible is to eat with them. To sell them or to get them melted down, or to get them changed, or to donate them to somewhere else, would be permissible.

And I have my opinion, but the issue concerning whether it's permissible to give haram things to non-Muslims for whom it is 'ḥalāl', is a difficult issue and whether they have to live by our sharīʿah, that is a debatable issue.

There are many ʿulamāʾ that consider the non-Muslims to be mughātibal furūʿ; that they are held accountable even for the secondary matters in religion. And if that's the case, the primary matters – meaning they have to become Muslim – everyone is held accountable for. Our abode – jannah and jahannam – is based upon this choice. And if we reject that, then we are held accountable upon tawhīd. If we don't accept tawhīd, then we lose out forever.

But whether I should be drinking alcohol as a non-Muslim, when as a Christian, I'm allowed to drink it or not, is as much more controversial. It's a lot deeper than what I can explain now, because even the Prophet ﷺ allowed the Jews to rule by their own people and law in certain circumstances. The Qurʾān supports that as a principal.

We can now then differentiate that maybe for the 'People of the Book' and certain minorities who are under our control, if we allow them, this can be done and is possible as well, but this then enters into a much more detailed chapter of fiqh, which is the ruler's discretion.

The ruler does have the discretion to do a number of things. Some minor, with respect to maybe not doing the 'ḥadd' (prescribed punishment) against someone in an area where it is not very clear, and instead imposing a financial punishment, because the crime is not of the same level as the prescribed punishment per se.

Or for example as Sayyidna ʿUmar did. He suspended the ḥadd for stealing, because there was a draught.

There are a number of examples that one can use, where certain rules would be suspended if there was a reason.

In any case, if you had something like this, the best thing to do is to get rid of it, or melt it down and use it somewhere else and so on and so forth.

And I think the other thing was what if the cooking material is out of gold and silver? Then again, it should not be used because we consider awānī (أواني), as this all-encompassing term that's including everything from cutlery to saucers and teapots and cups and all the rest of it.

And apparently gold leaf has some percentage of gold in it. If it looks like gold and it does have some real gold in it, what else is left to say about that? In my opinion, gold leaf or the golf stuff that's on top of mithaayi (Indian sweets/confectionary) should be avoided, because there is doubt over that.

With respect to the text, we're on page 4.

وتُباحُ آنِيَةُ الكفَّارِ ولو لم تَحِلَّ ذبائِحُهم، وثيابُهم إن جُهِلَ حالُها

The implements of non-Muslims are lawful to use, even if their slaughtered meat is unlawful. It is also lawful to use their clothing, if the clothing is not known to be filthy.

So, what we've been doing so far is discussing the implements of Muslims and non-Muslims, but gold and silver has been the key.

Now, we're not talking about gold and silver anymore. We're now talking about anything which is owned by non-Muslims.

Why is this issue under discussion? Why would we discuss non-Muslim implements?

Because, they eat ḥarām with it, so the issue is one of cleanliness and najāsa – that's the point. That is what this whole discussion is surrounding, effectively.

The first thing we need to explain is,

"The implements of non-Muslims are lawful to use, even if their slaughtered meat is unlawful." What is the author trying to indicate by that sentence?

The reason the muʾallif (author) has included that statement, "…even if their slaughtered meat is unlawful," is to use the word 'non-Muslims' in its widest sense, because we already know that it is permissible to eat from the meat of the Ahl al-Kitāb, which is slaughtered correctly by the Jews and Christians

So, the author, in order to make the issue bigger than what it should be, is saying that, including those people whose slaughtered meat we cannot eat, such as humanists, atheists, agnostics, Sikhs, Hindus, Buddhist and so on, are included in this point. What is that point? That it is permissible to use the dishes, plates and implements of non-Muslims.

There are a number of evidences for this. And it's a verse that we've used a number of times and is a very important verse in the Qurʾān,

﴿ هُوَ الَّذِي خَلَقَ لَكُم مَّا فِي الْأَرْضِ جَمِيعًا﴾

"It is He who created all that is on the earth for you." [Qurʾān 2:29]

This āyah is what we call a principle, and what we've been discussing many times now. Therefore, everything is permissible until Allāh makes it forbidden or His Prophet ﷺ makes it forbidden. No one forbade this specifically, although there are a number of aḥādīth which we need to look at.

Let's look at the ḥadīth in this issue. First of all, Allāh has said that generally, it is allowed for us to eat from their (non-Muslim's) food. I want you to know that the focus is on 'meat', because if Allāh SWT has allowed us the meat of the Jews and the Christians, then by extension, there is no discussion concerning their bread, biscuits or cakes or anything else. The point is that it's surrounding meat. Once you've covered that, then you've covered everything else as well.

But specifically speaking, we know that the Prophet ﷺ would be brought some dishes by his visitors and guests. So, we have one incident narrated in the Musnad of Imām Aḥmad that a young Jewish boy brought the Prophet ﷺ some bread in a plate and some clarified butter; basically some bread and dip.

And we also know that the Prophet ﷺ ate meat from the Jewish lady who gave him poisoned lamb. It was poisoned lamb that he was gifted at Khaybar. He didn't know that it was poisoned and he ate it, and the ruling that we're putting upon this, is his acceptance of the meat.

That's narrated in al-Bukhāri, as the muḥaqqiq says, in the Book of Medication as you can see on the bottom of page 83, under the chapter, "What was mentioned concerning the poisoning of the Prophet ﷺ."

And it's also narrated in al-Bukhāri, that he ﷺ and his companions made wuḍūʾ from the water-skin of a lady who was a mushrikah (a polytheist or a Hindu, for example) from the Quraysh.

So, Shaykh ʿUthaymīn says:

"كل هذا يدل على أن ما باشر الكفار ، فهو طاهر"

"All this indicates that whatever has been touched by a non-Muslim is, in principle, pure."

So he says, what are we going to do about this ḥadīth that's been narrated by Abī Thaʿlaba al-Khushanī, that the Messenger of Allāh ﷺ said,

"Do not eat in the vessels of the non-Muslims except if you don't find anything other than that, and if so, wash them and then eat from them/use them." [Al-Bukhāri, chapter of Sacrifices and Hunted Animals, no: 5488]

It's clear that this hadith would therefore indicate that one doesn't automatically go towards the dishes of the non-Muslims. Shaykh ʿUthaymīn says that there is no major problem here; what this ḥadīth indicates is that what is best is, to stay away from these dishes, because they are probably going to be najas.

But he says that many of the people of knowledge re-interpreted this ḥadīth in the light of, it is to be applied when you know that there are a people who are eating a lot of ḥarām meat or are najas or dirty by themselves, intrinsically, meaning they get involved in lots of kinds of stuff. And so therefore, it's quite possible to combine between the aḥādīth of the Prophet ﷺ allowing this, and he ﷺ saying to avoid them if you can.

I want to share some really nice statements from Shaykh Muḥammad Mukhtār ash-Shinqīṭī on this issue. He does a good job of summarizing all the issues.

He says, when it comes to non-Muslims, their dishes will fall into a couple of categories.

First of all, brand new dishes. If they are sold brand new from a shop, there's no issue there and that's the end of the story. They're made of china, wood, etc. Unless it is being sold made from a najas substance. And you'd think, what is najas in these things?

Back in the day – nowadays not so much – to use water skin was very common. You'd use an animal which was not being hired or leather which wasn't tanned or it was from a doubtful source, etc. That was quite a possibility, but obviously today, that's not the case.

And the second scenario is that it's used dishes and the point with the used dish is that we are expecting it to be dirty. Again I want you to transport your mind back to those days; at that time, they had very little water, even very little water to drink. They lead a different life. Even a cloth was considered an absolute premier.

There is a ḥadīth in al-Bukhāri, which is the most ʿajīb ḥadīth. A man came to the Prophet ﷺ and he said he needed some help and he literally had nothing except one a cloth that he would use to put around him and to sleep on and he would also

use it to eat on. You had to keep cutting it, reducing the size and it was just one cloth.

The principle is in al-Bukhāri and the full narration is in many aḥādīth. I have translated it in the book we wrote, 'Show me the (ḥalāl) money! Business and Industry' and it's to encourage people to do business and to work.

The point that was very interesting was what the Prophet ﷺ told him to do. He said I'm not going to just give you the easy way out; rather I want you to go and start from this and start making trade. So, he went he sold little bit of the cloth and he got two dirham and then he went and got an ax with the other one dirham, and he started chopping and he build up slowly. That was the norm.

And even Shaykh Muhammad Mukhtār ash-Shinqīṭī says that today, if a non-Muslim brings you food in this day and age, that plate is going to be cleaner than your plate at home.

Non-Muslims obviously care very much about their dishes. And also forget about non-Muslims. Just the issue of guests and giving food; you are not going to give food on a plate which is dirty and what the Shaykh is basically saying is that the issue is really about the nature of the dish and its cleanliness..

And I just mentioned three aḥādīth which we are using against this principle and that support that the Prophet ﷺ was eating in his dishes and in one hadith, the Prophet ﷺ suggested not using them.

Even in the one ḥadīth where he said to not use them, he says to avoid it. If not, then you get it and just wash it and use it. So, there is no ḥarām mentioned in the ḥadīth.

What the Prophet ﷺ is basically saying is to not use it, because it's probably going to be dirty. But if you can't find something else and it does come, then just wash it and there is no problem.

So, their ʿillah is the presence of najāsa, so once the najāsa is not there we don't have any problems inshāʾAllāh.

Next are their clothes. It's also lawful to use their clothing, even if the clothing is not known to be filthy. So, we have a similar situation again; the idea is that either the clothing is going to be filthy and you can see it or, it's filthy in that you're not sure and there is a possibility of it being filthy.

What do you think the principle would be with respect to Muslims or what do you think that the author himself is trying to say? What do you think the author understands of the clothing of non-Muslims?

Clothes of non-Muslims are two types; it's pure and brand new and is not used, thus it's fine or, it's clothing that has been used.

You have to go back to their mindset; that is the kind of thing that happened. Clothes will be gifted around a lot and it would not be washed each time, it would be used, and it would just be passed over.

Once it's passed over, no one is washing it then unless, you got a big opportunity and you got some water through. It's not so straight-forward to go ahead and do that.

Nevertheless, the principle is just common sense; if you can see that its najas, that is the end of the story.

It's not permissible to put on najas clothing. There is no issue intrinsically in the clothing coming from non-Muslims. The issue is in the impurity that could be on the cloth. So, if it's impure, it can't be used and if there is some impurity on it, it can be cleaned and there still would no problem.

If you are given clothes – and this principle can also apply to dishes, where you do not know whether it has been washed or not – you look at the people, and if they are people who are known for looking after themselves and keeping clean and not getting involved in mess.

In principle, the basic status quo is that it's pure and that is always, across the board; everything is pure until proven otherwise. The only time that wouldn't apply, is if it's coming from someone's house where you know it's a mess, then you know it's likely that it'll have najas on it.

And I guess the time people are exposed to this issue is in canteens where there are obviously mass non-Muslims, and non-Muslim meat is being served, but likewise the cleansing that goes on there is also a mass.

And the irony is that a dishwasher is washing the dishes at a temperature that the hands can't handle, even in gloves. So, theoretically, it's doing a better job than you washing the dishes yourself.

And obviously this point, it's ʿilm, and it's meant to try and to get rid of the squeamish behaviour. The Prophet ﷺ forbade people from rolling up their sleeves and tying up their hair and rolling up their sleeves just before prayer, because of the fact that you don't want to get them dirty. These kinds of people go in for sajdah with their fingers, because they think the floors are dirty, and they wouldn't put their hands fully down.

It's the same with the plate. You look at it and are reluctant and feel a bit sick, even though it's very clean, and that is wrong from a sharīʿah point of view. On a personal level, you're free to do what you want, but don't say you're doing this, because you're a Muslim or because Allāh has told you or something like that.

So, that explains that and as long as their clothes are not known to be filthy, then the principle is that it is pure.

The new sub-section is very exciting. So, on page five of the text, and in the middle of page 85 of the sharḥ, the author says,

ولا يَطْهُرُ جِلْدُ مَيْتَةٍ بدِباغٍ

"Tanning does not ritually purify skins of un-slaughtered animals."

An un-slaughtered animal is carrion. Carrion is dead meat.

So, you're walking along in a forest and you come across a buffalo and it's got absolutely great skin. And you could sell that for a nice number on the market; that is the issue now.

We are going to discuss this next week, so we can't go past that, because even I have this criticism. You would have thought the author would classify the animal first before talking about the process, but actually he started talking about the process first and then he is going to classify the animals next week or maybe a couple of sentences down.

What do I mean by that? We have got different types of animals; we have those that are halal to eat and they are slaughtered and then we have haram meat which is found dead. And we have halal meat which is found dead.

For example, I have a buffalo and it is alive, and we sacrifice the animal, we slaughter the buffalo, and that is halal meat, halal skin, halal everything. We then go and use that skin however we want.

Now there would be a pig and a pig you can't slaughter. It is haram whatever you do to it and if you find it dead and its skin is then used, that it is a whole different category. And then you have got this category which is just automatically mentioned. That is why I said he didn't categorize them.

But, this category is meat which is halal when you slaughter it, but it is been found dead. So this is your buffalo, your sheep, your camel, your cow and so on; animals which are permissible to eat when they are slaughtered.

In this scenario, the Shaykh is now talking about what we can do with this carrion, these un-slaughtered animals that we find. What can we do with the skin? Let's take a talk about tanning first.

Shaykh says it is the cleansing of the skin from filth and harm, and the author is stating that if you tan the skin of un-slaughtered dead animal, it will not purify it.

So we need to ask a question; does the skin of dead animal or carrion actually become impure?

Shaykh says, if the dead animal is a pure animal, then its skin is pure and if it was a filthy animal then its skin is filthy. He gives an example of pure carrion. You might be thinking how you can have pure carrion. An example of pure carrion would be a fish.

A fish that is alive in the sea, it is fine, and even if it's dead in the sea, it is fine; it is allowed. Technically, it is carrion, because it's dead, but because we don't slaughter fish, this is an exception and that is why it's pure carrion. Allāh says:

﴿ أُحِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ﴾

"It is permitted for you to catch and eat seafood…" [Qurʾān 5:96]

ʿAbdullāh ibn ʿAbbās ﵄ said:

صيده ما أُخِذَ حيًّا، و طعامه ما أُخِذَ ميتاً

With respect to the sea, its game or that which is hunted, is that which is caught whilst it is alive, like a crab or a lobster. And its food is that which is caught whilst it's dead. This is very interesting.

This is narrated by Imām ibn Jarīr at-Ṭabari. He is the number one mufassir from the early times, the one who wrote the famous tafsīr from his famous history book, 'Tārīkh at-Ṭabari'.

He was very dependent upon ḥadīth and al-Anṣār. It's very authoritative, and ibn Kathīr is basically the popular version of 'Tafsīr at-Ṭabari'. So at-Ṭabari mentions it in his tafsīr, and Ibn Abī Ḥatim narrated it in his tafsīr as well.

ʿAbdullāh ibn ʿAbbās make this statement, because he is trying to explain this āyah of Sūrat al-Māʾidah.

If you read the translation again, you would say the game and the food is the same thing, and that is why ʿAbdullāh ibn ʿAbbās has to step in and say, the 'game' (or 'catch') is that which you catch alive, and the food is that which you catch whilst it's dead.

And this happens all the time; we are eating food like that day and night, and he mentions as for that which Allāh has stated in the Qurʾān that anything which dies by itself becomes najas, he mentions the āyah of Allāh SWT which says,

﴿قُل لَّا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَىٰ طَاعِمٍ يَطْعَمُهُ إِلَّا أَن يَكُونَ مَيْتَةً أَوْ دَمًا مَّسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ﴾

"[Prophet], say, 'In all that has been revealed to me, I find nothing forbidden for people to eat, except for carrion, flowing blood, pig's meat – it is loathsome…" [Qurʾān 6:145]

What Shaykh ʿUthaymīn says, is that 'rijis' itself is najas. And he says that Allāh SWT has in this āyah and many other times, given a reason when He makes something haram. He doesn't always give the reason, and neither does He have to, but He did here.

علّل ذلك بقوله:{رِجْسٌ} والرِّجس النَّجس

"Allāh SWT has actually said that the reason that they have become ḥarām is because they are 'rijis' and it is najas."

وهذا واضح في أن الميتة نجسة. فإذاً الميتة نجسة

"So, therefore carrion itself is impure, and its skin is impure as well."

But then what about if we tan the skin? Now, you need to know what tanning is.

Again, back in the day animals were big. When you read Sūrat al-Anʿām and Juzʾ ʿAmma and read all these verse about the animals and how Allāh SWT has made you over them and they give you all these things, it's because they were really living that. We just go to the shop and buy a coat, and we don't really feel or see it. They would go out, and they would see a sheep or a buffalo and they would see much more than what we think. They see the opportunity. They see everything!

For example, the skin; they can make so much from the skin such as, clothes, mattresses, luggage, bags etc. and they would be tough, quality leather. The fat and the grease would be used for lighting and candles and the rest of it. The hair, the fur would be used for clothing and warmth. The tendons and the sinuses would be very useful.

I was looking on Wikipedia and even nowadays, they said the Inuit people – who are those that live in the arctic regions, in the northern part of Canada, Alaska, and are very basic people – ecologically speaking, they have little access to thread and naturally growing material to act as thread. They use sinuses and tendons from an animal in place of that and it's far better.

So, when they're going through all these animals, there's a lot of fat and they're using all the fat as well, as you know that Eskimos and Inuit people do. And if you look at that thread, it's very strong. It has elastic properties and they also say it has glue properties, and also that it doesn't need to be knotted together, because when it's wet it expands but when it dries it reduces in size so it can tighten around things.

So that's why there's a ḥadīth of the Prophet ﷺ to explain what the ruling is. Is it allowed to do tanning and can we tan carrion?

The Prophet ﷺ in the ḥadīth of Maymūna (raḍī Allāhu ʿanhā) said he passed by a people that were dragging a sheep. It was dead, dirty and messed up. And the Prophet ﷺ said that it would be nice if you could use its skin, its ihāb. Ihāb is like untreated skin. They said,

قالوا: انها ميتة

"It's carrion, it is dead meat, and we didn't slaughter it."

So the Prophet ﷺ said

يُطهِّرها الماءُ و القَرَظُ

"It is purified by water and qaradh."

This hadith is narrated by Imām Aḥmad and by Abū Dāwūd and by al-Nasāʾi. Imām al-Nawawi said that it was also narrated by Abū Dāwūd and al-Nasāʾi, but with two good isnād (chains) and also narrated by al-Bayhaqi. Imām ibn Ḥajar said that it was authenticated by al-Sakan and ibn al-Ḥākim. So, there is some discussion about this ḥadīth, but inshāʾ Allāh, it is authentic.

Now, we need to understand what the Prophet ﷺ meant by that? That it is purified by water and 'qaradh'. I looked the word up in the dictionary, because I never heard of this word in my entire life. I found out that it's Acacia Bark. Acacia is a type of tree. Then I remembered what I was reading on Wikipedia. Let me give you a quick rundown on tanning.

They have an animal which they slaughter and they get rid of the skin and they've got the meat and the meat goes off. Then the skin is taken. When you have a buffalo skin, it's in a really messy state. Very quickly, it can be given a preliminary cleansing. So it's scraped inside, so all the sinuses, tendon, blood and flesh is all taken off.

Then it's washed in water and made soft and then certain things are added to it, such as salt and sodium hydroxide and this and that, to make the hair follicles weak, so it can be easily scraped off. Then, it's taken out and stretched and then it's scraped and then you've got this four/five stage process, which they call soaking, baiting, cracking, etc. where they really are just stretching it and scraping it.

And so at the end, you basically have some good skin and it's called raw hide effectively at this stage. And all skin goes through this process. Then a decision is made to go and tan it and most people do.

And the tanning of that skin is basically putting chemicals into this skin that will make it now of long life, higher quality and give it water-resistant properties and all the classic things that we associate with leather. For example, with a leather sofa or leather jacket and all that longevity and the quality that comes with it.

Then, they will soak it again with lots of salt and then take the salt out and then they infuse in two ways; either they naturally tan it or they will chemically tan it. If they naturally tan it, they use tannings and tannings are a naturally occurring substance which is found in German oak trees. This is what was mentioned on Wikipedia.

I have therefore learned from that, that it mustn't just be oak trees, because the 'qaradh' here – according to Hans Wehr dictionary – said that it must be the Acacia tree.

And I'm guessing, because tanning is a natural organic compound, it probably exists in most types of trees. And that tanning is a chemical of some kind of nature which when added to the water and to the process of this tanning and it's beaten and soaked, that's when you get this fine, supreme, quality piece of leather. If you do it chemically, then you use chromium oxide. And apparently that's the best thing possible and it speeds it up etc.

And so, this is the tanning procedure and pretty much the leather that we have in our consumerist kind of lifestyle. Whether it's clothes, handbags and all the rest of it, it has been tanned, because raw hide would not be acceptable to a paying western population, so all of it has been tanned.

So, knowing that the Prophet ﷺ in this ḥadīth, allowed them to do that, the opposing side who don't allow tanning, mention a ḥadīth.

First of all, they said that this ḥadīth of Maymūna has been abrogated. Abrogation is a principle in Islām which is important for the Qurʾān and for the Sunnah. Abrogation means that you have one ḥadīth that comes and then another ḥadīth comes after it; therefore the ruling of the second ḥadīth supersedes the first one, thus abrogating the first one.

So, the second ḥadīth is the abrogator and the old one becomes the abrogated, and the whole principle is called abrogation. The one that abrogates, the one that comes later, is called the al-Nāsikh. The one that is abrogated, the ones that's been cancelled is called al-Mansūkh. The most famous abrogation that we know is the abrogation in the Qurʾān with respect to alcohol. Allāh says,

﴿ لَا تَقْرَبُوا الصَّلَاةَ وَأَنتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ﴾

"…do not come anywhere near the prayer if you are intoxicated, not until you know what you are saying…" [Qurʾān 4:43]

Meaning, as long as you know what you're saying, then pray and at other times drink. That's in the Qurʾān and that's what it means, but this verse has been abrogated. It's still there for us read, but the ruling, the ḥukm (you learn this in ʿUlūm al-Qurʾān) of the verse has been abrogated, because Allāh says:

﴿ فَهَلْ أَنتُم مُّنتَهُونَ﴾

"Will you not give them up?" [Qurʾān 5:91]

That obviously sealed the deal and made it completely ḥarām to drink alcohol. So, that's a classical use of the abrogating verse in Sūrat al-Māʾidah abrogating the verse in Sūrat al-Nisāʾ.

So, likewise here, some other scholars said that this ḥadīth of Maymūna, where the Prophet ﷺ said, to tan it with the tannings and water, this has been abrogated by the ḥadīth narrated by ʿAbdullāh ibn ʿUkaym, who said that the Prophet ﷺ wrote to us,

لا تنتفعوا من الميتة، بإهابٍ و لا عَصَب

"Do not benefit from dead meat, neither from its raw hide, and neither from it tendons." So, don't even bother with it.

And in the narration which is narrated by Imām Aḥmad and Abū Dāwūd, ʿAbdullāh ibn ʿUkaym said,

قبل وفاته بشهر

"And this was written to me one month before he passed away."

The reason why that's significant is because it shows the dateline and it would indicate that this ḥadīth would be the later report and therefore, it's abrogating the previous one.

Therefore, that is why the scholars differed. And I can tell you from memory that because of these aḥādīth, all of the madhāhib allowed tanning to purify carrion except the Ḥanbali madhab and that's what you're reading now.

It is the only madhab out of the four that says it's not allowed. But the three other madhāhib and the majority of the scholars and Shaykh ʿUthaymīn's own position is that it is allowed and it does purify that skin. Why does it purify that skin when this ḥadīth itself is looking like it's an abrogating ḥadīth? Two reasons:

1) You can see the big detailed discussion in the footnotes of the sharḥ which is numbered one on page 87. The main reason is that this ḥadīth is weak, so it cannot be used as evidence. There is a stunning fault in this ḥadīth and that is that ʿAbdullāh ibn ʿUkaym who narrates this ḥadīth is not even a companion. So, therefore him narrating from the Prophet ﷺ means that there is a companion missing, causing a break in the chain. And a number of the muḥaddithīn emphasized that. There were a few that said that disagreed and said he is a companion, but this is the strongest opinion.

2) It’s a common sense argument. Let's assume that the ḥadīth is authentic. There is no evidence that the ḥadīth of Maymūna isn't two weeks before the Prophet ﷺ passed away. So, you can't just make a claim specifying the date without proof. You have to have a time line, and that's why just as a closing benefit, Ahl al-Ḥadīth, the people who are really focused upon ḥadīth and they have some good, strict principles when it comes to deriving evidences, they are loathed to go to abrogation.

There are some scholars that really disliked the concept of abrogation and they want to try and avoid using it as an excuse whenever possible. So, they try to avoid it all the time.

One of the reasons why Ahl al-Ḥadīth don't like to play that game is because it is very difficult to conclusively prove your point by just throwing the abrogation card. If you depend so much on abrogation, you can claim everything is abrogated, because we don't have exact dates. We don't have those dates for all of these aḥādīth, so when you don't have exact dates for both narrations, then you can't play the abrogation card so easily.

Shaykh ʿUthaymīn also mentions a third point. He says, even if we say the Ḥadīth is authentic and that it abrogates, there is no contradiction between the two anyway, I can combine them. And this again is the way of Ahl al-Ḥadīth; he is trying to reconcile the Ḥadīth, not trying to write one off with the other.

Shaykh ʿUthaymīn also said the Prophet ﷺ said to not benefit from its ihāb and ʿaṣab. Ahl al-Lughah (أهل اللغة), ‘The People of Language’, said when you mention the word ihāb, it’s referring to raw hide. As I just explained to you, raw hide is skin or that which might have been soaked a bit here and there, but has not been tanned and not gone through the full intensive process of tanning.

Therefore, what the Prophet ﷺ said, it doesn’t mean to not benefit from its tanned skin, rather we should translate the Ḥadīth as, don’t benefit from raw hide and raw tendons in its early stage.

So, this is his ruling and Allāh SWT knows best. That finishes that point and I think that it’s a good place to stop.

Next week, we are going to discuss the rest of the things, because when an animal is found dead, it is of different layers if you think of it.

Inside the skin of the dead animal is meat. Can that be made permissible? Nothing can make it permissible, because it is ḥarām. We can take the impure skin and make it permissible by tanning. And on top of that skin, you have fur and hair. And that is permissible as we are going to find out next week. So, it’s interesting that animals need to be taken in layers as such with respect to the rulings. And Allāh knows best.

Question (Ustādh AE): The brother is asking with respect to clothes. He said that if the filth is obvious on the clothes, then obviously we avoid the clothes. But then if it is not obvious, we look at the people. And based on the general principle that certainty removed doubt and doubt removes certainty, we are certain they are non-Muslims, therefore they don't have the same principles of cleanliness as we do. So, we can be certain to some extent that there is going to be some form of najas on their clothes.

The question would be is that certainty? It's not certainty.

Student: I am certain that they are non-Muslims though.

Ustādh AE: I don't think it is certain. Certainty is a big word and if you are talking about used in the sense that they take off their bottoms and pass it to you, I am with you. But, that doesn't exist as a principle anymore, and that's why I said that you need to be able to translate the issue to modern times. It will make complete common sense that when you are donating clothes to charity and to clothes bank that you just put it in, because they are going to wash it.

Now this is the ironic thing; the ironic thing is that the clothes companies in order to avoid prosecution (I am guessing here) or the charity organization rather, or the agent that is working on behalf of that charity, they will mass wash everything that comes in.

So when it gets to its end user, i.e. a starving person in Africa or a middle-class person buying it in a charity shop so their money gets sent, when they buy that item, they wash it .

Nowadays, we have now reached a stage in our culture where the person who is donating his clothes, washes it as well. That thing is the most washed cloth in human history. It is washed like at least three times.

And if we add Oxfam (I don't know what their policies are), and when they take the clothes from the big agent working on behalf of the charity to sell it in a shop, maybe they will even have a policy to avoid prosecution, that they wash it as well. I don't know.

So what I am saying is that, yes, in principle if you know that the clothes are used and it comes from non-Muslims and it has not been washed, it is a problem. But, nowadays it is unlikely.

Q: There is a question about pig skin.

Ustādh AE: Pig skin will be discussed next week.

Q: Can we accept the vegetarian food/gift from the festivals of the kuffār?

Ustādh AE: Yes, no problem, inshāʾ Allāh.

Q: On page four, is there a reason why only slaughtered is specified…?

Ustādh AE: You mean, what about if there were a people who had un-slaughtered meat? Wouldn't that be carrion anyway?

The problem with queasy is that it's an involuntary action. You know if you see something and it makes you feel sick, your stomach feels queasy. I am talking about intentional thing which is brought about by you. There is nothing wrong with the floor. It is not like when you walk on the floor, and you look at it, it makes you sick.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين

اللهُمَّ لا سَهْلَ إلا مَا جَعَلتَهُ سَهْلا وَ أنتَ تَجْعَلُ الحزْنَ إذا شِئْتَ سَهْلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

Shaykh ʿUthaymīn mentions some really interesting and useful qawāʿid (maxims) of fiqh that we can benefit from.

Let's read from page 6-8 in the class notes. Al-Ḥajjāwi says:

ويُباحُ استعمالُه بعدَ الدبْغِ في يابِسٍ من حَيوانٍ طاهرٍ في الحياةِ، ولَبَنُها وكلُّ أجزائِها نَجِسَةٌ غيرَ شَعَرٍ ونحوِه، وما أُبِينَ من حيٍّ فهو كمَيْتَتِه.

However, after tanning they are lawful to use with dry goods if the animal was pure when alive. The milk and all parts of dead, un-slaughtered animals are filthy, except for hair and the like. Something separated from a living animal has the same ruling as if it were separated from an un-slaughtered animal.

This is referring to tanning the skin of a carcass (dead animal). Not a normal animal in another state, we're specifically speaking of a dead animal that was found in that manner.

Keep this in context of last week's lesson. We said that tanning does not ritually purify skins of un-slaughtered animals. That is the position of the madhab. It does purify, and it is permissible to use based on the ḥadīth of Maymūna.

Shaykh ʿUthaymīn has made his position clear; he says that when you have a dead animal, you can tan it and it will purify it.

Because of the way that the fiqh develops, we didn't even say whether that animal that we found was a pig, cow, or whatever. We don't know that and we didn't even mention it. That's because that discussion is going to happen now. 'The cart before the horse' kind of thing happened.

Let's just assume for the sake of argument that the Ḥanbali position is referring to all dead animals. It's very simple for the Ḥanābila, you see. They say that for any dead animal that you find, you can't purify it.

Our position, and the position of Shaykh ʿUthaymīn is that they can be purified if we tan it, but with some exceptions.

Page 89 in the sharḥ corresponds to the part in the notes that say that it is permissible to use with dry goods, if the animal was pure when alive. Shaykh ʿUthaymīn says that once you have

an animal that is pure, ḥalāl, and you have the skin – which, by the way, even if you find it when it's dead - it's not allowed to use if we did have a ḥalāl one that we found dead and we tanned it, we'll allow you to use it as long as it remains dry. As long as it remains dry means that it does not come into contact with anything except that that thing is dry. This is a very important point and principle that I don't think many Muslims know of. Najāsa is only transferred when the moisture of filth is transferred. So coming into contact with dry filth does not necessarily impart the filthiness on your skin.

One of the most common questions I get asked is: "Shaykh a dog came and sniffed me. Is it allowed for me to pray?" Yes, it is, because the dog sniffing is not the same as the dog licking. What's ḥarām or impure about the dog is its skin/nose that imparts moisture. So, if it either licks you, or you're soaking wet when you touch the dog, then you have a problem and you need to wash away that impurity.

A lot of people refrain from stroking dogs, and that shouldn't be the case. I don't have a problem with stroking dogs. Anyway, you can imagine where this mentality comes from when it comes to stroking a dog. They think that just the touch is the problem. The touch is not the problem; it's the transfer of rutb that's the problem.

The same goes for the most obvious of cases – feces. For example, back home if feces are borne dry – and they often are – if you see it it's like rocks. Touching it or kicking it by mistake is not necessarily in and of itself a problem. It only is if it leaves a trace. As you can imagine from the nature of substances, traces are left when it's soft enough to leave a trace. When something is very hard, then by its nature, it won't leave a trace.

I'm not saying that every time you touch it, it's not a problem. I'm saying that the ʿillah is the rutb. The rataba (moisture or wetness) which is transferred in any touching of these scenarios is the problem.

This is the reason why the Ḥanābila – even though they consider the skin to be impure – in principle, they said that once we've done the tanning, we'll allow it as long as it doesn't get involved in any wet stuff.

Shaykh says that regardless, he agrees with this position, meaning he agrees with the fact that it is okay and dry, but what does Shaykh ʿUthaymīn also agree with? Shaykh ʿUthaymīn also agrees that it is wet as well, and that's what we agree with.

As we said, if the animal is pure and found dead and we do dibāgh of it, then we're happy to use it even if it's wet as well.

In actual fact, skin is pretty useless if you're going to use it in dry circumstances. Back in the day, the skin was mostly being used. In the ḥadīth which we use to allow us to use the skin of a carrion, (on page 90 of the text) the Shaykh says:

ويدل لذلك أن الرسول ﷺ توضأ وأصحابه من مزادة أمرأة مشركة

The Prophet Muhammad ﷺ made wuḍūʾ from a water skin that was owned by a mushrikah (polytheist woman). The Shaykh says that the dhabāʾiḥ (slaughtered animals) of the mushrikīn are najas. That proves to us that it's actually permissible for us to use any rutb. Obviously, it was carrying water.

This water skin was made for milk and water because skin has such amazing hydrophobic properties.

I just want to explain what the Ḥanbali position is. There's a beneficial lesson there to learn about najāsa and dryness but our position is that *the skin is not a problem even if it is used in wet or dry*.

Now we can discuss about the use of his word

من حيوان طاهرفي الحياة

from a pure animal.

We benefited from the author in that he's told us that the hide that is allowed to use after tanning whilst it is dry is only that of an animal which is pure. So what does a pure animal mean?

He says, "I'm going to divide it into **four**."

An animal which was pure during its life. What does it mean that animal is pure during its life? There are four types of something being pure in its life.

The first one is everything which is permissible to eat, such as camel, cow, sheep, or hyena. There's actually a khilāf over the position (of consuming hyena meat).

The hyena itself has been an issue of controversy because a number of scholars actually consider it to be ḥarām but according to the Ḥanbali school, it is permissible.

So that's the first type. That's straightforward - ḥalāl animal, clean animal, we benefit from it, we eat it etc. These are the pure animals. These are what we eat. When this animal dies (whether we slaughter it or whether it is found dead), after we've done the tanning of the skin and soak it and bleach it, then this is okay for us.

The second type of animal which would be considered pure in its life will be that such as the cat or a kitten and small animal of that nature but smaller than that. So I guess what he means by that is like hamster, gerbils, that kind of thing.

He says that the proof of that, in principle, this should be an exception. This should be an exception because these animals are najas. You are not allowed to eat a cat. So in principle, this should be a problem but these animals are an exception because of the statement of the Prophet ﷺ:

إنها ليست بنجس

The cat itself is not not najas/impure.

إنها من الطوافين عليكم

These are from the animals which make ṭawāf around you.

Meaning they are always around, in your bed, they touch you and everything. These are the domesticated animals which you are in so much contact with that if Allah subḥānahu wa taʿālā and His messenger ﷺ had made these ḥarām, it would be a disaster, wouldn't it? If made it impure, life will become difficult because these are not wild animals that live outside, they're domesticated animals that live with us. So Allah subḥānahu wa taʿālā put them in an exceptional category. This ḥadīth was narrated by Imam Ahmad and Abu Dawūd and it is a hadith which is good, inshāʾAllāh.

It's a nice statement. Bukhāri said:

جود مالك بن أنس هذا الحديث، وروايته أصح من رواية غيره

(footnote no. 2 on p.90 of Sharḥ Mumtiʿ)

I like that because there were some people who spoke about this ḥadīth who they weren't very happy about it. But Bukhāri mentioned this ḥadīth and he said that *according to Imam Malik ibn Anas, this ḥadīth is good, and his narration (via his chain), is more authentic than anything else that I've seen.*

So he didn't actually include himself but he considered it to be authentic. There's a lesson for everyone there in that as well. I mean, you should know this by now, but anything which isn't in Ṣaḥīḥ Bukhāri doesn't necessarily mean Bukhāri doesn't think it's authentic.

Actually, Bukhāri thinks many aḥādīth are authentic but to get into Ṣaḥīḥ Bukhāri, you have to be beyond criticism as a ḥadīth, as a chain, as a matn, as narrators. You have to be like cream of the crop.

The third type is **everything which doesn't have flowing blood,** i.e. if it was killed or slaughtered, there is no flowing blood. Now you might think, what on earth does that mean? This is referring to animals like flies, like locusts.

These are a very specific category in sharīʿah. You will never study any subject in any religion that has this kind of specific category in fiqh, but Islam does. And whenever you study fiqh, you will always come across this category of these animals. I mean, I don't even know that they didn't have flowing blood until I started studying fiqh.

Biologically speaking, they don't have masses of flowing blood. They've got some other kind of system. We're talking about small, certain insects - specifically locusts, ants and certain types of flies. These are pure during their lives.

Remember these are what we are describing: four types of animals which are pure when they are alive.

The fourth type is **human beings**; when we are alive we're pure, but the problem is that unless you're from Somalia, you're not going to eat humans. Obviously this is not an acceptable and this is not discussed in the books of fiqh because this category number four is an obvious non-starter.

لا لنجاست، ولكن لحرمته (p.91 Sharḥ Mumtiʿ)

It is not permissible to do anything with human skin - not because of its najāsa, but because of the sanctity. Because human skin is sanctified, not only in life but also in death, we are not allowed to use that skin.

Anyway, then the Shaykh says, "Therefore if a person was to tan the skin of a mouse or a cat, it will not become pure. It will not become pure because it is a maytah (carrion)". According to Ḥanbali madhab and according to the text we just studied, if we find a dead cat or mouse, scrape off its fur, its skin, and we tan it, the Ḥanbalis said that that tanning process has not purified the skin. They made that very clear and they stated that. *We* said it does. Can they use it though? Yes, we can.

According to the Ḥanbalis we can use it. Why we can use it? As long as it's only used in dry matters or something like that, then it's okay. The reason they insisted on dry is because they do not think that the skin has become pure. If they thought the skin had become pure, then there would be no problem to have water or moisture because it would not be transferring najāsa. But because, according to them, they know that it is impure, it can only be used in dry matters; it cannot be used in everything else.

Now the Shaykh discusses a few points. In his opinion, it is made pure and it is permissible. This is another opinion: it is permissible to use it not only while in dry matters but also in wet matters as well and therefore, according to this opinion, it will be permissible to find a cat or a mouse and then scrape off its skin, tan it and use it and it would be pure as well. It will be pure and we can use it all as well.

With respect to the first opinion, he basically said that according to the Ḥanbalis they found this cat or mouse they could tan that skin it wouldn't be pure but it would be okay to use in dry matter.

He says that the second opinion is that the tanning does purify. That is very important opinion, by the way, that you need to be aware of. Even when we come to a pig, it's a well-accepted opinion that any animal can be tanned. Therefore, the skin of any animal could be used by Muslims. I want you to understand that that is a strong opinion. Keep that at the back of your head while we read all the rest of these opinions.

The second opinion is that tanning does purify.

According to the third opinion (and its Shaykh ʿUthaymīn's opinion), he says that the skin of carrion/dead animal does not become purified by tanning. It doesn't become purified unless it is a dead animal that when it was alive - not only was it pure, but it was slaughter-able. It is an animal which could be slaughtered, such as a cow, sheep, camel, etc. Anything which is not permissible to slaughter (cat/dog) cannot be purified by tanning.

وهذا القول هو الراجح

Shaykh ʿUthaymīn says that this is the strongest opinion, and this is the opinion of our Shaykh ʿAbd al-Raḥmān Saʿdī - both ways are permissible.

Shaykh ʿAbd al-Raḥmān Saʿdī was one of the major muftis and scholars of Saudi Arabia, maybe the preeminent scholar in Saudi Arabia's history in the last 100 years. He was famously the teacher of Shaykh ʿUthaymīn and he himself has released a number of books. We taught one of his books in completion and it was called Nūr al-Basāʾir. So ʿAbd al-Raḥmān Saʿdī is a big ʿālim.

There is a lot of khilāf in this issue of animals and purifying them and tanning them which is why all this discussion is being said. Anyway, Shaykh ʿUthaymīn is saying "I'm following the opinion of my teacher in this and this is what we are saying". It's quite a conservative opinion because like I said, generally when you look at Shaykh ʿUthaymīn, you feel he is the kind of guy who is willing to go out on a hunch, he is willing to be a bit more liberal and he is willing to go against the madhab and so on. However, he has pretty much ruled himself in here; he doesn't go with the opinion that you could find a pig and use the skin or any animal for that matter. He doesn't have this idea that tanning unrestrictedly purifies everything.

He has a restricted opinion, which is that the only animals' skin that you can actually use in a pure fashion - even after tanning - are those animals which, when they were alive, were not only pure but they were animals you would normally slaughter. It's a very small list; they're like a horse, a cow, camel and something else. Anything you couldn't slaughter whilst they were alive, it would not be pure to use (even though it might be pure whilst it was dry, because when it's dry, is not imparting any najāsa).

The issue is about impurity; it's not about handling. So if a person gave you the skin of a lion and someone gave you a tanned lion skin, because it's dry, it's not a problem to handle because the problem is in inferring the najāsa when it's wet.

He will give some evidences for his position. He says the real issue where the ʿillah is with respect to the madhab is that it's about the purity of the animal whilst it's alive. It's allowed to use the skin of whatever is pure, even if it's found dead. As long as it has been tanned, (even though it's not purified) we can use it in dry matters.

As for the second one, we said that they said that tanning purifies everything, so there is no issue. You can use the skin; you can make use of it, wet or dry.

وعلى القول الثالث، يطهر إذا كانت الميتة مما تحله الذكاة.

As for us, it's permissible to use an animal which, as long as it's permissible for dhakkāh.

Dhakkāh means it can be slaughtered. That is the one we are going with. As for our proof, he mentioned one of the aḥādīth which is narrated by Imam Ahmad which is right at the bottom (reference number 4), that *tanning is its slaughtering*. Slaughtering is almost the indicator of its tanning. I know that doesn't make sense but if we say the tanning is slaughtering, then the slaughtering is its tanning; meaning that they are intrinsically linked, almost to say. What Shaykh ʿUthaymīn is reading in this ḥadīth is that when something is slaughtered, that is the real tanning. If you read this ḥadīth like I just said it now, then every ḥadīth we just mentioned, especially the hadith of Maymūna and all of the surrounding evidences can be nicely rounded into our own opinion.

He says therefore, I want to make a statement. The skin of that which is impermissible to eat - even if it was pure in its life - cannot be purified by tanning.

جلد ما يحرم أكله، ولو كان طاهراً في الحياة، لا يطهر بالدِّباغ

Even if it was in its life, it cannot be purified by tanning. That is Shaykh ʿUthaymīn's policy statement.

He says: as for people who might say "The cat is pure, and that the Prophet ﷺ said the cat is pure, why are you making it not pure? You are saying that we are only going to use the animals which are pure in life that you can eat, yet the Prophet ﷺ said that the cat is pure" and Shaykh ʿUthaymīn responds in a nice way.

Shaykh ʿUthaymīn says: Those animals were only made pure because of the difficulty it would cause to the people; not for us to eat. They were made pure for a specific reason, because it's too difficult -

"إنها من الطوافين عليكم"- because they're all over you; and if we didn't make them pure then it would be an absolute disaster.

And he said that this is also one of the statements of Shaykh al-Islam ibn Taymiyyah, which makes him and us even happier to take it.

And he is honest enough to say: It should be said that Shaykh al-Islam ibn Taymiyyah also had a second statement that he narrated "إن ما كان طاهرا في الحياة فإن جلده يطهر بالدبغ"

Meaning- Actually anything that was pure i.e. cat for example, even that can be purified after tanning.

So there is that second statement but obviously Shaykh ʿUthaymīn is going to base it upon his first.

What's the implication of this?

Is crocodile an issue or not? Is crocodile ḥarām to eat? Didn't the Prophet ﷺ say that everything in the sea is halal? It walks around on land too……is that the only problem? It has fangs too. It is a predator.

We're not covering this now but we're just discussing a little bit to ram home the point.

In principle, yes, for the sake of time now- Animals which are mega dangerous, predatory, are impermissible. Animals with fangs are impermissible. Animals which live on the ground and water – I don't want to say amphibious, that's something else - but those that live in the sea and outside are questionable, not all ḥalāl and not all ḥarām.

Many scholars allowed the crocodile and others didn't, and the safer position is to assume that the crocodile is not allowed. So, if we therefore assume that the crocodile is not allowed (to eat), then crocodile skin is out (not allowed for other purposes as well).

What about snake skin? It's a predator. There's a difference between being poisonous and being predatory. It's got fangs; that's an issue. It is a deadly animal. Actually that's probably the strongest reason, not the fact that it is a deadly animal but what Prophet Muḥammad ﷺ said about deadly animals. He ﷺ said to kill these animals because they are deadly and dirty; kill them in and outside of ṣalāh.

Some of the ʿulamāʾ have said that any animal which has been ordered to be killed is not allowed to be eaten. That's the principle. So therefore, if you can't eat an animal, then to sacrifice it would be the same thing. So, snake skin would be a problem as well. Again, there are some scholars that allow it but we're just talking about being on the safe side here and using our principles.

For alligator skin, the same ruling as crocodile skin applies.

Bear skin or bear fur? 'Cause when you think of a bear you don't think of skin, you use the fur– the fur isn't separate from the skin- we're coming to that, it's in the next section.

Lions, tigers are impermissible to eat, we know that. These are big impermissible animals.

Pig skin- very common stuff, used in shoes and this and that, so we have to be careful.

Lizard skin- Lizard is permissible to sacrifice, to cook, to eat and whatever- and so lizard skin theoretically falls under that category.

Frog skin- talking about frog as an animal- According to a number of the ʿulamāʾ, frogs are impermissible. And that is because – there are a number of principles when it comes to what is permissible/impermissible for eating from animals, for example- things sacrificed for the sake of other than Allah, dirty animals, animals which hunt, animals which are dangerous/deadly, animals which are protected species (like the domesticated donkey for example, which is completely ḥarām, a mule is ḥarām too because its mother is a domesticated donkey even though it's father is a horse, whereas wild donkeys are allowed), animals which are filthy or disgusting – that's also a principle with respect to permissibility – so you have to play with all

these ideas and principles (to decide). And with respect to birds – birds that have talons are impermissible - so eagles, falcons, hawks, kites are not permissible.

Let's move on.

The Shaykh says that the milk a dead animal is impure.

وإن لم يتغير بها؛...

This is important; Shaykh ʿUthaymīn is going against his own principle and also the principle of Ibn Taymiyyah. By the way, Ibn Taymiyyah says no problem with the milk of a carrion.

Carrion can have full udders. Obviously we don't see this, but imagine this because this is not our life. Out there, if you find a dead cow, the milk in its udders is of huge value and it's going to get milked. So the question is: is this milk okay to drink, sell, and so and so forth? The majority of the scholars say no. Ibn Taymiyyah says yes, but he would say yes. Why? Because he says that the milk...

First of all why do you think the scholars say no? Is it because it's dead? No. It's common sense, what is a dead animal? It's impure. The whole chapter is about when it dies it becomes najas. So the idea is that when something is najas, and that's the end of the story. Therefore the majority of the scholars are saying (especially the Ḥanbalis), we studied this for weeks and months, in fact. We said that anything that is in contact with najāsa, what did the Ḥanbalis say? It becomes najas. What did we say? It's not a problem because it's not transferred and it doesn't change. As long as we don't see any sign of najāsa, it's not najas. We spent a couple of months perfecting that point. As long as it doesn't change, it's not najas. That's ibn Taymiyyah's masterpiece and Shaykh ʿUthaymīn is very happy with that and I'm very happy with that. Many of the contemporary scholars are very much following this opinion.

Here again, milk is the same. The scholars are saying that a dead animal is a najas animal. It's a najas animal - not even in (najāsa) on the outside, but najas inside. The milk is not outside, it's inside; it's in contact with the meat and blood and so on and so forth, of course it is najas. And Ibn Taymiyyah said, no it's not, I don't care if the animal is najas, if that milk looks clean and it hasn't got the najas transferred across, no problem.

Shaykh ʿUthaymīn breaks ranks here with Ibn Taymiyyah. He says, "as far as I'm concerned, what seems more correct to me, (and I want to say that this is the opinion of Shaykh Muhammad Mukhtār al-Shinqīṭī), that I think that this milk is najas because it's a small area/amount and milk is not like water". I like this point that Shaykh ʿUthaymīn makes. He goes that water has an intrinsic ability to be able to dilute itself easily from najāsa. Whereas if you just think naturally about milk and its thicker nature and whatever, if you thought that got najas, you would think that it would stay najas, it would be more difficult to lose its najāsa. He's just using some kind of ʿaqli kind of statement there. So anyway, he says that as far as I'm concerned I'm going to go on the safe side. Allah (subḥānahu wa taʿālā) has said:

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ

‘Carrion is ḥarām for you’, in Surat al-Māʾidah, verse 3. He says “I'm going to go with that and continue all the way through and say that its milk is also ḥarām, because it's right in there”. I keep saying it's right in there because now of course he's going to make exceptions, for the things that are not right in there, i.e. on the outside of a dead animal.

This is what this whole discussion is about. You've got to imagine this dead animal. First that it's najas. If it's najas, then what's najas on a dead animal? We've got to look at it in layers. So you've got to think of the meat inside. We know that the meat is ḥarām to eat. Then we have the skin and we're saying that it's purified, if it's a ḥalāl animal, which is the second layer. Then you have the third layer, which is fur, hair, feathers, and wool - the four main things on top. So that's pure as we're going to find out. So we have these three layers, and I want you to appreciate that's what you've got to break it into.

Allah (subḥānahu wa taʿālā) in the Qur'an says that we are creating in the cow, this milk which by its very nature is in-between filth and blood and it's coming out and you're being given this milk. And Allah, of His many miracles, has given us this milk for us to nourish ourselves by. What would the answer to this be? What do you think?

This is what some of the ʿulamāʾ said. They said that we have no doubt that an animal, whilst it is alive, it in and of itself is not najas and its inside is also not najas. So Allāhu aʿlam, this of course is referring to a dead animal that you find and the ayah of course is referring to live animals, the live cow.

Then the Shaykh says,

وكلُّ أجزائِه

“...all parts of dead, un-slaughtered animals are filthy...”

So the milk and all parts of the dead animal are filthy. ‘All parts’ such as the hands of the hooves, or the leg, or the head, or anything. This is because the ayah in Surat al-Anʿ ām, verse 145, which we covered last week, is general and not specific and 'maytah' (the word for carrion) does not refer to the entire animal. Rather, it refers to anything which is on that animal. So if we were to cut off a piece of that animal, it would have the same ruling. So he's happy with this, there's no problem with the Ḥanbali position there.

غيرَ شَعَرٍ ونحوِه

“...except for hair and the like”

So now the Ḥanbalis have made an exception and this exception has been made by almost every scholar, ever. For example, the wool on sheep, the fur on a camel, the feathers on a bird, the hair on a cow, and anything similar to that. He says that this is all okay, and it's all pure.

There are some further exceptions to this, though -> the bones of a dead animal. This is one of the two opinions in the Ḥanbali madhab. Why would the bones be okay? He said that the bones

are being given the ruling like the fur and hair because they are lifeless. Shaykh is trying to give the idea that when you look at wool and hair, what's the common thing about them? They're separate and lifeless and they don't have blood in it and they don't have nerve endings and so on, even though they feel a little bit of pain. Shaykh ʿUthaymīn, when he starts that and he says that's the position of the madhab, he says that as for the second opinion in the madhab, that actually there is a problem:

لكن الذي يظهر أن المذهب في هذه المسألة هو الصواب؛ لأن الفرق بين العظم وبين ما ليس له نفس سائلة أن الثاني حيوان مستقل، وأما العظم فكان نجسا تبعا لغيره؛ ولأنه يتألم فليس كالظفر أو الشعر، ثم إن كونه ليس فيه دم محل نظر؛ فإن الظاهر أن فيه دما كما قد يرى في بعض العظام.

He basically said that as far as I'm concerned, bones are also najas as well. Why? Because we all know that there's bone marrow in there, we all know that there's a blood supply to the bones as well. We can't compare bones to hair and feathers and things like that. It's not lifeless and it's very much inside and involved with the animal as well, so as far as I'm concerned, bones are also najas. Bones fall into the same category of a hand, a foot, a head and so on.

He also said that the other example is the fish. We know fish is ḥalāl. They are ḥalāl so therefore, anything we use from a fish is permissible, theoretically speaking. Except, we have a problem. We have a problem because we know that it's not permissible to just cut off something from a fish whilst it's alive, even from a fish, because this is torture. There's a difference between killing fish or fishing, and torturing a fish. Cutting something off from a live animal is impermissible, even though you may say that it's pure and all the rest of it, but the ruling on it is that it's impermissible because the Prophet ﷺ said not to torture animals, the Prophet did not allow it, and severely cursed those who took animals for target practice, just to shoot them. Not to kill them, but just to use as target practice.

So Shaykh says "I want to make a statement about some rules that we have learned". He says:

We can establish some principles –

Principle 1: everything which is ḥalāl (to use and to eat) is pure

Principle 2: every najas is ḥarām

Principle 3: not everything which is ḥarām is najas

These are three just golden principles; he is saying that they are becoming clear to us as we are moving on forward, that you are learning. So not every ḥarām is impure, the second principle is that every najas/impurity is ḥarām. Shaykh also adds a fourth one:

Principle 4: it is not necessary that a pure thing is ḥalāl

It is not necessary that just because something is pure that it is ḥalāl. I'm thinking of alcohol as an example. A cat is good example of this, because obviously we know that it is pure but we cannot eat it.

The shaykh also says an important principle; he says with respect to the hair, according to me, it must be shaved off. Wool, hair and everything must be shaved off. It is not permissible to pluck off. That is a problem because shaykh says you have to be very careful with feathers. When a feather is plucked out, it comes out with some of the skin and likewise if you pluck out hair, every follicle that you pluck then it comes out with something from the skin which itself najas. But if you shave it, then it obviously leaves that in the skin and then so you are getting the pure top part, so the Shaykh says 'what we can conclude from this is that a dead animal should be looked at in three parts:

Part 1 – its hairs, etc (that is pure)

Part 2 – its meat and anything which is inside the skin (this is impure you can't benefit from it by purification)

Part 3 – the skin which is in between these two layers (and that will depend on what category it falls in, in terms of pure/impure whilst it was alive, and we've covered that).

Then shaykh says that something separated from a living animal has the same ruling as if it were separated from an un-slaughtered animal. That means that anything which is alive and it comes off whilst it's alive, then this is ḥarām. If you find an animal and you cut off its leg, this is ḥarām and its ruling is like it was carrion. If you cut off something from a living animal, it is ḥarām, because the ruling is that it's as if it were dead. But there are two exceptions:

The first exception is game. That which is being hunted, so like a big animal or a quick animal and people are using spears and knives. Imam Ahmed described that as well, he said that 'that is what they used to do all the time and they would stab the animal and cut it and people would be attacking this animal and so and so forth'. Parts might come off and it's too dangerous to do dhabaḥ, but it's ḥalāl for them to eat' even though the animal is not sacrificed because the manner of killing that specific animal are the blows and the cuts that are done by the swords and the knives etc. Imam Ahmed made that very clear. Because it's not possible to get to its throat to do dhabaḥ, you kill the animal by saying bismillah and you go at it in a hunt.

This is permissible.

In theory, it wouldn't be permissible because it's a live animal and you're cutting it into pieces. So the argument would be (if you're following this text exactly as it was) that with a game animal, if you're cutting it and so on then it would become ḥarām/carrion during the process. This is the exception - it doesn't. Imam Aḥmad said that this has happened so many times in the maghāzi, every time the Prophet ﷺ went out and this is how they were living and eating, and never did we find any kind of criticism against this from the Prophet ﷺ.

The second is the acquiring of the musk pod. Something which is called faʿrat al-misk, this misk pod is taken from a deer. Most musk is synthetic/artificial, but pure misk goes for thousands of pounds because it is taken from this gland in the deer, in male deer and gazelles, I think. This pouch, which is protected, is actually in the abdomen of the animal. If you kill the animal, you affect the misk but to get the best misk, you are literally going right in there and

pulling it out. The point is that when it comes out in this manner, blood does not get involved with it and that is how you get the best, high quality misk. Because this was a practise that was done by the Arabs at the time (in fact, is still done in a minimal way as synthetic misk has now taken over), this is also an exception to the rule.

So there you have seen two practical exceptions to the rule in hunting.

This process for getting the misk - because it has been praised and this is the only way (and Allah knows best, I'm not giving ijtihād or a fatwa here), but maybe some scholars might say this is impermissible now. Back then, they didn't have the ability to create synthetic perfumes and misk and now we do, therefore we should avoid doing that, especially if it comes to preservation of animals etc. That is possible. I am not giving out fatāwa; I am just saying that if the ʻʻillah is because the Prophet ﷺ allowed it because he was a lover of misk and misk had value and it was tradable and to wear good perfume as a plus point, well today that can happen without killing the animal so Allāhu aʿlam. Allah knows best - I do not want to give a ruling on that.

That, ladies and gentlemen, is the end of the entire chapter of the principles of purification.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وصحبه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

Alhamdulillah, it's a nice dars tonight because it's the start of a new chapter.

We have a very clear image in our minds of what al-istinjāʾ is. SubhanAllah, there's so much to talk about that I don't even know where to start. I'm completely overwhelmed at this moment about which way to take; shall I do Shaykh ʿUthaymīn's commentary which is very verbose and long, shall I go with Shaykh Muhammad Mukhtār al-Shinqīṭī's which is very structured and academic, or shall I just go with my own loose flex? Obviously, I'm going to go with the third option because that's the natural one. I'm going to use Shaykh Muhammad Mukhtār al-Shinqīṭī's introduction because it's very organized. It will set out what we're doing and then we'll go straight back into the text itself.

Before we say anything (and I don't even want to read the text out at this stage), I will just say Bāb al-Istinjāʾ, which is on the first page of the notes. Istinjāʾ is the key word here, and I have translated it as The Chapter of Cleaning the Genitals. Al-istinjāʾ is a very important word to understand linguistically, from a verb form as well.

For the Arabic students, al-istinjāʾ is a verbal noun and it comes from the verb form istafʿala, which is the tenth form according to some grammarians. To be honest, this is the easiest question you'll ever be asked when it comes to Arabic grammar. Whenever you see a word with *alif*, *seen* and *ta* at the beginning of it, 99.9% of the time it comes from the verbal form of istafʿala. The word istafʿala means to seek the action. Faʿala is the action and istafʿala is to seek that action, so istinjāʾ is to seek the najw. Najw, which is the -njāʾ part of the verb, means to cut off. For example, if you say *najawtu ʾl-shajara*, it means I cut the tree. The najw that we're looking at here is effectively cutting off the filth or the state of impurity. When you say istinjāʾ, it means that you are seeking a state and a way to cut off. That's the linguistic nature of the word.

The word istinjāʾ has a general meaning and specific meaning. In general, it means the cleaning of the private parts, with no discussion of the 'how'. When you're being specific, the word istinjāʾ means cleaning the private parts with water. If that's the case, there needs to be another option for when we clean without water. Is it acceptable to clean without water? Not only is it acceptable, but maybe that *is* the aṣl – the actual, original principle when it comes to cleaning the private parts. That is called istijmār. Here, we're doing istafʿala with jimār. We are using something stone-like, hard, solid, dry, and/or object-like to clean the private parts.

It's istinjāʾ when it's being used in a general sense; if we're going to be specific, it's called istinjāʾ when you use water; and if you're going to use anything other than water, it's called istijmār.

When we go back to the sunnah of the Rasūl ﷺ, we're going to try to work out what the principle is. What is the aṣl?

We know that filth is filth. It's something palpable, we can sense it, and we don't like it. Everyone would appreciate that to pray with filth is a problematic issue.

The business of istinjāʾ and istijmār is removal of filth from the body.

The reason that we say istinjāʾ and istijmār when talking about the private parts is because we never assumed that there's going to be filth on another part of the body. But let's say, for example, that you had some filth on your hand. You would just use the word 'ghasl' (washing) because you would wash your hand and that would be the end of it. But when we're talking about a regular daily process of going to the toilet, istinjāʾ and istijmār come into play because it's talking about private parts.

In the Maliki madhab, there are two very, very popular opinions:

- The first one is as the majority say, that it is an obligation to remove the najas/filth from the body,
- and there is an opinion that it's only mustaḥab, meaning it's only liked and it's not an obligatory situation.

How on earth is that the case? The evidence is the authentic ḥadīth of when the Rasūl ﷺ was praying near the Kaʿbah and the Quraysh were all around him in Makkah. This was during the early times which is characterized by stress and difficulty, but the Rasūl ﷺ was slowly ramping up the pressure and taking this deen to the public level. All of the kuffār, the head of the Quraysh, and the chief kuffār, meaning the worst of them were around. ʿUqbah ibn Abi Muʿayṭ got some intestines - we're talking about the insides of an animal, with all the filth. He got the entrails of this animal that obviously had its faeces inside of it and while RasūlAllah ﷺ was in sajdah, he put it on the shoulders of the Rasūl ﷺ .

The Mālikīyyah said that the Prophet ﷺ didn't throw it off, and he would have - in fact it would have been obligated to do so if it was an obligation to clean your body from najāsa. That's the evidence. We know that it was only there for a short time because Fatimah ؓ came and she took it off.

RasulAllah ﷺ was praying and told her not to worry or get angry. Fatima was very angry and the Prophet ﷺ made a big duʿāʾ; he said, *'Allāhumma ʿalayka bi Quraysh'*, meaning O Allah, it is upon you [to deal] with the Quraysh. SubhanAllah, ʿUqbah and Umayy ibn Khalaf and all of the key leaders of Quraysh were all slaughtered at Badr. Those that were there at that time who did that to the Rasūl ﷺ, they got dealt with subhanAllah. The Prophet ﷺ can deal with things himself, that's the point. Anyway, that's the evidence for them.

We responded, and the Mālikīyyah themselves responded in many ways. They said that Allah ﷻ says ﴿وَثِيَابَكَ فَطَهِّرْ﴾.Literally, *'clean your garments'* [Qurʾān 74:4]. They said that in Ṣaḥīḥ al-Bukhāri, the Prophet ﷺ walked past a grave and he told the Companions that this person in this grave is being punished. They said, "Why, yā Rasūl Allah?" It was for two reasons, and the first was because he was not protecting himself from the drops of urination. He was being punished in the grave as a result of not being careful when urinating, just taking it as a lax thing, and getting himself dirty. You are not punished in the grave for leaving something which is mustaḥabb, so it's clear evidence that it's an obligation.

Also, there's an authentic ḥadīth describing when the Prophet ﷺ was praying and the Companions were praying behind him. When you're praying outside, the aṣl is to pray in shoes and that is what the Companions used to do. In this instance, suddenly the Prophet ﷺ took off his shoes in the middle of the prayer and put his shoes on the right side. All of the Companions who were behind him then did the exact same thing in the middle of prayer. When the Prophet ﷺ finished the prayer, he turned around and said, "What did you guys do that for?" They said, "Yā Rasūl Allah, we saw you do that and so we copied you". He said, "Well, the reality is that Jibrīl عليه السلام came to see me in the prayer, he came to me and said that you have najāsa on your slippers and so you need to remove it. That's why I removed it. As for you guys, you should have just kept them on".

That's another proof as well, and that's why the ʿulamāʾ or the Ḥanbali madhab say that if a person finds something on the body which can be removed, you get rid of it you can continue praying. It doesn't break your prayer per se. Mothers are always asking the question about their baby and nappy, because obviously there's faeces there. There are two scenarios:

- the baby is crying nearby, it's done a nappy and then you pick it up. The problem in this case is that you are effectively reversing what happened in the ḥadīth. It's as if you have slippers with najāsa on it and you're putting them on. This is something which is not permissible, or it would break the prayer - it's an unacceptable situation. It's effectively like telling someone to pick up a bag of faeces. You wouldn't say to someone that it's allowed to pick up a bag of faeces. This is what the Ḥanbalis say.
- If you're holding a baby and then it does the nappy, you have to put the baby down and you just carry on with your prayer. That's exactly what happened to the Prophet ﷺ in that the slippers were okay, then he realised that they weren't so he took them off. That's the analogy from that.

So it seems that it's clear that the principle is that it is an <u>obligation</u>. Of course this is the strongest and correct position in the Māliki madhab and in all the other madhāhib, especially the Ḥanbali madhab.

The principle is that it's an obligation, but you have to understand that there's a discussion there and there is actually a benefit to this discussion. What's the benefit of even introducing the discussion that it's mustaḥabb when it's so clear that it's an obligation? The benefit comes later. If this person was praying in clothes with filth on him and he didn't know, depending on the ruling (whether it's an obligation to clean yourself or just recommended to clean yourself), if one year later he realizes that this is what's been happening every year, according to the Mālikis it will determine whether he has to pray all those prayers again. We're going into other areas, but the point I want you to learn is to never belittle a strange statement in fiqh. In fiqh, the scholars and their points, comments, and musings are important for us to reflect over. Even if we say with our dearest respects to these mashāyikh we choose the other opinion. We choose this opinion not because we're being arrogant. We choose this opinion because it's the opinion of the majority of equal and bigger scholars as well.

Anyway, we've accepted that you have to clean yourself. Now the question is: what should we use to clean? Should it be with water or should it be with stones? When talking about Ahl al-Qubā in the Qurʾān, Allah ﷻ said: ﴿ فِيهِ رِجَالٌ يُحِبُّونَ أَن يَتَطَهَّرُوا ۚ وَاللَّهُ يُحِبُّ الْمُطَّهِّرِينَ﴾ *In this mosque there are men who desire to grow in purity– God loves those who seek to purify themselves* [Qurʾān 9:108].

In the tafsīr of this ayah, all of the companions said that the people of this first Masjid of Medina were praised in the Qurʾān for their ṭahāra - not because of general ṭahāra, but because they used to wash themselves with water and they used to do the washing of each limbs multiple times. When they used to wash their private parts, they used to use water. This is an evidence from the tafsīr that the water is the principle and Allah ﷻ says in Sūrat Al-Māʾidah:

﴿ أَوْ جَاءَ أَحَدٌ مِّنكُم مِّنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا ﴾

…Or one of you comes from the place of relieving himself or you have contacted women and does not find water, then seek clean earth.

“You do not find water” is an indication that when you are going to the toilet or you become in a state of janāba, the aṣl is water.

If you don’t find water, the aṣl is tayammum - this is their evidence. There are more evidences as well. In Ṣaḥīḥ al-Bukhāri, one of the ṣaḥābi said “When I was young and Rasūl Allah ﷺ wanted to go to the toilet, I would go with him and I would bring a small container of water with me. I would give him the water and he would use that water for istinjāʾ”.

Enough evidence is there, yet at the same time, maybe even more aḥādīth seem to establish the principle as istijmār. Rasūl Allah ﷺ said:

ومن يتوضأ فل يستنثر ومن يستجمر فليوتر

The one who wants to make wuḍūʾ, then let him do al-istinthār (wash his mouth and his nose properly and hard), and whoever is going to do istijmār (meaning clean his private parts), let him do witr.

There is a very funny story about this. Falyūtir (فليوتر) means let him do Witr - that is the translation. There is an important lesson here, actually. Reading ḥadīth is very important, but to study the ḥadīth and their meaning with scholars is even more important.

A lot of people use this story that I’m going to tell you to attack the principle of reading ḥadīth. That is pathetic. Reading ḥadīth is a barakah; you should read as much ḥadīth as possible and don’t worry about the meaning. Obviously, don’t go and practice a ḥadīth that is seen as a bit strange or difficult without asking a scholar first - that is the lesson. But you should read ḥadīth as much as you can, act upon as much as you can, and if you make a mistake, you make a mistake. The big thing that is not allowed to do is for you to read a ḥadīth and go around telling people “Don’t do this, don’t do that” when you have got no idea about the ḥadīth, the ruling, or the fiqh.

Anyway, there was one miskeen who knew Arabic but he didn't know any fiqh at all, and he was a beginner. He picks up this book and he reads this ḥadīth that the prophet ﷺ said ومن

يستجمر فليوتر , that whoever does istijmār (goes to the toilet and cleans himself with stones), then let him do Witr.

Every time he would go he would go the toilet, he would clean himself and pray 1 rakʿah…. every time.

So he went to the shaykh and said, "Shaykh, wallāhi this has become a big mission, just going to the toilet. The shaykh said "What happened?" He said "Wallāhi I don't know. I don't see anyone else doing this except me. The prophet ﷺ said to do Witr when you do istijmār and I'm doing istijmār day and night and I'm praying. No one else is praying, no else is doing anything."

The shaykh had to explain to him the word 'falyūtir' means to make it odd, because the word Witr means odd. Falyūtir *does* mean to pray Witr, but *here* it means use an odd number of stones. One stone is very weak and three stones has being emphasized by so many aḥādīth (and of course we will come to that).

So I want you to know that the principles for istijmār are massive. This ḥadīth makes it clear. You might say the Qurʾān narrated makes it clear that its really water and you might say the ʿaql also makes it that its water.

When you start studying and you realize that the aṣl (the original position) is to actually *not* use water, then you've got a problem. To make it even more fascinating, there is so many stories about these. We see the fact that water is a cleaning water because water nowadays is a better cleansing agent - there is no doubt. But I want you to understand in principle that the idea of foam and soap and all these kind of things that are on your hand as a surfactant-base thing therefore, you don't touch najāsa and things like that. We have these modern day inventions.

Back in the day, it would be small amount of just pure water meaning that if you were cleaning yourself with water, that means you are using your fingers. That is why it would not be wrong for me to say that many (I don't want to be controversial and say the majority of the

companions, but if I was sitting by myself, I would be happy to write that statement) companions preferred istijmār over istinjāʾ.

Ḥudhayfah ﷺ, one of the major companions, was asked "What do you say about istinjāʾ?" First of all, ask yourself a question - why would a person be asked that? He was asked that because it was not the norm. If it's the norm, you don't ask someone about it. Do you think he was ever asked "What do you think about wuḍūʾ?" He was asked what he thinks about istinjāʾ because the aṣl amongst themselves is to clean with stones. By the way, I'm using the word stones and I'm going to come to the point later that istijmār doesn't just mean stones and it means tissue paper as well. So Ḥudhayfah ﷺ was asked, "What do you say about istinjāʾ?" and he said, "I think it's okay, but only if the hand is dirty."

ʿAbdullāh ibn az-Zubayr ﷺ was walking past a man when he inadvertently saw that he was washing his private parts and said, "We never used to do that."

Salama ibn al-ʾAkwaʿ said, "I never did *istinjāʾ* (used water) in my life, ever."

Nāfiʿ, the scholar/imam who was also the slave of ʿAbdullāh ibn ʿUmar, said that ʿAbdullāh ibn ʿUmar never used water. This is narrated in the Musannaf of ibn Abi Shayba and it is authentic, inshāʾAllāh.

There was another narration which I found very interesting, narrated by al-Baghawi. He narrated that ʿAbdullāh ibn ʿUmar went to see Muʿāwiyah ﷺ and saw Muʿāwiyah was making istinjāʾ with water. He [ʿAbdullāh ibn ʿUmar] said, 'If this is what Muʿāwiyah is doing, then I am going to give it a try.' So ʿAbdullāh ibn ʿUmar used water and after he had used it, he went to Nāfiʿ' and said, 'This guy has a point. This water cleans really well.'

I want you to see the point that istinjāʾ' is not the aṣl according to a lot of them. But then I want you to understand that the discussion is centred on cleaning with water. Water definitely cleans. But to clean with water, you are going to have to touch the area with your fingers versus using an object.

When you are using an object (i.e. a big stone or a tissue paper) then you know what is happening each time. You are cleaning an area and the area itself might not be as washed super clean as it was before, but your fingers are being protected.

From a ʿaql point of view, and especially if you are living at that time, you would definitely prefer to use something other than your fingers. I can tell you now, personally speaking, I do not do istinjāʾ unless there is a soap afterwards to wash. I personally follow that opinion from the companions that the safer, cleaner principle is the istijmār.

At the same time, washing has its benefits as well. A clean backside is going to lead to clean underwear. Shaykh Waleed was telling me a story about Shaykh AbdulBary Yahya and I quote Shaykh Waleed, 'not only Shaykh AbdulBary does daʿwah, Shaykh AbdulBary's underwear also does daʿwah.'

Shaykh AbdulBary basically put his underwear, as we all do, to get it washed in a laundry. When Shaykh AbdulBary went to pick it up, the workers said, "We have to ask you a question. We wash underwear day and night. How come your underwear has no marks? It is all clean."

Shaykh AbdulBary explained, "We are Muslims, we do istinjāʾ, so we wash ourselves every single time."It got them talking and he became a Muslim. Now, I have got my own statements and comments to make about the story: a guy became Muslim because a man has clean underwear? There is something wrong there, aṣlan. But still it was a nice story. It works for the story.

The reason why I like it is because it is also narrated in the Musannaf of Ibn Abi Shayba (raḥimahullāh) that ʿĀʾisha (raḍī Allāhu ʿanhā) said to the female ṣaḥābiyāt "Tell your men to please wash themselves better because I am too shy to do that".

You need to know that if you were to summarize everything that we have said so far, we could summarize it by saying that it is an obligation to clean yourself from filth and that it is done in two ways: istinjāʾ covers the entire subject, it means cleaning private parts. If you are going to

be specific, 1) istinjāʾ then means using water [to clean private parts] and 2) istijmār means using jimār (stones or anything which is in an object or hard form).

I can say to you that there are prophetic statements and Qurʾānic indications for the water and there are very clear ḥadīth of the Prophet ﷺ in Ṣaḥīḥ Muslim and Ṣaḥīḥ al-Bukhāri. Everything with respect to not using water is found in many aḥādīth. To go further, many of the companions used to prefer doing istijmār and it's just common sense that it's good because you basically do not touch your private parts, you are not getting your fingers dirty, and it generally makes things easier afterwards.

Again in the Musannaf of Ibn Abi Shayba (with an authentic sanad), Sayyidna ʿUmar ؓ used to have a certain place where he would have a crack in the wall. In this crack in the wall, he would gather up all his stones.

Imagine you are in your garden and you have got some soil. In English it is called a clod. If the ground gets dry enough and you turn it over with a fork, you are going to get some clods which are very dry but if you were to press really super hard on it, it would crumble. This characteristic of clods make them excellent cleansing devices. They're an amazing مُسْتَنْجِى (mustanji), if you want me to be academic about it. This is because it is aerated and being aerated means it can soak up more than it's volume without the outside getting wet. Also, it's not so hard so it has that softness and crumbly nature.

Q: You mentioned about the ayah of Surat al-Māʾidah, ‘فَلَمْ تَجِدُوا مَاءً’ – it talks about number two, so what about when one urinates- does that mean you can't do tayammum?

A: No, the ayah is just giving a specific example of a number two, but the principle covers any way of going to the toilet.

Q: Is it permissible to do istijmār even if water is readily available?

A: Yes, I want to make this clear – we're not saying that there is a case that you can only use stones, tissue paper, or paper etc. only if water isn't available. This is not like tayammum. We're saying that even if there's plenty of water available, people prefer just to use tissues and stones

and so on. That used to be the way of the companions - even if there was water available, there were those who preferred istijmār over istinjāʾ. Don't think that this is an 'if' and 'or'.

There is a ḥadīth, but it is weak (Shaykh Al-Albani said it is very weak) – that it is better to do al-istijmār first, followed by al-istinjāʾ, which is basically what we all do. I hope that's what you do: istijmār first (tissue paper), and then washing (water), and I hope you guys use a bit of soap as well. Like I said, the ḥadīth that states this is very weak, but the scholars are happy with it because they know by experience that this is of course the cleanest and best way. If you're using something hard to get away all of the traces of filth so that your fingers will not be soiled when you go there with water, then it's a dream situation.

I want to say that regardless of aḥādīth, the top position is (and Shaykh ʿUthaymīn himself comments on it) that there is no problem at all with a person using sheets of tissue paper, and then washing with water. I'll give you more fiqh about that later.

I do want to say that there is a serious point to this and it's a wonderful reflective point. I know this is all funny and kind of a prude subject, but subḥānAllah, just like we all fully accept and believe and appreciate the blessings of food and drink and so on, i.e. everything that goes into our body, we should also appreciate and reflect upon the wonderful blessing and niʿmah of Allah ﷻ to allow things to go *outside* of our body. And that Allah SWT has sent us a Prophet who is so concerned that he told us what a niʿmah/blessing that is and there shouldn't be any doubt about that anyways.

You know people say to me: what do you dream about jannah? What car are you going to drive in jannah? I'm saying you don't need to sell jannah to me at all. I heard that you don't have to go toilet in jannah and that's it. You had me at 'no toilet' - you don't have to tell me the rest because all that is a bonus. Once I know that people won't defecate or urinate - and that's authentic from the Rasūl ﷺ. That's an indication that it's not fun having to go to the toilet, but going to the toilet is a raḥma and if you don't believe that, reflect on what happens when you're having incontinence or when you can't go or when you have kidney stones and how painful it is to urinate. When you see grown men crying in front of you when they have kidney stones or

they have catheters in or you have to have colostomy or lithotripsy done and all that, and you will realize that for this system to work and for it to come out of the two orifices in the way that it does is a raḥma from Allah, subḥānAllah.

I also want to say to you that the consent of the Rasūl ﷺ was something that impressed even his enemies. In Ṣaḥīḥ Muslim when they went to Salmān Al-Fārisi they said: 'Your prophet is teaching you everything!' – They said it like a diss. 'You are kids, you don't know anything, and your prophet has to teach you everything!' and Salmān was like: 'Was that a cuss or what?' He said 'I'm proud because he ﷺ taught me how to do this, how to make wuḍūʾ, how to clean myself, that when we go to the toilet we don't face the qiblah, to use three pieces, how to sit, and so on.'

So, we're proud of this chapter, we're proud of istinjāʾ, we're going to fly that flag of istijmār inshāʾAllāh and it is a blessing to know that there is a way to do this in a blessed way. Allah ﷻ has given you ʿibādah for free, even when you're going to the toilet, we have the chance to do it in the right way (like we are going to be teaching in the next couple of weeks) and you get rewarded for every single thing you do - the thought before going in, [your comportment] whilst in the toilet, while coming out, the process – you'll be rewarded for every single thing if you follow the sunnah in this matter. This is amazing, it's a bonus.

<u>Shaykh Waleed</u>

بسم الله الحمد لله والصلاة والسلام على رسول الله وعلى اله وصحبه ومن والاه

All Praise is due to Allah, and His blessings and peace be upon our Prophet Muhammad ﷺ and his family, companions, and followers.

First of all, I would like to thank Allah ﷻ for giving me the opportunity (and Shaykh Abu Eesa, jazāh Allāhu khayr) for two things: for giving me the chance to meet you and talk to you for these few minutes, and the second thing I would like to thank you all for is the revival of this concept which is studying fiqh.

Studying fiqh is one of the greatest acts of worship that you can please Allah ﷻ with. When I say fiqh, I mean the science of fiqh specifically (versus the science of ḥadīth, the science of ʿaqeedah, etc). The science of fiqh is an absolutely important subject in our religion. In fiqh, there is understanding; the ability to understand Islamic rulings and what they're based on, the evidences, how the scholars have driven the rule from a particular evidence, etc.

The Shaykh [Abu Eesa] not only stopped here; he also chose Zād ʾl-Mustaqniʿ which is a book from a madhab – the madhab of Imam Ahmad (raḥimahullāh). This is something I commend him for – not because I'm Ḥanbali – and I would say the same thing for any matn in fiqh ash-Shāfiʿī, Abu Ḥanīfa, or Malik because the science of fiqh has to be studied through a madhab. In my opinion, this will ensure that the student of knowledge will be able to study every single chapter in the books of fiqh. He made it even more interesting by choosing the sharḥ of Shaykh Muhammad ibn Sāliḥ ʿUthaymīn (raḥimahullāh) which exposes different opinions, and I was so pleased to hear the fiqh of the ṣaḥāba ؓ.

This is something very rare to be found in modern times, that people should bring *al-khilāf al-qadīm* (the old khilāf), as Imam ibn al-Qayyim said. Most of the time we're only exposed to what Shāfiʿī said, what Aḥmad said, what Mālik said, or even their students; we're rarely exposed to the people who came before them and the opinions of the Companions and successors who are higher in their level of knowledge. This type of knowledge is missing, so reviving and spreading it is something which is highly appreciated and you should it because it's very rare to find something like this. For it to be introduced to you in English is amazing and I really appreciate that.

Most of the peoples' questions, needs, and concerns revolve around two things – issues related to fiqh and ʿaqeedah. That's why the student of knowledge who masters these two fields are the real students of knowledge. It's very rare to encounter someone who asks a question about ḥadīth, qirāʾāt, and things like that. That's why the student of knowledge who masters these will be very beneficial to the community.

Going back to the concept of taking a madhab, it is impossible for us to know each and every issue in fiqh. It's impossible for any student of knowledge to cover all of it and have his own tarjeeh in every subject. Those who don't study madhabs, small issues come up in their lives and they don't know what to do. Those who study from a madhab have some kind of answer for typical situations related to daily activities. That's why I highly recommend you to stick to this method, study it, and continue with it without taʿaṣṣub (blindly following one opinion). In the end of the day, we base our position on what is authentic and correct.

I would like to comment on this issue of istinjāʾ. So many of ahl al-ʿilm consider joining the water with istijmār as the best form. There's a ḥadīth narrated by Ibn Abbas ﵄ that an-Nabi ﷺ praised the people of Qibāʾ because they followed istijmār with water. He is right when he says that this particular ḥadīth is weak, which is ḥadīth al-Bazzār and originally Abi Dāwūd. Also, Shaykh al-Albāni has mentioned another narration which he said is ḥasan: an-Nabi ﷺ asked the people of Qibāʾ why Allah praised them, and they said "Because we live in a place next to the Jews who used to wash their backsides with water, and we do the same." From that particular narration, we can understand that the concept of using both methods is good.

There's another thing I would like to say. So many times, when people use water, they make a big mess in the bathroom, and that's not right. Shaykh AbdulBary once told me he was in one of the bathrooms after an event for Muslims, and he heard two workers who clean the bathroom saying "Whenever these Muslims come here, they make a huge mess. What kind of religion is this? I don't think I'll ever be Muslim." He told me "Wallahi I was so ashamed to get out of the bathroom." So if you're going to use the bathroom, make sure you are not wasting and making a mess.

May Allah ﷻ accept from all of you.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

If we're going to use istinjāʾ in a generic sense, Shaykh ʿUthaymīn gives an iṣṭilāḥi (technical) meaning: [Iṣṭilāḥi means the legal/technical meaning, and the muṣṭalaḥ is the science (e.g. Muṣṭalaḥ al-Ḥadīth).]

وهو اصطلاحاً: إزالةُ الخارج من السَّبيلين بماء أو حَجَر ونحوه، وفي ذلك قطع لهذا النَّجس. وهذا وجه تعلُّق الاشتقاق بالمعنى الاصطلاحي.

It is the removal of anything which comes from the two orifices, either with water or stones (or something similar to that), thereby cutting off that najāsa.

Remember, that's what we said [about the nature of the word istinjāʾ]. The word naja means to cut off; that's the idea, you're cutting off the najāsa. [That's the lughawi (literal) meaning.]

Again, it is the removal of anything which comes from the two orifices (meaning the anus and the front passage) with water or stone and anything similar to that. What is similar to that? Back home, it's the clod of earth, and in our time it is tissue paper or any other paper… wet wipes, even. Wet wipes would not be water; it would fall into the category of istijmār even though it's wet.

Let's jump into the text.

بابُ الاستنجاءِ

The Chapter Of Cleaning The Genitals

You've just seen what the definition of istinjāʾ is, but I've just translated it for the title's purpose as cleaning the genitals, even though we know that istinjāʾ is – not just the cleaning , but the removal of anything which comes out [of the two orifices] with water or stones, etc. Understand that we had to be very brief in translating the title.

هذا الباب يسميه بعضهم : بباب الاستنجاء ، ويسميه بعضهم : بباب آداب قضاء الحاجة ، ويسميه بعضهم بباب الخلاء ، وآداب الخلاء

Shaykh Muhammad Mukhtār al-Shinqīṭi (ḥafidhahullāh) also mentions a point here. Basically, he says that if you look at this across the different madhāhib, the scholars use many different words to describe this chapter. Some called is Bāb al-Istinjāʾ, some called it Bāb al-Istijmār, some called it Bāb Ādāb Qaḍāʾ al-Ḥājah (Etiquette of Fulfilling One's Need), and some called it Bāb al-Khalāʾ wa Ādāb al-Khalāʾ (Etiquette/Mannerisms of Going to the Toilet).

All of these have a basis - obviously, because they describe the action. Linguistically, we're talking about something very similar. In my opinion, what's interesting is that each of these definitions have a textual proof. For example, if you called it the Chapter of the Etiquettes of Fulfilling One's Needs:

In Bukhāri, in the authority of Anas ibn Mālik, the Prophet ﷺ said [إذا قَعَدَ أحدُكُمْ لحاجَتِه] , *"When he would go out to deal with his need (ḥājatih)"*. So the word ḥājah has been mentioned.

That's why the scholars used those words, 'Fulfilling One's Needs'. Then he says "*I would follow him and my servant would follow him and take something with us with water, so that we could pass it to him*".

ومن سمّاه بباب الاستنجاء فقد إستنبط ذلك من حديث سلمان رضي الله عنه ، وفيه : " نَهانا أنْ نَستنْجِي بروثٍ ، أو عظمٍ " فقالوا : باب الاستنجاء .

If you call it Bāb al-Istinjāʾ, then we have the ḥadīth of Salmān al-Fārisi which we mentioned last week. Remember I told you about the mushrik who came and said "Your prophet is strange. He has to teach you everything. You don't know anything. He even has to teach you how to go to the toilet." He was expecting Salmān al-Fārisi to be offended by that. Is that a cuss? We're proud of that. In fact, he said:

لقد نهانا أن نستقبل القبلة لغائط أو بول

"Yes, indeed, he prohibited us from facing the qiblah when we defecate or urinate,

أو أن نستنجي باليمين

or doing istinjāʾ using our right hands,

أو أن نستنجي بأقل من ثلاثة أحجار

or that we do istinjāʾ using less than three stones, (*Notice how istinjāʾ is used to cover stones as well when it's in the general sense)

أو أن نستنجي برجيع أو بعظم

or that we makes istinjāʾ with dung or bone."

That's the evidence why people call it Bāb al-Istinjāʾ, and that's why we call it that. He said nastanjiya (we make istinjāʾ) three times.

The other very common name for this chapter is Bāb al-Istiṭābah. What do you think istiṭābah means, using the little Arabic principle that we taught last week? Last week, we discussed that there is the verb form, istafʿala. The 'ist-' refers to seeking the action or achieving the state. Achieving the state of what? In the word istiṭābah, the *alif*, *seen* and *ta* refers to seeking ṭābah. Ṭābah comes from ṭayyib, which means: good, nice, clean. This is also the word for ṭīb, which means perfume. Ṭayyib is more than just healthy; it has niceness, cleanliness, and refreshment involved. Effectively, istiṭābah means beautification of oneself. That's the idea here - cleaning oneself down below to make it nice and clean. That's the concept there.

Why did they call it Bab al-Istiṭābah? In the ḥadīth of Abu Hurayrah رضي الله عنه narrated by Abu Dāwūd with a good chain, the Prophet صلى الله عليه وسلم said:

فإذا أتى أحدكم الغائط فلا يستقبل القبلة ولا يستدبرها، ولا يستطب بيمينه

"If anyone of you wants to defecate then don't face the qiblah, don't put your back to the qiblah, and do not make istiṭābah with your right hand."

So the word istiṭābah has been mentioned.

I also mentioned: Bab al-Ādāb al-Khalāʾ (The Chapter of the Etiquettes of Going to the Toilet). Khalāʾ means going to the toilet. The word khalāʾ comes from khāli, which means empty, or open in Arabic. It means open, desert, isolation. That's where the word khalwa comes from. When we talk about the fact that it's haram for a man and woman to have khalwa, it means that they're isolated together. So it's just the two of them with no-one else around. The idea is that either you're isolated because no-one is around for miles, or you're in a closed room and no-one can see you so you're isolated. This is the khalwa, and it comes from the same word as khalāʾ, so when we say khalāʾ, we're talking about the back end of the garden (if you're back in the Pind), and if you're in the Arab lands it means finding some sand dune and crouching down and doing the behaviour. The point is, it means outside/finding cover.

Why did some scholars mention that this is the Chapter of the Etiquette of Khalāʾ, i.e. the toilet outside? Because again in Ṣaḥīḥ al-Bukhāri and in Ṣaḥīḥ Muslim it says:

أن النبي صلى الله عليه وسلم كان إذا دخل الخلاء قال: اللهم اني أعوذ بك من الخبث والخبائث

'When he would go to the toilet outside (khalāʾ), he would say: "Allahumma inni aʿūdhu bika min al-khubthi wa'l-khabāʾith"'

So you shouldn't get confused when you see the scholars calling the chapter different names; all of them have some textual basis.

We're going to start with the discussion of what to do when you're in the toilet. That's strange because there were no toilets at the time of the Prophet صلى الله عليه وسلم. In fact, toilets are new-ish,

emerging in modern history as opposed to ancient history. I don't mean what the Romans would call the 'water closet', which is what it was called in Victorian times. People started to become forward and westernised, and one of the key signs of westernisation and modernisation was to have your own separate toilet that has plumbing and so and so forth. Yes, the early indications do show that the outside toilets might have been covered and it might have been a dedicated area, but in principle it would be wherever you can go as far away from the people etc. It's all about going outside.

That presents a number of issues, such as: how do you enter upon such an area and how do you leave such an area when it's outside? It presents the issues of duʿāʾ, it presents the issue of the modern bathroom. There was never such a thing as the modern day bathroom back then. The modern day bathroom is a clean place. Now, it has sinks, people make wuḍūʾ in it and have showers, and all kind of things are in there. Rare is it that you would find a separate toilet in the house. Some of the old houses from the 1920s or 30s have separate toilets, but that is the step in between old times and modern times. Now a bathroom is a very nice, clean place. Maybe even the cleanest place in the house. I think it is the cleanest place, it's the place that gets cleaned the most.

Anyway, Imam al-Ḥajjāwi (raḥmat Allah ʿalayh) says in the text of Zād 'l-Mustaqniʿ:

يُسْتَحَبُّ عندَ دخولِ الخلاءِ قولُ : (بِسْمِ اللهِ، أَعُوذُ بِاللهِ مِنَ الْخُبْثِ وَالْخَبَائِثِ) وعندَ الخروجِ منه : (غُفْرَانَكَ، الْحَمْدُ لِلَّهِ الَّذِي أَذْهَبَ عَنِّيَ الْأَذَى وَعَافَانِي،

وتقديمُ رِجْلِه اليُسرَى دخولًا ويُمْنَى خروجًا عكسَ مسْجِدٍ ونَعْلٍ، واعتمادُه على رِجلِه اليُسرَى، وبُعْدُه في فَضاءٍ، واستتارُه، وارتيادُه لبَولِه مكانًا رِخْوًا، ومَسْحُه بيدِه اليُسرَى إذا فَرَغَ من بَوْلِه من أَصْلِ ذَكَرِه إلى رأسِه ثلاثًا ونَتْرَه ثلاثًا، وتَحَوُّلُه من مَوضِعِه ليَسْتَنْجِيَ في غيرِه إن خافَ تَلَوُّثًا.

The following are recommended: (1) when entering the toilet to say: "With the name of Allah. I seek protection with Allah from all devils and evil" and when exiting: "I seek Your forgiveness. All praise be to Allah who removed from me all harm, and pardoned me"; (2) beginning with the left foot when entering and the right when exiting, as opposed to the Mosque or wearing slippers; (3) supporting one's weight on the left foot; (4) being far away in open spaces; (5) being concealed; (6) urinating on soft ground; (7) after urinating to use the left hand to squeeze the penis starting from its base to its head, three times, and to shake it three times; (8) moving to another place to clean the private parts if soiling oneself is feared.

This is a relevant time to talk about things which are seen as private, embarrassing or difficult. This is a chapter that is difficult not to laugh at or smile at because you're talking about private parts and disgusting things like going to the toilet and things like that. If you give me a subject like that, I'm going to have a field day, but the reality is that it is important that we enjoy our jokes and that we understand that this is knowledge. We have to understand that when we

study it, we study it graphically and in detail, so you need to put away your shyness and your embarrassment. There is no shyness when it comes to learning the religion. Shyness is in practice and in front of other people. When it comes to this type of scenario, you have to be able to see through me as a person and just see me as a teacher who is just telling you how something is.

Abu Mūsa al-Ashʿari ﵁ came to ʿĀʾisha (raḍī Allāhu ʿanhā) and he said to her, "I want to ask you a question but I'm so embarrassed'. ʿĀʾisha (raḍī Allāhu ʿanhā) said, 'Ask and don't be embarrassed. I'm your mother'. She said this because she is from the Ummahāt al-Muʾminīn, not his real mother. She is our mother. The point is not that she's his mother; the point is that she's teaching him.

Then he explained a very important part of ghusl after sexual relations and about the meeting of the two circumcised parts. He said asked her, "Do we need to make ghusl if there was intercourse without ejaculation?" ʿĀʾisha (raḍī Allāhu ʿanhā) said,
"Yes. Ejaculation is not the issue. If the two circumcised parts meet (meaning there was penetration), then there has to be a ghusl," That was said in a way which was very confident and very clear.

Also, ʿĀʾisha (raḍī Allāhu ʿanhā) was there when the women of Anṣār came to the Prophet ﷺ asking very detailed questions about the nature of their bleeding, how to clean themselves down below, and their genitals - in detail. ʿĀʾisha (raḍī Allāhu ʿanhā) said, "How good are the women of the Anṣār that shyness did not keep them away from learning their religion."

One of the most [important] statements that I learned when I was starting my studies was the statement from ʿAbdullāh ibn ʿAbbās ﵁; he said that the one who is shy will never learn. He was talking generally about having the courage to speak up. If there is a pressing matter and you do not feel like you want to interrupt or you feel shy to raise your voice in a gathering of big people (and they are all bigger than you, they are all more experienced than you and you do not know), you should ask the question. Being shy does you no favour whatsoever. So that is why *you will not learn*. Likewise, the extension of that is in the matters that are delicate and sensitive as well.

So I want you to know that. We are going to be going into detail but that is necessary in this chapter and of course we will get a lot more graphic later on as well.
Anyway, the Shaykh said:

يُسْتَحبُّ عِنْدَ دُخولِ الخلاءِ

The following are recommended when entering the toilet.

I have said 'the toilet' because I cannot keep using 'open ground' [the actual meaning of khalāʾ (الخلاء)]. I have to say 'the toilet' because we do not go there [open ground]. We just use the toilet.

The scholars differed over the word mustaḥabb. We have already defined mustaḥabb as 'recommended'. It is something which - if you do it, you get rewarded for it and if you do not do it, you are not punished.

لا يعاقب على تركه

You are not punished if you leave it.

But the Shaykh says, "What does mustaḥabb actually mean? Is it a synonym for the word masnūn?" Is the word mustaḥabb an exact translation or synonym for the word masnūn (meaning sunnah of the Prophet ﷺ.)? Or is the word mustaḥabb something slightly different from the word sunnah? When we said 'this is sunnah' and 'this is recommended', is there a subtle difference?

The Shaykh suggests that if there would be a difference, would that difference be because the word masnūn is mā thabata bi daleel (ماثبت بدليل), meaning 'that which has been established by a textual evidence' (i.e. from the Quran or the sunnah) that would therefore be something masnūn?

Mustaḥabb is something thabata bi taʿleel (ثبت بتعليل), meaning that this is something which the mind comes to from a deriving from the principles - not a direct, stated evidence in the texts [the Quran or the sunnah]. Basically, when you started looking at the system and thinking about how he is, what he ﷺ would do, thinking about the benefits of the people, thinking about things which fulfill the general maqāṣid (objectives) of sharīʿah which are praiseworthy in and of themselves and they are not bad, then we generally put them under the category of mustaḥabb (recommended). It is recommended because you fulfill a principle in Islam, as opposed to it being specifically stated.

The Shaykh is asking if that is what the real case is - that mustaḥabb is that which is derived in that sense, and masnūn is something else which is established by evidence.

Shaykh ʿUthaymīn says that some of the scholars said:

فقال بعضهم: الشَّيء الذي لم يثبت بدليل، لا يُقال فيه: يُسَنُّ، لأنك إذا قلت: «يُسَنُّ» فقد أثبتَّ سُنَّة بدون دليل،

Something which does not have evidence (i.e. specific, direct, explicit evidence) for it, this is not something which is called sunnah. This is not something that you would say 'sunnah' because once you say "يُسَنُّ" (that this is the sunnah of the Prophet ﷺ), you have said that this is the action of the Prophet ﷺ without textual evidence.

أما إذا ثبت بتعليل ونظر واجتهاد فيُقال فيه: «يُسْتَحب»؛ لأن الاستحباب ليس كالسُّنَّة بالنسبة لإضافته إلى رسول الله صلّى الله عليه وسلّم

The word taʿleel (تعليل) is when you try to find the reason behind something. Or naẓar (نظر) means 'look', but here it means to think and reflect upon something. Ijtihād (اجتهاد) means that you are making a decision about something which is not very clear and therefore you are generally going out on a limb when you give a fatwa.

That is why the ijtihād of a scholar is granted two rewards if he gets it right, and if he gets it wrong he gets one reward. The idea is that what he was making the ijtihād on, is not clear. It was not clear from the sources; therefore, he has to go out there.

Generally, when you are using the word mustaḥabb, it is a term which is not strictly saying, "The Prophet ﷺ did this action." We are just saying that it is a recommended action because it fits with the principles of Islam. There's nothing wrong with it, the early companions might have done it, the scholars did it, there is a lot of barakah in it – all these general roundabout terms without saying the Prophet ﷺ *definitely* did this action, in this moment, in this time; or that Allah said to do it for this reason, at that time, etc. This is something which is taken from a book by al-Ḥajjāwi in uṣūl [Footnote no. 1 p103 Sharḥ Mumtiʿ].

On the next page, he [Shaykh ʿUthaymīn] says,

وقال أكثرهم: لا فرق بين «يُستحبُّ»، و«يُسَنُّ»؛ ولهذا يُعبِّر بعضهم بـ«يُسَنُّ» وبعضهم بـ«يُستحبُّ»

The majority of the scholars said: there is no difference between the words "this is recommended" and the word masnūn or Sunnah; that is why you see many scholars using the words interchangeably. (i.e. This is sunnah/mustaḥabb).

Shaykh ʿUthaymīn says,

«ولا شَكَّ أن القول الأول أقرب إلى الصِّحة، فلا يُعبَّر عن الشَّيءِ الذي لم يثبت بالسُّنَّة بـ«يُسنّ»

There is no doubt - if we are going to look at these two opinions, the first one is closer to the truth, and we should not say something is a sunnah if it has not been done by the Prophet ﷺ.

That is the position that I am going to hold, and I think that is a very good position to be taught as well inshāʾAllāh.

> [QUESTION]: How is a student of knowledge to know what is being referred to when he comes across texts or in a something in a lesson?
>
> It is a very good question and certainly a very difficult one, because most of the time they are going to be reading in English. It's the age-old problem of the word 'recommended'. When I say that it's recommended, you generally do it because you think to yourself, "My Shaykh said recommended…"; you do not really think 'Does 'recommended' here means sunnah or not?'
>
> This goes back down to the teacher, so this just shows the level of Shaykh ʿUthaymīn. Most people, when explaining this chapter, would just read move on after saying, "Okay, these are the things which are recommended: one, two, three, four…", but Shaykh ʿUthaymīn is a scholar of the highest order. You don't just leave a phrase and assume. He does not assume. He knows that there are people who are going to be reading into this. So when you read a statement about this from someone like Shaykh ʿUthaymīn, you know that he is aware of the debate. Many teachers are not even aware of the difference between sunnah and mustaḥabb and they would just go out and say it. So it would depend upon the teacher and the level of the teacher as well.
>
> It depends upon the language as well as the quality of the work. But in English, it is a disaster. We always say, "You should do this and you should do that…"? What does the word 'should' mean? 'Should' has no translation in Arabic. It has to be obligated, or recommended, or ḥarām or it is makrūh. But in English we do not say that. We do not say, "It is obligatory to you to do that." We say, "Brother, you should pray now," or "You should do this," or "You should not do this."
> So we used 'should' and 'should not' for the two opposites, obligatory and ḥarām. That is a problem.
>
> Translations are inherently going to have a problem, but [to address] the original question "How are you going to know in a text?", I think that we should assume and that is why I have always assumed as a student. For the last *x* amount of years, I have always said that when I come across the word mustaḥabb, my heart never accepts it as the sunnah of the Prophet ﷺ until I see a statement of the Prophet ﷺ.
>
> It's quite possible for the person to say that it's mustaḥabb and it *is* a sunnah, but I'm only going to believe that if I know it's a sunnah. Otherwise, when I come across 'recommended', I'm going to go ahead with the action anyway, because this is what we do. We trust our scholars as long as we know they are scholars. But am I going to read 'mustaḥabb' as 'this is the action of the Prophet'? No, and I don't think you should, either, and that is why it is a beneficial point that you just learned there inshāʾAllāh.

The Shaykh says that the first thing you should say when you enter the toilet is bismillāh. This is a sunnah that has been narrated by ʿAli ibn Abi Ṭālib ﷺ on the authority of the prophet ﷺ that he said,

سَتْرُ ما بين أعيُنِ الجِنِّ، وعَوْرَاتِ بني آدم، إذا دخل أحدُهم الكَنيفَ أن يقول: بسم الله

A barrier is placed between the eyes of the jinn and the ʿawrah of humans when you enter the toilet and you say bismillāh.

When you are about to go into the toilet, you say bismillāh. It's actually not for the toilet per se - it's when you take your clothes off. When you take your clothes off, you say bismillāh, and saying it immediately creates a barrier to the eyes of the jinn and prevents them from seeing your private parts.

We haven't covered the word ʿawrah yet, but we will discuss it very briefly now. The word ʿawrah is referring to the parts of the body which are ḥarām to be displayed to non-maḥram people. The word maḥram, by the way, means the person you are not allowed to marry. Your father is a maḥram, your mother is a maḥram, your brother is a maḥram, your sister is a maḥram, your children are your maḥrams, etc.

Of course, your husband/wife could never be your maḥram in a technical sense because you are already married to them. However, legally, they are your maḥram, meaning that you are allowed to see one another's private parts, you can be isolated with them, etc.

I don't want you to understand the word maḥram simply as 'people you can't get married to'. The word maḥram is much bigger than that. It means those people you can't get married to, people who you are allowed to be isolated with, that you are allowed to travel with, etc.

So ʿawrah is that which can only be seen by the maḥram. Ghayr maḥram (a non-maḥram) cannot see it. When they use the words 'foreign' or 'stranger', this is what they mean. They mean a non-maḥram. For example, a random brother/sister can't see it. Cousins also can't be seeing it.

That is probably the biggest challenge for Muslims – cousins. People see them as part of the family, but they are not part of the family in that they are not maḥram, so it's not allowed to uncover certain parts of the body.

The ʿawrah has two parts - soft ʿawrah and hard ʿawrah. Hard ʿawrah is always referring to private parts, whereas soft ʿawrah is:

- for the woman, the entire body except her face and her hands
- for the man, it is everything between the navel and (at least) the thigh, and according to the stronger opinion, from the navel to the knee.

Hard ʿawrah is the woman's private parts and her breasts, and for the man it's the private parts by itself. These are the parts which we are shy about and we keep hidden, because the ʿawrah is what we keep hidden.

What are jinn doing around in these places? Actually, it's *all* about the jinn. In fact this entire beginning is about the jinn, when you really think about it. I will talk about now as we go into this the next statement.

So, this 'bismillāh' is a general principle that applies not just to the toilet, but to any time you take off your clothes. This ḥadīth has been narrated by Imam at-Tirmidhi in the Chapter of Ṣalāh: What Is Mentioned From Tasmiyah (meaning bismillāh) When You Enter Into The Toilet, and it's also mentioned by Ibn Mājah as well.

Imam at-Tirmidhi said this is ḥadīth gharīb (strange); we do not know it except by this way of narration, and the sanad is not that strong, either.

Imam ad-Dāraquṭni said this ḥadīth is not established and he said that in al-ʿIlal. Al-ʿIlal is Imam Dāraquṭni greatest work on the hidden faults of ḥadīth.

Imam an-Nawawi also considered this ḥadīth to be weak, and he mentioned that in al-Khulāṣa, number 326. So far, we're saying it's weak, weak, weak; *except* this ḥadīth has shawāhid.

Shawāhid means supporting narrations/evidences. We know that the ḥadīth itself has some weakness, but then we start to bring out the supporting narrations and it gives strength to the original principle/point. It might not give strength to the wording, but it will establish the masʾalah (principle/point), or the fiqh position.

What are the shawāhid?
The muḥaqqiq says that it strengthens the original narration and that is from the ḥadīth of Anas and the ḥadīth of Abu Saʿīd al-Khudri and the ḥadīth of Ibn Masʿūd and the ḥadīth of Muʿāwiyah ibn Ḥaydah and then that is why Mughalṭāy considered the ḥadīth to be authentic. It was considered to be ḥasan (meaning acceptable, fair, one degree down from authentic) by Imam Ibn Ḥajar and Imam as-Suyūṭi, Imam al-Manāwi, and other scholars. So the ḥadīth is okay and it is established inshāʾ Allāh and 'bismillāh' is a statement that can be said.

Then we have this very interesting statement which is well narrated by many people we already know.

A follow up statement is – «أَعُوذُ بِاللهِ مِنَ الْخُبْثِ وَالْخَبَائِثِ»

This is because of the ḥadīth of Anas ibn Malik ﷺ narrated in Ṣaḥīḥ Bukhāri and Ṣaḥīḥ Muslim that the Messenger of Allah ﷺ would say [the following] when he would enter the toilet:

«اللهم إني أعوذ بك من الخُبُثِ والخَبَائث»

In the text of Zād ʾl-Mustaqniʿ, Imam al-Ḥajjāwi narrates the ḥadīth as
«أَعُوذُ بِاللهِ مِنَ الْخُبْثِ وَالْخَبَائِثِ»

Khubthi (خُبْثِ) has a *sukoon* but when you put a *ḍamma* on it, it becomes khubuthi (خُبُث), and that is what is narrated in Ṣaḥīḥ Al Bukhāri in this narration that Shaykh ʿUthaymīn is quoting. In the text it is khubthi with a sukoon. I just want you to make a note of that.

On page 105, Shaykh ʿUthaymīn goes into an interesting discussion. He says [with regards to] the word khubth that when you use a sukoon, it is khubth; and when you use a ḍamma, it is khubuth. If you keep it with 'riwāyat at-taskīn' (رواية التَّسكين) meaning with sukoon, then it means 'evil' (الشَّرُّ : al-sharr). If you use the word al-khabāʾith (الخبائث), then it means 'those souls which are evil'. When you use the narration (both are authentic narrations by the way) which is khubuthi with a ḍamma, then the khubuth is jamʿ of khabīth, which means 'disgusting'. Khabāʾith is jamʿ of khabīthah. Here, if you use the words khubthi and khabāʾith, then as Imam Al-Khaṭṭābi said, you are indicating male shayāṭīn (khubth) and female shayāṭīn (khabāʾith). The Shaykh says that taskīn (so, khubthi) in the aḥādīth is actually more narrated in principle, from the sunnah.

He says: "والتسكين أعمُّ، ولهذا كان هو أكثر روايات الشُّيوخ كما قاله الخطابي رحمه الله"

Actually, I think that this statement is not so accurate. I heard a number of my teachers criticize this statement that the riwāyah of taskīn (khubthi) is more spread. But this is the Shaykh's opinion and that's fair enough. Maybe the problem is not with Shaykh's opinion; actually, maybe the problem is with Imam Al-Khaṭṭābi's opinion. That's a fair criticism. The point is that both of them are authentically narrated – khubth *and* khubuthi.

Now, in my translation into the English, I took the liberty of giving you the 'khubthi wa al-khabāʾith', and making you understand that it's referring to both. I combined it by saying "all evil" and then I said "all devils". That's the reason for my translation (because you might say that I didn't break it down into khubuthi and khubthi, as it should be).

Shaykh ʿUthaymīn says that there is an obvious benefit in this kind of starting; there is a fāʾidah in saying 'Bismillāh' because it is giving you cover and it's giving you a barrier between you and the shayāṭīn. That's clear.

وفائدة هذه الاستعاذة:

As for the benefit of al-istiʿādhah*…

*istiʿādhah means ‘aʿ ūdhu billāh min ash-shayṭān ar-rajīm’ (اعوذ بالله من الشيطان الرجيم) - these are technical terms. Bismillāh is simply when we say bismillāh (بسم الله), and the Basmalah is ‘bismillāh ar-Rahman ar-Rahim’ (بسم الله الرحمن الرحيم) – that’s technically speaking.
Also, when we say “aʿūdhu billāh” or “al-ʿiyādhu billāh”, this is also istiʿādhah. The word ‘istiʿādhah’ means to seek refuge or the protection of Allah, billāh (بالله- with Allah)

وفائدة هذه الاستعاذة: لالتجاء إلى الله عزّ وجل من الخُبث والخبائث؛ لأن هذا المكان خبيث، والخبيث مأوى الخبثاء فهو مأوى الشَّياطين، فصار من المناسب إذا أراد دخول الخلاء أن يقول: أعوذ بالله من الخُبث والخبائث. حتى لا يصيبه الخُبث وهو الشَّرُّ، ولا الخبائث وهي النُّفوس الشِّرِّيرة

The Shaykh says that it is very relevant that we use these words of istiʿādhah because we’re entering into an area where it’s dirty. It’s not some kind of entertainment area. Only dirty things happen and shayāṭīn/jinn are very frequent and evil is frequent. We have to therefore ask Allah ﷻ for protection. Also, don’t forget that when we go in, we’re alone – we can’t even do dhikr, or the things you would say to protect yourself from jinn. It’s important to understand that the jinn is what we’re seeking protection from. Jinn are creations that are exactly like us; they have good and bad, and some of them are Muslims.

Allah ﷻ says in Sūrat al-Jinn:

﴿وَأَنَّا مِنَّا الْمُسْلِمُونَ وَمِنَّا الْقَاسِطُونَ ۖ فَمَنْ أَسْلَمَ فَأُولَٰئِكَ تَحَرَّوْا رَشَدًا﴾

“Some of us submit to Him and others go the wrong way: those who submit to God have found wise guidance.”

The jinn are speaking and saying: from us, there are muslimūn and qāsiṭūn (non-Muslims). As for those who *aslam* (become Muslim), they have thought about it (made taḥarri) and they have become rashīd (guided).

﴿ وَأَمَّا الْقَاسِطُونَ فَكَانُوا لِجَهَنَّمَ حَطَبًا ﴾

“…but those who go wrong will be fuel for Hellfire.”

As for the kuffār of the jinn, they are just ḥaṭaba (firewood) for jahannam.
So, jinn are good and bad, Muslim and non-Muslim. Every single person has a jinn with them. That jinn is called the ‘qareen’ and everyone is under threat from the qareen. This is very clear from the ḥadīth in Bukhāri. What did the Rasūl ﷺ say about his qareen? He said ‘Allah

helped me.' It's very interesting - he didn't say 'I dealt with him'. He said 'Allah helped me against my qareen and so he became Muslim' –which, by indication means that if he had been left by himself, he wouldn't have been able to deal with it. It also indicates that the rest of them are non-Muslims. That's the Jinn that is whispering in our ears all the time. Remember, jinn and devils are synonymous. When a jinn is evil and kāfir, that is effectively what the Shayṭān is. Shayāṭīn are all jinn, but there are also normal Muslims from them as well.

So, I want you to understand that jinn are important creations to appreciate. They live amongst us, they have human form. They see us and we can't see them. That's what the word jinn actually means - that which can't be seen. That's why jannah is called jannah, because it can't be seen. It's unseen to our eyes.

They have preferences in terms of where they go. They generally hang around in rubbish dumps, open areas where people defecate, and toilets. These are their preferred areas.

We have many aḥādīth, like the ḥadīth of ʿAbdullāh bin Masʿūd comes to mind in Ṣaḥīḥ al-Bukhāri from the Prophet ﷺ about when they asked ʿAbdullāh bin Masʿūd to recite Qurʾān to them, so he did. Then the jinn showed ʿAbdullāh bin Masʿūd their camp, where they sit, where they hang around, and their fires etc.

They asked ʿAbdullāh bin Masʿūd for food. In this ḥadīth, the Prophet ﷺ has obviously told ʿAbdullāh bin Masʿūd what the food is, because ʿAbdullāh bin Masʿūd told them that they can have the bones from the halal animals that we eat and make tasmiyyah over, and to also have the droppings and feces from us and the dung from our animals for their animals.

So, our bones from our meat are their meat, and our droppings and waste is food for their animals. You'll see in this chapter that it's not allowed to use bones to clean oneself with. You might be thinking, 'why would I be using a bone for?' But when you're out there, that's exactly what you do; you use bones and dung especially.

Dung is actually perfect, because it's not completely full; it's porous, soft, and just imagine the nature of cleaning something with something which has some softness to it, especially when it becomes dry. This is the reason, because the Prophet ﷺ has said that the jinn can use it.

I'm sure you've heard something along the lines of 'you're upsetting the jinn by doing things like that.' You're going to upset the jinn if you keep wiping yourself with these things, then leaving it for them to eat it.

That's why they said to not urinate underneath trees, and the trees which have holes in them, because there might be animals in there and it's also seen as the resting place for jinns.

If you go back to the Muslim countries, you'll hear loads of stories. There was a Muslim guy who had been drinking, so he got drunk and urinated on a tree. The people saw him do that and told him not to, but he wasn't bothered. The next day, he was found smashed up into pieces. We've heard many stories like that where they've been killed and thrown off cliffs.

I don't know if that happens here, but we do help ourselves in avoiding trees by going to the toilet. But I want you to appreciate the issue, because it is important.

So, the jinn are in these toilets and areas and we need to be aware of that.

Shaykh ʿUthaymīn mentions,

والعندية في كلام المؤلِّف هنا تعني قبل الدُّخول

He's says, ʿinda dukhūl – 'when you enter' – what does 'enter' actually mean? When you actually go in? No, the Shaykh says it means *before* you go in. If you are going into an area which is a toilet, then you say it before going in.

What about the big hotels and fancy places that have huge bathrooms which are beautiful and clean and it has the cubicles? Could it be argued that you don't say anything when you walk into this area, but when you walk into your cubicle, and then you say it? It can be argued that the toilet here is not the whole bathroom, the toilet is the cubicle.

I don't argue it though and I don't risk it. It's a doubtful matter and a new thing. It never used to be like that before, so when I go into the bathroom, I make my duʿāʾ, as opposed to waiting right to the very door of the cubicle. But if someone didn't do that, would I say it's ḥarām? I wouldn't, I'd say it's a matter which has doubt in it.

You have to understand that dhikr and mentioning Allāh SWT's name has karam (honour) and you've got to look at your surroundings and think if this is the right place, even though it's a bathroom.

We do, by extension, accept that it is okay to make dhikr, because when we come to the issues of wuḍūʾ and what to say at the beginning of wuḍūʾ, during and after it, we say it's no problem. And we say that because we're now focusing on such a specific area of this wonderful, clean bathroom, which is effectively the water part and that we're far removed from the toilet.

In truth, if we're okay with that, we should have no problem allowing the duʿāʾ to be said when we're at the cubicle. So, there is a discussion there.

It gets even more complicated with the toilets at home, because in our bathrooms, we don't have a cubicle, it's in the corner and you can actually see the toilet.

There is a difficulty there and no scholar would be able to say that this is the exact situation, because the Prophet ﷺ didn't allow for that in his statement. He did not go into a room, but to an area. And when you go into an area, there's further discussion. So, when should you do it?

I will summarise the position of Shaykh ʿUthaymīn and my own, that before you walk in through a door, to the bathroom/toilet, you make this specific duʿāʾ:

بِسْمِ اللهِ، أَعُوذُ بِاللهِ مِنَ الْخُبْثِ وَالْخَبَائِثِ

Bismillāh, aʾūdhu billāh min al-khubthi wa al-khabāʾith

And if you are out in the open area, Shaykh ʿUthaymīn says that you say it the second you start to take off your clothes.

Shaykh Muḥammad Mukhtār ash-Shinqīṭi said,

عندما يرفع ثوبَ

"When he lifts his thobe up…"

For us, that's a synonym for when taking our trousers down - that is when you would say it, because you're out in the open and there's no door.

Shaykh ʿUthaymīn also said this is something which is said out loud. And if someone cannot speak, he's forgiven.

Q: What about en suite bathrooms in bedrooms?

Ustādh AE: An en suite bathroom is closed off, so I think that's okay, inshāʾAllāh.

Then al-Ḥajjāwi says,

وعندَ الخروجِ منه: غُفْرَانَك

"And when we're coming out of the toilet, we should say, 'ghufrānak.'"

It is a sunnah to say, 'ghufrānak' after coming out and this is because of the authentic ḥadīth of ʿĀʾisha (raḍī Allāhu ʿanha) that the Prophet ﷺ said,

كان إِذا خرج من الغائط قال: غُفْرانك

After defecating, and coming out of the area and out into cleanliness or the open, he would say, 'ghufrānak.'

This ḥadīth has been narrated by Imām Aḥmad and Imām Abū Dāwūd in the chapter of purification and also by at-Tirmidhī who said this is ḥasan gharīb, and Abū Ḥātim al-Rāzi said,

هو أصحّ حديث في هذا الباب

"This is the most authentic narration in this chapter."

Ibn Ḥibbān has authenticated it, as did al-Ḥākim, Imām an-Nawawi, and Imām ibn Ḥajr al-ʿAsqalāni, raḥmat Allāh ʿalayhim ajmaʿīn, so this ḥadīth is authentic, inshāʾ Allāh.

والعندية هنا بعديّة

'Wa ʿinda al-khurūj' (whilst coming out) is different. 'Whilst coming out' means after you've come out. Whereas the 'ʿindiyyah', 'with going in', was before going in. So, after you've completely finished and you're coming out into the clean area is the idea.

فإن كان في البَرِّ فعند مفارقته مكان جُلوسه.

If he was outside in the open, it's the second that you move from the area that you've just 'had the toilet' in.

If you`re in the toilet, it's when you open the door and come out. If you are in a bathroom, I think it's acceptable for you to say it when you go to the sink. You can say it at the sink, but if you didn't and id it when you were coming out of the actual door of the bathroom, that's acceptable as well.

وقوله: «غُفْرَانك»، غُفْرَان: مصدر غَفَر يَغْفِرُ غَفْراً، وغُفْرَاناً، كشَكَرَ يَشْكُر شُكْراً وشُكْرَاناً

The word ghufrānak comes from the word ghufrān. The maṣdar (it's a verbal noun) from ghafara yaghfiru ghafran wa ghufrānan. This is the same as shakara yashkuru shukran wa shukrānan.

When we say ghufrānak, there are assumed words, which are not stated but they are assumed to be there (this is what we call taqdīr in Arabic).

تقديره: أسألك غفرانك

ʾ Asʾ aluka ghufrānak, [which means] "I ask you (yā Allah) ghufrānak". Ghufrānak by itself just means 'your forgiveness'. That's all the Prophet ﷺ said – 'your forgiveness'. You might say that that doesn't make sense, but it does in Arabic because we know that in the brackets it says 'O Allah, I ask you your forgiveness'. This is very common in the Arabic language.

The dua that is said – there is a munāsabah (a reason) why the words istighfār or ghufrān (forgiveness), ʿ āfiyah (pardoning) are being used.

Do you know what ghufrān means? We understand it as 'to forgive'. The word ghafara also means to cover, dig, embed, and conceal. I think conceal is the best way to understand ghafara.

والمغفرة هي سَتْر الذَّنب والتَّجاوز عنه، لأنَّها مأخوذة من المِغْفَرِ، وفي المغفر سَتْر ووقاية، وليس سَتْراً فقط،

The Shaykh says that al-maghfirah is the concealment of a dhanb (sin) and pardoning it, because it is taken from the mighfar. The word maghfarah is taken from the word mighfar. The mighfar is the helmet and armour in battle. The point of armour, and especially an armoured helmet is that if someone hits you, it doesn't leave a mark on you. Or, if you are hit so bad or hurt, it covers that which is hurt, protecting you. That's why the Shaykh says that the concept of the mighfar is to cover your weakness and to give you protection. Likewise, maghfirah is protecting you from your own self, and it is concealing your sins. It acts like a barrier in hiding your sin.

فمعنى: اغفر لي؛ أي: استُرْ ذنوبي، وتجاوز عَنِّي حتى أسَلَمَ من عقوبتها، ومن الفضيحة بها.

ومناسبة قوله: «غُفْرَانك» هنا:

So when we say ighfirli (O Allah, forgive me), it's like you're saying ustur dhunūbi (conceal my sins), watajāwaz ʿanni ḥattā ʾaslama min ʿuqūbatiha (and protect me from the consequence of these sins), wa min al-faḍīḥa biha (and the accompanying shame and humiliation of them being exposed).

The Shaykh says that the scholars differed. Why is it that this is the word that was chosen? It's clear why we started with aʿūdhu billāh min al-khubthi wa al-khabāʾith – we need to ask for protection from Allah ﷻ, because when we go in we're exposed to jinn and whatever they may do to us. Especially this generation because the way we have created the modern toilet shows that we don't have this concept of getting out of there quickly. The whole toilet nowadays is built on that premise of comfort and enjoyment.

Next week we'll be discussing some of the mannerisms in the toilet and you will see that when it comes to the sunnah, you can sum it up very easily – it's quick. Whereas, our entire toilet experience in the West can be summed up by saying that it's about luxury, chilling out and enjoying yourself. That's why we want the protection of Allah ﷻ, because we have so much contact with the jinn/shayāṭīn and evil forces.

So why are we asking for forgiveness from Allah ﷻ? The scholars say that there are two reasons:

قيل: إن المناسبة أن الإنسان لما تخفَّف من أذيَّة الجسم تذكَّر أذيَّةَ الإثم؛ فدعا الله أن يخفِّف عنه أذيَّة الإثم كما مَنَّ عليه بتخفيف أذيَّة الجسم، وهذا معنى مناسب من باب تذكُّر الشيء بالشيء

1) What have you done by going to the toilet? You have reduced the harm. Waste products are harmful, which is why the body has to get rid of it. When the body has gotten rid of this harm, we need to remember adhīyat al-ʾithm. Adhīyat al-jism (the harm of the body) has been dealt with by going to the toilet and expelling it. We now need to protect ourselves from the harm of our sin. This is why when the Muslim studies fiqh, he uses the evidences to become more reflective of himself. When you're going to the toilet, we discussed last week how it's a raḥma (mercy). Not only is it a raḥma, but Allah has protected you from the harm f your body. Since you've been protected from the harm of your body, have a little reflection about protecting yourself from the harm of your sins. Make that connection in your mind, so when you come out, you say astaghfir Allah. This is the first opinion
2) Because the Prophet ﷺ was always making dhikr. This was the one time that he wasn't allowed to do dhikr. When someone who is always saying astaghfir Allah, and is suddenly cut off for a few minutes whilst in the toilet, this is something which is painful for him. So he comes out and says 'O Allah, forgive me for not being able to make dhikr of you'. This is the position of many scholars.

Shaykh ʿUthaymīn says 'If comes to me and you ask me what the real reason is, it's clear to me that it's the first reason and not the second. He says that the reason it's not the second is because the reason you've stopped doing dhikr that Allah has commanded you to do is because Allah ﷻ commanded you to *stop* doing the dhikr. You not doing the dhikr is, in itself, a dhikr. You following the sunnah of going to the toilet in this manner is, in itself, a dhikr. The Prophet ﷺ did not having to seek forgiveness for the fact that he couldn't make dhikr in the toilet. What he is seeking forgiveness for is more likely a recognition of his state. That's what it means to be in tune with yourself. We should reflect on all of this and the benefits.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

We left off on page 1 of the notes at:

وعندَ الخروجِ منه : (غُفْرَانَكَ، الْحَمْدُ لِلَّهِ الَّذِي أَذْهَبَ عَنِّيَ الْأَذَى وَعَافَانِي،

and when exiting: *"I seek Your forgiveness. All praise be to Allah who removed from me all harm, and pardoned me"*;

Al-adhā means harm in Arabic. Here, harm is referring to the poison and the filth of faeces and urine in the body which Allah ﷻ has removed.

ʿĀfāni means he had ʿāfiyah upon me. Shaykh ʿUthaymīn says that if it remained in the body, it would become poisonous and harm me further. So the first duʿāʾ is to get rid of something which is dirty, which is in and of itself harmful; whereas the second duʿāʾ about ʿāfiyah is what gets rid of the consequence attached to it. This is how Shaykh ʿUthaymīn explains the duʿāʾ.

This is duʿāʾ (which has been chosen not just by the Ḥanbali madhab, but actually a number of madhāhib) is based upon a ḥadīth which is weak and it is narrated by ibn Mājah in the Book of Purification, in The Chapter of What Should Be Said When Exiting the Toilet. It is on the authority of Anas ibn Malik and it was considered weak by Imam an-Nawawi in *Sharḥ al-Muhadhab* and also by Al-Būṣīri in *Al-Zawāʾid*. It was also narrated by Ibn as-Sunni in *ʿAmal al-Yawn waʾl-Laylah*.

[This is an amazing book. Ibn as-Sunni wrote this book and called it The Actions of the Day and Night. He basically starts from the beginning of the Prophet's day ﷺ and the end of his night. It records every single action and dhikr that he would do.]

It was also pronounced weak by Ibn al-Jawzi in al-ʿIlal on the authority of Abu Dharr, and it was also made weak by Imam an-Nawawi in al-Khulāṣah. It was considered to be ḥasan by Imam Ibn Ḥajar as an athar (statement of the ṣaḥāba). The word 'athar' itself means narration, so if I say athar an-Nabi ﷺ, then I am talking about a ḥadīth. However, if I just say the word athar by itself, then I am referring to a statement of a Companion or even a Tābiʿi.

There is no doubt that this need for me having to redefine terms is because of changing use of the terminology that has always been evolving. Actually, all of fiqh is new words, and you learned that lesson last week when I said that this chapter could be called ten different names. How on earth can one action be called different names? It's only because the Prophet ﷺ didn't call it a chapter and the companions never studied it as a fiqh chapter. So whenever you see these words, you don't read too much in to the word

Ḥadīth is not so important. Athar is not so important. Istinjāʾ is not so important. Bāb is not even so important. Kitāb… All of these mustalaḥāt (terms) have been coined by scholars, afterwards. That is something which is important to understand.

Anyway, Ibn Ḥajar considered it to be authentic as a statement of Abu Dharr only (foot note p. 108 Sharh Mumti'), and not as a ḥadīth of the Prophet ﷺ. In conclusion, it is not a ḥadīth; therefore, it is not sunnah to say this statement. If someone says it out of copying Abu Dharr then that is okay. That is the first thing you need to know.

The interesting point is ʿāfiyah (عَافِيَة). The word ʿāfiyah is something which we use a lot, but we have very little idea of what it means. It is actually quite a complicated subject. You could say that there is even a semantic discussion between the scholars of what the difference is between ʿāfiyah and maghfirah (مَغْفِرَةٌ).

A couple of weeks back or maybe a week back on the Facebook, I was translating a duʿāʾ and subḥan Allah, I have forgotten completely what it was but it was definitely in Arabic and it was involving ʿāfiyah and I translated it as 'forgiveness'. The reason I translated it as 'forgiveness' is because these words are interchangeable with one another. When you look at the word ʿāfiyah, it is 'forgiveness' when you are just looking at the word ʿāfiyah. But when you are looking at the word maghfirah, that is also 'forgiveness' when you are dealing with it by itself.

Now when you combine both words (i.e. you have a sentence where they are both used), then we have to differentiate between the meaning and we have discussed this a number of times. It is important to keep reminding ourselves that this is one of the most important principles in the Arabic language, in tafsīr, in fiqh; that whenever you see a word used by itself, it can cover all meanings but when it is used together with the other word which is similar to it, then it necessitates to have a different meaning.

For example, Allah ﷻ says *waʿfu ʿanna* (وَٱعْفُ عَنَّا) at the end of surah al-Baqarah (verse 286):

﴿ وَٱعْفُ عَنَّا وَٱغْفِرْلَنَا وَٱرْحَمْنَآ ﴾

O Allah, have ʿāfiyah upon me, ighfirli (give me Your maghfirah), and be merciful upon me.

It is acceptable to say that if *waʿfu ʿanna* (وَٱعْفُ عَنَّا) was used by itself and nothing else, we could say that this word means pardon me, forgive me, and have mercy upon me - all of it. If it just said ighfirli (وَٱغْفِرْلَنَا), we could say that it encompasses all of those meanings. Likewise, if it only said have mercy upon me (وَٱرْحَمْنَآ), that could imply that I want Allah to pardon me, to forgive me and to make things easy for me. But now when we used each of the three words separately, we have to give them distinct meanings.

The word ʿafu is the pardon of Allah ﷻ. It is interesting because the word ʿāfiyah also has a connection with sound state and good health. We ask Allah ﷻ for ʿāfiyah. When you ask Allah for ʿāfiyah, you are not just asking for being pardoned but you are also asking Allah ﷻ for good conditions, good health and so on.

Think of it like this: the ʿāfiyah is erasing the sin. ʿĀfiyah, as far as I am concerned, is better and stronger than maghfirah. Some of the scholars said that it isn't – there is a semantic discussion. But if you think about the duʿāʾ the Prophet ﷺ chose on the most important night of duʿāʾ to Allah ﷻ when He is the most closest:

اَللَّهُمَّ إِنَّكَ عَفُوٌّ تُحِبُّ الْعَفْوَ فَٱعْفُ عَنِّيْ

O Allah, You are indeed The Pardoner (The One Who Gives the 'afu) and You love to pardon, so pardon me

He could have chosen maghfirah (or another alternative), but he did not, ﷺ. I think that there is power in that.

Maghfirah comes from ghafara (غَفَرَ), and its linguistic meaning is 'to bury'. Mighfar (مِغْفَرٌ) means helmet, as in armour or protecting, concealing, hiding. Actually, some of the ʿulamāʾ said that when you are referring to this helmet or armour which is taken from the

word ghafara or the mighfar, it is hiding what is sensitive underneath. If it was exposed, then you could be killed. But you cover it up and it is hard so it protects you. Also, ghafara means 'digging in the floor' so that was why the scholars said that the maghfirah also means concealing. You are concealing the skin because it is sensitive and at risk and you are concealing something in the ground.

So that is maghfirah, whereas ʿāfiyah is erasing completely. Of course, the erasing of the sin is better than the concealing of the sin. So you can say that ʿāfiyah is at the top, then the maghfirah is just slightly below it and maybe mercy has its own row.

Some of the ʿulamāʾ said in the tafsīr of the following ayah in surah al-Baqarah:

﴿ وَٱعۡفُ عَنَّا وَٱغۡفِرۡلَنَا وَٱرۡحَمۡنَآ ﴾

Waʿfu ʿanna (وَٱعۡفُ عَنَّا): *Ya Allah, erase all sins between me and You*. Ultimately, that is the only thing that matters. Whatever the consequent of sin in this life, we can deal with it one way or the other but we do not want to be held accountable for it in the ākhirah. So وَٱعۡفُ عَنَّا means *ya Allah, erase my record of sins with You*, or *cleanse me completely*.

Wa ghfir lana (وَٱغۡفِرۡلَنَا): *Ya Allah, hide the sins that I do from the other people.* So that the other people do not realize how bad I am or how many mistakes I have made. That is the reality - everyone sins. Even the ṣaḥāba who were better and purer than us made statements about this, like ʿAbdullāh ibn Masʿūd's his most famous statement is: 'If my sins had a bad smell, people would not be able to sit next to me.' That was Abdullah ibn Masʿūd.

There is this understanding that our sins are huge. Allah ﷻ is hiding them for us all the time so that we are not humiliated, we do not lose respect and honour in the sight of people, and that life can carry on. Allah ﷻ knows we make mistakes all the time and He

understands that.

So the ʿāfiyah is between me and Allah. He gets rid of my sins completely so I do not have to answer for them. The maghfirah is the concealment of my sins between me and the people. So there is one thing about your record but between me and people, hide them so the people do not ever know that I am like this.

Finally, the raḥma, وَٱرۡحَمۡنَآ: *have mercy upon me* is like 'give me tawfīq'. Bless me and help me so that I do not do this sin in the future. Yusuf عليه السلام said:

﴿ وَمَا أُبَرِّئُ نَفْسِ إِنَّ النَّفْسَ لَأَمَّارَةٌ بِالسُّوءِ إِلَّا مَا رَحِمَ رَبِّي إِنَّ رَبِّي غَفُورٌ رَّحِيمٌ﴾

I do not pretend to be blameless, for man's very soul incites him to evil unless my Lord shows mercy: He is most forgiving, most merciful.' [Surat Yusuf 12: 53]

The nature of the self is so aligned to do wrong. The nafs is so desirous, it is so under pressure to do wrong and everyone is going to do it except he who Allah has mercy upon. So here, when we hear 'mercy' it is almost like this is going to happen to everyone out there except he who Allah protects, via His mercy, blessing this person.

At the end of the day, the ḥadīth is weak. Still, I think it's okay for someone to say it but it is not established in the sunnah of the Prophet ﷺ at all. Therefore, I think it's the better action (as Shaykh ʿUthaymīn himself has intimated) that one does not necessarily have to say this, but this is known from the fuqahāʾ.

By the way, the most beneficial lesson from last week would be that when you come across a statement that says mustaḥabb (recommended), this does not necessarily mean it is an action of the Prophet ﷺ. There is a difference between the word mustaḥabb and Sunnah, and the top scholars are very careful in their wording and will indicate that in their

teaching.

This is very important as students of fiqh. We are going to be talking about mustaḥabb a thousand times in the next couple of chapters, so you need to be really firmly sure that every time you hear 'mustaḥabb', you know it's a statement of the scholars that has been derived from actions of the companions and the Prophet ﷺ, but it's not direct implicit evidence.

When it is direct implicit evidence - either action or statement of the Prophet ﷺ, *that* is a sunnah. As for the mustaḥabb, it is generally recommended; this is what we think sounds and feels good, it is in line with the objectives of sharīʿah, it is ethical behaviour - that is the kind of force behind saying the action is mustaḥabb, and that is the mustalaḥāt of the ʿālim (the terminology or the terms of the scholar).

So, we are continuing with the *recommended* actions, and straight away you've seen it number one – the duʿāʾ that is mentioned is not a statement of the Prophet ﷺ.

Number two: beginning with the left foot when entering and the right foot when exiting the toilet, as opposed to entering the mosque or wearing slippers.

The shaykh says on page 108:

وتَقْدِيمُ رِجْله اليُسْرى دُخُولاً، واليُمنى خروجاً، عَكس مَسْجِدٍ، ونَعْل

It's recommended to walk into the toilet with your left foot first, and this is not based upon a ḥadīth. In fact, as Shaykh says, this is a masʾalah qiyāsiyyah meaning that it's being derived by analogy. What is the analogy? The aḥādīth that exist on other matters. What are the other matters?

فاليمنى تُقَدَّم عند دخول المسجد كما جاءت السُّنَّة بذلك

The ḥadīth narrated by Imam al-Ḥākim (and Imam adh-Dhahabi agreed that it is authentic) stating that the Prophet ﷺ would enter into the Masjid with the right foot, and so entering into the Masjid with the right foot is an indication of honour and respect. We also know that in the same ḥadīth, he would come out of the Masjid using the left foot.

Likewise, as for the naʿl (putting on ones shoes; it means 'sandal'):
It has been narrated in Ṣaḥīḥ Bukhāri and Ṣaḥīḥ Muslim that he ﷺ commanded that if a person was to put on his shoe, he should start with his right foot when he is putting it on and he should start with his left foot when taking it off.

Back then, they were generally barefoot and would walk around barefoot without any problems. The only reason that you would put on a shoe, generally, was for two reasons. One was honour; there was respect. Remember what I said to you in the chapter of ʿawrah - that there is a basic principle: to cover the entire body is seen as honourable, and nakedness is seen as dishonourable. The same would apply to feet.

Although sometimes when I say 'dishonourable', it's depending upon context. It [nakedness] also would show humility. When you look at an old-fashioned king, the first thing you notice is how uncomfortable he must be because he is wearing something, then something else. Here he is covering every part of his body but by putting all that stuff on, and he is clearly building himself up an image and arrogance can step in.

Likewise, if you were to remove as much clothes as possible - but I'm not talking about nakedness - let's say like a little shirt. There is also a sign of humility as opposed to nakedness. I'm saying that nakedness is not always equated to humiliation; sometimes nakedness is humility. Likewise, taking off the shoes has very clearly been linked with a sign of humility, but in principle, the main reason that people would put on a shoe or a sandal is because of harm.

So if they are going into a rocky area and it's going to hurt their feet and they can't carry on like normal, protection is the reason for putting a shoe on. Starting with the right foot means they value the right foot more, because they value the right more - you are protecting the right more. As Shaykh ʿUthaymīn says, its takrīman (honouring the right foot). Likewise, when you are taking it off, you are taking off the left one first and that means you are exposing the left one to harm and you are protecting the right one for longer. That is why the Prophet ﷺ said in Ṣaḥīḥ Bukhāri that when you put on your shoes, you put on the right one first; when you are taking them off, you take the left one off first.

In sharīʿah, we know the Prophet ﷺ placed emphasis on the issue of the right.

In a ḥadīth of ʿĀʾisha (raḍī Allāhu ʿanhā), the Prophet ﷺ

كان يعجبه التيمن فيه تنعله وترجله و ظهوره وفي شأن كله

This ḥadīth is narrated by Imam al-Bukhāri and Imam Muslim, on the authority of ʿĀʾisha (raḍī Allāhu ʿanhā) that the Prophet ﷺ used to love putting the right first in wearing his slippers, in taking the first step, in purification, and in everything that he did. That's why when you wash yourself, you do the right arm first; when you do ghusl, you wash the right side of the body first; when you're entering somewhere special, you enter with the right foot first; and when you're putting a show on, you start with the right foot.

According to some scholars, the word tarajjul means combing, which is the same as perfuming, which is the same as purifying. It is well-established opinion, but I follow the opinion that it means taking a step. In any case, both positions are covered in the final statement, "وفي شأن كله", which means 'in everything that he did'. We definitely know that he did start with his right side when combing, as well as when brushing, putting his hand in his sleeve, and everything.

What I found very interesting was Shaykh Muhammad Mukhtār al-Shinqīṭi brings our attention to the Qurʾānic indications of the excellence of the right over the left. In the Qurʾān, aṣḥāb al-yamīn (the people of the right) always means the people of Jannah, whereas the people of the left are seen as the people of the fire. That immediately indicates to you that the right is more powerful, and better.

He also mentions something very interesting which I never realized, subḥānAllah. This is the beauty of Qurʾān. You can read it again and again and you won't see something, and you can read it for the hundredth time and still notice a new fāʾidah.

Allah ﷻ says ﴿عَنْ الْيَمِينِ وَالشَّمَآئِلِ سُجَّداً لِلَّهِ﴾ [16:48]. This ayah talks about the āyāt of Allah and the kuffār seeing them and the impact of the shadows of these things, the shadows that they give on the yamīn (right) and shimāl (left). But Allah ﷻ didn't say on the shimāl, he said shamāʾil (many lefts). When you put the singular versus the plural, or right and lefts, the ʿulamāʾ say that this is an indication that the right is worth many lefts. Whatever value/quality you have on the left has to be increased to try to make it the same as the right side. This is why Allah ﷻ says shamāʾil here; it's to improve your perception of the right.

The Shaykh mentions another example ﴿خَلَقَ السَّمَاوَاتِ وَالأَرْضَ وَجَعَلَ الظُّلُمَاتِ وَالنُّورَ﴾ - Allah made *many* darknesses and light. Ẓulumāt is many darknesses. So Shaykh Muhammad Mukhtār is saying that in the Qurʾān, you will see that when Allah ﷻ emphasizes the strength, beauty, and ḥaqq (truth), He will use it in the singular form to show its power, and the opposite of it (the ḥarām, the dirty, the wrong, darkness) is shown in the plural form. On a human level, we may see it as something powerful, but with Allah

ﷻ, there has to be many of them for it to be comparable in strength to the right side.

Q: Is it true that the Prophet ﷺ never wore anything on his left hand?

I can't say that he *never* wore anything on his left hand whatsoever. However, I do want to point out that the left hand and the left in general is seen as the worst scenario, and the dirty – but only metaphorically. What if a person doesn't have a right hand? What are they going to do? Are we going to say that your left hand is too dirty to eat or drink with? Of course we aren't. What if a person can only write left-handed? If there was a need for it, we would tell him to write with his left hand, no problem.

I don't want to say that it's completely metaphorical - that's a dangerous statement to make because there is spiritual benefit, there is ḥikmah, there is physical reality, and the left hand touches najāsa much more than the right hand. Does that mean that you can't do certain things with the left hand, like hold something or put a watch on or put a ring on? No, it's allowed to wear a watch, it's allowed to have something, to hold something with that hand etc. although we would prefer things which have honour and respect then you would put it on your right hand.

Q: So do you wear your watch on your right or your left?

I have to say that when I *used* to wear watches, I used to wear it on my left hand. I don't think there's a problem with that. But if a person did wear it on the right, with the intention that I'm wearing it on the right out of honour, then I think that's better but I don't think that it's impermissible to wear a watch on the left hand side.

I wanted to bring something to your attention which I found every interesting. I was looking at Musa Furber's original English translation, and I found it interesting because I was looking at lots of the texts in the Arabic of Zādʾl-Mustaqniʿ. Here's now another key lesson for all students of fiqh: never, ever have a 100% confidence in any written text

whatsoever - neither this one which is the Saudi version of Sharḥ Mumtiʿ, nor any of the texts of just Zādʾl-Mustaqniʿ (either in print or manuscripts, etc.) Every single copy has mistakes. When a person puts a book like this together, or does what they call *taḥqīq* (authentication of a text), they will gather a number of the manuscripts and they will compare each one on every single word and write at the bottom, 'This is not included in that version, this is that version, etc.'. It's every important to find that and see that.

Now I mention it here because I found something interesting. If you look in the Arabic of your text it says:

وتقديمُ رِجْلِه اليُسرَى دخولًا ويُمْنَى خروجًا عكسَ مسْجِدٍ ونَعْلٍ

I found in the Arabic, original texts a comma (,) after masjid (مسْجِدٍ) and then naʿl (نَعْلٍ):

مسْجِدٍ ، ونَعْلٍ، واعتمادُه على رِجلِه اليُسرَى

What would that do? Look at the power of the comma.

(Of course, in that Arabic they don't use a comma. The original Arabic doesn't even use a comma. It's only in the modern day text do they use commas to help us beginners.) What would a comma or a lack of a comma (before "naʿl") change that to?

[Brother] You should wear slippers to go to the toilet.

[Ustadh] Correct. If you put a comma after masjid and you just leave naʿl and then comma, then how this sentence reads is this:

The following things are recommended: bismillah when you go in, say ghufranak when you come out, begin with the left foot when you enter the toilet and the right when you

come out as opposed to the masjid, wearing slippers when you go to the toilet, going into the toilet and leaning on your left foot...

If you separate naʿl into its own point, then it has to be its own separate point. Just look at the English translation. It would then read:

(2) beginning with the left foot when entering and the right when exiting, as opposed to the Mosque; **(3) wearing slippers;** (4) supporting one's weight on the left foot;

That's how Musa Furber's English translation reads. Therefore, some who studies that or reads that without studying it, he comes away believing that. This is fascinating, because this mistake then builds and builds and gets massive, and once you believe that there is a comma after masjid and naʿl is a separate point (and you make wearing slippers its own point), you are now making a claim that its sunnah to wear slippers in the toilet. Once you believe that then you start to defend it. So in the commentary of some of these notes, they then continued. They said, the reason that you wear slippers in the toilet is because the ground is dirty and because you are going to go to the toilet and there will be splashes and so on and so forth, wearing shoes or slippers is going to be more protective towards your feet and that's why it is recommended to do so. Which makes complete sense, right? We would probably agree with that in principle but is it part of the Ḥanbali intention? No. Is it part of the text? No. Is it part of the madhab? No. Is it a genuine, honest mistake? Absolutely, and it happens all the time.

There are a lot of lessons in that. That shows that when you read Arabic, you can't trust anything or anyone, and that's the importance of studying with a teacher. You can read that translation and you'd think, 'What on earth is that?' and that's how I spotted it. I never heard that in my life. That's nothing that we ever studied before and I realised this is how it has been mistranslated because the existence of a comma.

Shaykh ʿUthaymīn finishes and says that this is a general principle, and coming out of the toilet makes sense, you're going into a much cleaner place and you start with the right foot.

Muḥammad Mukhtār ash-Shinqīṭi makes another interesting point; he said that as far as he is concerned, you use the left foot for going out anywhere else, which is interesting because you would've thought that if you're going out to ṣalāh from your house, or you're going out to study, or to earn ḥalāl, you'd start with the right foot.

But Shaykh Muḥammad Mukhtār ash-Shinqīṭi in a long, detailed and difficult discussion, concluded that the principle is that you still leave with your left foot. That's his opinion and I'm quoting him as an authority. There's no problem with that because there's no evidence to forbid it.

The next point is,

واعتمادُه على رِجلِه اليُسرَى

It is recommended - according to the madhab - that you lean on your left foot, supporting one's weight on the left foot when you are sitting on the toilet.
This is very important, because no one knows what that means. It doesn't mean that when you sit on the toilet, you lean on your left-hand side, although some people do that. There's no meaning to that.

Why did the people of the madhab say that you lean on the left side? It's because of a ḥadīth.
"He ﷺ commanded the companions to support their weight on the left foot and to keep the right foot in a state of naṣab."

As Shaykh ʿUthaymīn said, this ḥadīth is weak, and it is narrated by Imām al-Ṭabarāni

and al-Bayhaqi.

Imām an-Nawawi, al-Haythami and ibn Ḥajr al-Asqalāni considered this ḥadīth to be weak.

What does this mean? The Prophet ﷺ commanded his companions to sit in a state similar to ṣalāh, in a state of naṣab. Naṣab is when you sit and put your foot/toes up.

First of all, this ḥadīth is weak. Secondly, to do naṣab whilst you're sitting down is insanely difficult. To do it while you're squatting is even more difficult. This entire chapter is about squatting.

Whilst you are squatting – according to the ḥadīth – you lean on the left foot, and the weight of your body is on the left-hand side and putting your right foot up as if you're in ṣalāh. That is what the ḥadīth mentions. That is very difficult and weak, so you put the foot down. And that is a mercy in itself. But the squatting position is the seating position.

I want to discuss a lot about this. Toilets are a complete bidʿah; they only started in the last two hundred years. In these last two hundred years, people saw it [the toilet] as a sign of advancement, technology, and being in the first world.

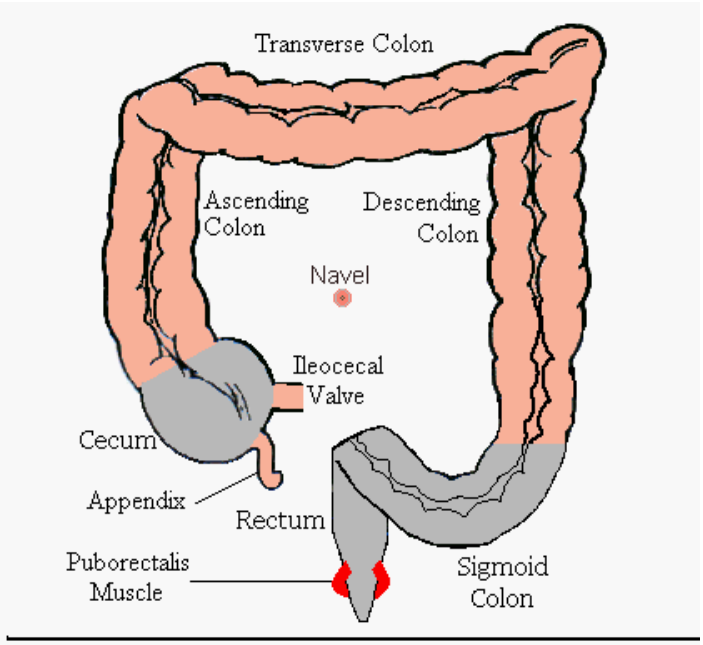
Otherwise, the principle for all of human existence for the last thousands of years had to be squatting to go to the toilet. When you squat, that's when you're really going to the toilet. It's quick and complete.

When you squat, the amount of pressure that you cause into the body squeezes the intestines, the ilium and the colon and now you're pushing everything out. That's what evacuation is.

I know this is going to sounds strange, but there is no shyness here. When you're sitting on

the toilet, how is it designed? It's designed for comfort, and not for you to go to the toilet. It's designed for you to chill out, which is why people spend hours in there. It's like sitting on a sofa – it's at a nice height (you know, they used to low before. They used to be quite low and then when they saw people getting weaker and weaker getting up, they started to make it higher). The toilet is not designed for going to the toilet, and neither is the toilet (the bathroom). It's designed for sleeping in and chilling. It's so clean, everything is glistening all the time. The whole point of a toilet is that it's supposed to disgust you. Our problem is that we don't want that. We want a clean toilet with clean smells so that we feel comfortable being in there for longer, which is against the sunnah. We've already said that this is where the jinn are. That's what they do – they keep you around, they keep you occupied so you're staying away from the ibadah and the right places. There's no barakah whatsoever in this toilet which is so clean and modern. I just want you to understand the psychology.
There's no going back. There's no way we can all go back to squatting. But there's so much barakah in a hole in the ground, because you go there, deal with it, do it all very quick because you can't stand the smell, and you really are concentrating.

What's very interesting is that when you're sitting on this seat, relaxing, you have to put the effort in to go to the toilet. Do you know how harmful that straining is for your health? If you look at all the medical, professional opinions, there's not a single benefit to sitting on the toilet and straining. Whereas for the one who is squatting, it comes out automatically because of the weight and pressure. Since the years when the toilet went to a seat level, the numbers for colon cancer et al. have gone through the roof. This is all established, peer-reviewed, and evidence-based.



Eighty percent of colon cancers develop in the gray-colored areas, which cannot be fully evacuated in the sitting position. Fecal stagnation is the major cause of colon disease.

The developing world and developed world are seen by the concept of toilets. The number fo colon and stomach cancers in the developed world compared to developing is like 100 to 1. There's no comparison because they are evacuating all of the harm.

If you are sitting on a toilet and you strain, you are not evacuating the cecum all the time. But if you are squatting, the pressure of your thighs against your internal stomach helps you to evacuate and put pressure on this more than it would if you weren't.

I say all of that only to say to you that you shouldn't think that this is a strange position. You know that we curse all the people squatting. SubḥānAllah and that is why the kids have to get involved. That is naturally how kids sit. When you see a child from beginning they don't sit on the floor, they sit like that naturally. They can squat. Then once you don't practise it, you lose it and then your knees can't handle it. There is a point there. It is good for the system, it is more painful. Even the pain is a barakah. Because you are in and out super quick because you can't sit around. If you are sitting on a chair waiting and hanging out, it is disaster.

After saying all of that, Shaykh ʿUthaymīn says the hadith is ḍaʿīf. Yes, the doctors said that there is some benefit. There was one peer review of a study that I read that said that when people who were suffering from colon problems swapped to squatting for a period of three months, their symptoms improved by ~80%.

If there is a defined benefit by your doctor to do it, then it is a good thing to do and it causes easier evacuation etc. But is it a Sunnah? No. Is it permissible to not have to lean on the left hand side and just lean squatting equally on both feet? Yes, that is permissible. So I think that is a benefit as well, but this is not talking about sitting on toilet seats. This is still talking about squatting. What Shaykh is saying is that if you don't lean to one side, that is okay. You are going to be equal on both feet when you are squatting.

Should we sit on toilet seats? The answer really is no, but what else are we going to do? Like I said, there is no going back. There is no going back to those times.

Q: If we say that this ḥadīth, الْحَمْدُ لِلَّهِ الَّذِي أَذْهَبَ عَنِّيَ الْأَذَى وَعَافَانِي

This duʿāʾ is only authentic as a mawqūf narration of Abu Dharr. What is the implication of that? How far does that go? Does that mean that we have an open door policy to be able to take individual duʿāʾ of the companions and start making use of them?
It is a really good and difficult question because the answer is definitely no. We don't have unrestricted permission to take these and make them into a pseudo-sunnah. You will create a whole new kind of flex. The guidelines to these are very detailed – it's not something that I can explain like this. You will require a whole lesson on uṣūl to be able to appreciate how one deals with a companion's duʿāʾ. For a person to say something like this because they are looking for some generic benefit, there is some space for that. Someone saying something specifically knowing that it is not a Sunnah and then saying it all the time when they come out of certain action is bidʿah. Therefore, for someone to say I know this is not the statement of the Prophet ﷺ, but now every single time coming out of the toilet say this statement then this becomes an act of worship if the intention is reward is to be achieved by that. That is dangerous and that is why you put that in to the realm of bidʿah. Which is also one of the reasons why even the madhab they say it's mustaḥabb, to lessen the people's emphasis upon the duʿāʾ. Let's not go too much into that more.

Q: What actually should we do when we are walking in to the toilet?

When you walk into the toilet, you step in with your left foot and whilst you are stepping in but whilst still outside, you say

بِسْمِ اللهِ، أَعُوذُ بِاللهِ مِنَ الْخُبْثِ وَالْخَبَائِثِ or اللهم، أَعُوذُ بِاللهِ مِنَ الْخُبْثِ وَالْخَبَائِثِ

(Allāhumma aʿūdhu billāh min al-khubthi wa al-khabāʾith OR *Bismillah, aʿūdhu billāh min al-khubthi wa al-khabāʾith)*

Both are acceptable because they both mean the same thing. Because in the latter, A*llāhumma* has been taken out. By the way, *Allāhumma* just means yā Allah. The *meem* is added as a badl (alternative) to take the yā out.

Say that duʿāʾ audibly. When I say audibly, you have to say it. It doesn't have to be heard by other people, but it has to be said. It can't be said in your mind, just like with the Fātiḥa, or any qirāʾah (recitation). You don't have to say it out loud, but is should be said by the person .And when you come out, you will audibly say ghufrānak. The audibly here does not mean loudly, it means that you actually physically say it. And this is what is established and authentic from the Prophet ﷺ.

بسم الله الرحمن الرحيم

الحمد لله

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وصحبه ومن والاه

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

I want to clarify something from previous lessons:

We had a long discussion about the issue of what we can do with gold (utensils, jewellery, etc.) when we're in possession of it. Are the non-Muslims being held accountable to the secondary matters in the religion? Can we allow non-Muslims to deal with those things which are ḥarām for us Muslims? For example, selling pork to a non-Muslim, or selling gold to a male to wear as jewellery. These things are not permissible for Muslims, and with this ruling, neither would it be for the non-Muslim.

A lot of people are still confused about that, and the reason is because this is a masʾalah of khilāf. The issue is not confusing. There are two positions that the scholars hold – the minority allowed it, but the majority said that the non-Muslims will be held accountable. It's not just that they have to believe in Islam, but they will be held accountable for the ṣalāh, for not giving zakāh, for not doing Ḥajj, and so on.

﴿ مَا سَلَكَكُمْ فِي سَقَرَ﴾

In the Qurʾān, Allah ﷻ says "*What put you into the Hellfire?*"

﴿ قَالُوا لَمْ نَكُ مِنَ الْمُصَلِّينَ﴾

They will say "We were not of the muṣallīn (those who prayed)" [74:42-43]

It's a very strong opinion, but there's obviously criticism about this opinion. The ḥadīth that we mentioned referring to the gold utensils, "لهم في الدنيا ولنا في الاخرة", means 'This is for them in the dunya, and for us in the ākhirah.' Therefore, this could suggest that it's something allowed [for them]. The response to that is that's not necessarily the case. It's something which is allowed for them if they get a hold of it themselves; this does not justify you giving it to them or helping/supporting them in that.

The āyah in Sūrat al-Kāfirūn, ﴿ لَكُمْ دِينُكُمْ وَلِيَ دِينِ ﴾ *"For you is your religion, and for me is my religion"* [109:6] is a statement that says 'You go ahead and practice yours, and we will practice ours'. This is also not a proof, it's just a statement of fact. You go practice your religion and we'll practice ours – that does not mean that we can help you in your religion.

As far as I'm concerned, a much stronger evidence is the aḥkām of Ahl al-Dhimma. These are the well-established rulings for those who are under protection [by way of treaty or pact] of the Muslims. These are minorities of non-Muslim groups that are living in an Islamic state who pay a tax and are, in turn, protected.

There is a lot of discussion in the books of rulings of fiqh about what they're allowed to do in these protectorates. Are they allowed to sell their own ḥarām things to one another? Make ḥarām things for one another? Are they allowed to wed according to their Christian customs? This would suggest that it's permissible to allow people to rule by themselves.

I just want to say to you that the reason why people are confused about this is because it is a matter of difference of opinion, and you're either going to choose one opinion or the other. If you follow the majority opinion, you can't give them gold fillings for beautification, you can't sell them gold cutlery to eat with, you can't give a male gold jewellery, you can't sell a silk tie to a non-Muslim gentleman, etc.

If you follow the minority opinion, and you feel under pressure because you have a lot of expensive cutlery or jewellery and you want to give it away to a non-Muslim, there is some basis for that. One of my own mashāyikh, Shaykh Kehlan, holds that opinion that non-Muslims are not accountable to sharīʿah. When he discusses this, he doesn't really go into detail; he keeps it simple. If you keep it simple, you've got your strongest argument.

When you keep it simple you say, "What's the point of holding them to account for these details when they aren't even Muslim?" It's a simpler argument, but when you keep it simple it seems obvious. The devil is always in the detail, so when you start critiquing the issue more and looking at the evidences more, you might find some evidences against that.

Anyway, I'm just saying that it is a valid opinion for people who do have that issue. I do understand that a lot of people – especially the converts – have a lot of this material. If you have that, you can give it away, ruling by that opinion. I'm giving you permission to do that based upon that minority opinion.

Last week, we reached page 109 in the text and page 2 in the notes.

We're continuing with the recommended matters, and we've finished with number three ((3) supporting one's weight on the left foot;). We said that even if there is some medical basis for this, there's no evidence from sharīʿah; therefore, it is quite fine to just squat normally. I explained that squatting is very important and it helps to get out of the toilet very quickly.

Someone posted a video on Facebook that I hadn't seen before about a device that solves this. They've proven that squatting is the way to do it, and that sitting on the toilet is a disaster, so they married the two.

What they've devised is that you sit on the toilet as per normal, but you place this device which shapes to the toilet (it's basically a stool) right at the foot of the cistern, and place your feet on top of it. This way, you're sitting on the toilet, but your feet are a foot off of the floor. By doing this, you create a squatting position whilst you're still seated on the toilet. Your knees go all the way up, and there is no pressure on the legs because you are still sitting on the toilet.

The knees are brought up, and that increases the pressure on the diaphragm and reduces the volume inside, creates a squeezing action and naturally evacuates whatever's inside.

That was number three. Number four says: وبُعْدُه في فَضاءٍ، - (4) being far away in open spaces;

Faḍāʾ (فَضاءٍ) is derived from fāḍi. Whenever I say "This is kalām fadi", that means pointless speech/empty talk. Fadi means empty. Here, the whole point is that you need to get away from the eyes of the people. What is recommended is to be far away from the people.

This is obvious, and there is a basis for this in the sunnah from the ḥadīth which is narrated by al-Mughīrah ibn Shuʿbah. It is narrated in Ṣaḥīḥ al-Bukhāri and Ṣaḥīḥ Muslim. In this ḥadīth, the Prophet ﷺ left Mughīrah behind and went far away from him, to create distance in order to protect the honour and ʿawrah. You need to be so far away that you can't be seen, someone won't come upon you in a state of undress, hear sounds, etc. It's a dirty thing you are doing.

This is clearly something which is not so relevant in our time, although it wouldn't be so crazy to do a modern day application of this by planning the position of your bathrooms far from the rest of the house. People try not to put the bathrooms in really obvious places. I'm just saying try put them in more hidden places.

From a building point of view, instead of using partition walls, make brick walls. Just apply the fiqh - that is what I'm saying, because most people want to stick in a cheeky little bathroom somewhere. All they do is stick up a quick partition wall that is a piece of wood, put plaster and the job's done.

I'm not saying it's sunnah or anything to make that a bit thicker and a bit more solid. It's just to create a bit more sound-proofing, and it's a bit more privacy.

Then he says number five: واستتارُه، - (5) being concealed;

Shaykh ʿUthaymīn said it is recommended to conceal oneself, and the intention is to conceal ones entire body. This is better, he says. This is because of the ḥadīth of Mughīrah.

Why do you think the Prophet ﷺ went so far away? Obviously, he wants to cover his body. He is not talking about the ʿawrah, because to cover the ʿawrah is wājib, anyway; you can't say this is referring to the ʿawrah. These are recommended matters of going to the toilet, so you can't be referring to the ʿawrah because its ḥarām to show the ʿawrah, so you are referring to the entire body (meaning that this is not a becoming kind of state to be seen in).

Shaykh Muhammad Mukhtār (ḥafidhahu Allāh taʿālā) mentions that there is another meaning to istitār. It is obviously clear that to cover your body is one meaning, but there is a second meaning as well that we should consider. The ḥadīth we all know of ʿAbdullāh bin ʿAbbās, which is narrated in Ṣaḥīḥ al-Bukhāri states that the Prophet ﷺ walked passed a grave and he said "These two people are being punished."

What were they being punished for? (1) backbiting, (2) not cleaning themselves from urinating, not protecting his clothes from urine. The ḥadīth says:

إنهما ليعذبان وما يعذبان في كبير بلى كان أحدهما

لا يستنزه من بوله, and in another narration it says:

لا يستتر من بوله وكان الآخر يمشي بالنميمة

Both of them are being punished, and they thought the issue they were been punished for wasn't major. The famous narration that everyone knows states (لا يستنزه من بوله)that he did not avoid or did not take precaution to avoid the urine going into his clothes. That is the correct meaning when you take that translation.It's basically referring to splashing - he is very relaxed with it and not caring about the splashes.

The other narration, which is also authentic, changes that last part (لا يستتر من بوله). It basically means that this person has not been punished for the fact that the urine was splashing on his clothes, but because he was not protecting his ʿawrah (and so therefore, adds another dimension to the meaning of this ḥadīth).

So a big debate that we will discuss for a bit now: once you open that door, the only point of urinating standing up is of course for the male urinal. The obvious problem with urinals is that they are far too open, and you can see each other's private parts. To look another person's private parts is ḥarām - there is no doubt about that, and if there is no choice for a person to do that because he can't find space, he should try his best to cover himself when he is going to the toilet.

Back in the old days, he would be pardoned if he tries his best, which is why its only mustaḥabb. He tries his very best to find that place where he can conceal himself, but if you can't then he has to try his best way. He and everyone else has to fear Allah.

A lot of people might say, "I don't understand the relevance of this subject because we have toilets and it doesn't matter". You guys are going to have to leave Cheadle sometime in your life, and you will have to actually go out and travel somewhere and go out to the real world.

The real world is not just using toilets and nice clothes and clean areas. The real world is fields, gardens, deserts and when you've got your thobe on and you are trying to sit down and go to the toilet with the thobe, it's all over.

First, it's all over; second, there is no chance for you covering yourself. With shalwar kameez, though, you take your bottom part up, and lift it up to the knees. Imagine that you are about to go to the toilet outside - a lot of people have no idea about this and they complain that they can't do it and they can't sit down.

First of all, you have two options: when it comes to the bottom shalwar (trouser), they are either going to come off if you are completely inexperienced - so you just take them off completely, or you can do the second option.

What else you are going to do if you are not experienced enough? This what people don't know - you roll up the bottom to the knee and you roll the bottoms down to the knee as well, so everything is now around the knee parts. That's when you sit down. That is the only way you can sit down, by the way, and then you will have them collected here [at the knee] and that basically means that your entire regions are completely exposed when it comes to you sitting down. that is the first part that is going to happen, regardless of whether you are wearing shalwar kameez or whether you are wearing standard trousers or anything. It's not possible to do it any other way.

The second problem is being able to sit down; you going to have to cover this part up. If you wear a thobe, then Allah help you because there is no way you're going to be able to sit down and cover these parts. There is no way.

With shalwar kameez, you can take advantage of the slits along the sides. You take that split and put it down, and you take the front part and you put it down. That way, no one can see your private parts from the front, and from the back no one can see your private parts because you have that front flap of the kameez and the back flap of the kameez covering and you are protected.

The problem is that people don't have to do this, so they have no idea, but you have to know this. I hope you understand that point.

This will become relevant with the next point that is recommended, because when it comes to finding the area to go to the toilet, this is very important. It's pathetic if you are going to live your life thinking that you will always have a toilet everywhere. If you are going to go anywhere in your life, you are going to have to assume that there are no seated toilets.

Or what about going to nice place and they only have floor toilets? Likewise, most people can't handle it; most people go in and they just take all of their clothes off. That is what they do. They do that because they don't know how to deal with it.

What they do is that they take off all their clothes because you know, there's too much... that's fair enough. I'm just saying that the reason that they do it it is because it's too much hassle. They don't know how to hold the clothes like this, put the clothes like that, what's going to splash, what's not. So there is a point here, there will be some times where you can't take off all your clothes. So you have to be able to understand how to sit down and make sure that the bottom part of your entire nether regions is exposed completely so that you're either able to go for a one or two and there be no way of soiling whatever clothes you're wearing and then clean yourself without further soiling your clothes. You have to as Muslims understand how to do that. I'm telling you frankly, just because most of the times your not going to do it because you're in a normal toilet it doesn't give you protection. So anyway I think that we need to be very careful with respect to this issue.

Then the next point the Shaykh is then talking about is:

وارتيادُه لبَولِه مكانًا رِخْوًا

(6) urinating on soft ground;

That he then seeks, actively tries his hardest, irtiyād (ارتيادُ) means talab. He tries his best to find a place which is soft. Why should it be soft? Because obviously when you urinate onto something soft, it absorbs since it's an absorbent area. That's what you're looking for as opposed to something hard. When you urinate on something hard, that's when splashes are going to happen. Anyone who's urinated outside will know that.

That's why it's disgusting what people do when they first urinate publicly and then against the wall. Or urinate on the pavement. It's disgusting for everyone else and it's a cursed action. The Prophet ﷺ told the people in the authentic ḥadīth,

اتقوا اللعانين ، قالوا وما اللعانان يا رسول الله؟ قال : الذي يبول في طريق الناس ، وفي ظلهم

'Protect yourself from becoming from the cursed.' They said, 'Who are the two cursed people?' And the Prophet (saw) said, 'The one who urinates in the path (ṭarīq) and the one urinates in their shaded areas.

This refers to the areas where they are relaxing. As in the very hot countries, everyone knows at what time what place will be shaded, and so they all congregate in these areas. People want to urinate in those areas as well, because obviously it's cooler or whatever I don't know. So these are cursed people.

There may be emergency scenarios when you need to go and urinate, but to urinate publicly is a disaster, to urinate in the path is ḥarām, and to urinate upon a surface where it's very likely to splash back on you, that's a problem. Which is why you need to try your best to find a place where the urine does not splash back.

Classically speaking, you're looking for soft ground, or earth. When people go camping and stuff like that, certain leaves and certain areas you'll find are problematic whereas other ground is a lot better. RasulAllah ﷺ has narrated in some aḥādīth that he used to carry a spearhead with him. In the ḥadīth of Anas ibn Malik, it says he would take the spearhead, the anazah, which is a tiny spearhead basically and what he would do is that

if he came across a ground that was not hard, he would scrape the ground . A quick dig kind of, that would create conditions that when urine falls upon it, it absorbs as opposed to splashing straight off. So this is an important point and it's a delicate point as well because you can go too far in this as well.

We're now going to enter into the issue of waswasa. Now the whispering of Shayṭān is the strongest upon a Muslim in the chapters of purification. The non-practising Muslims are not an issue - they are all out, left the deen, left Allah, left His messenger, so he doesn't care about them. So he needs to take us guys down, those who pray, those who care about deen and stuff. So we're his main targets. Now how does he hit the practising Muslims? By creating doubt. And what does he, Shayṭān, create doubt about? Purification.

We're going to be discussing this a lot over the next couple of weeks because we're now coming to those areas where he rules. He really runs things. And his first weapon against Muslims is when you're urinating, how freaked out you get by any kind of small splash. You've got to try your hardest, but you can't just always think that I'm finished now, I have to go wash all my clothes and all the rest of it.

There's even a chart here that Muhammad Mukhtār al-Shanqīṭi created. You see, the classical approach, Muslim approach, traditional fiqh, is to really go into a lot of detail in these things. But sometimes it makes things too difficult for the people. If I say to you that he said that there are two places that you are going to urinate; in a hard place or a soft place. And for each place, the place is either going to be pure or dirty. So it's either going to be a ṭāhir place or its either going to be a najas place. So that's four scenarios. So then he's now going to give for these four scenarios what the scholars said is

recommended, not obligatory, but recommended.

I'll just say it anyway as a learning point. So he said:

فإن كان المكان طاهراً صلباً بال جالساً، وإن كان نجساً رخواً بال قائماً، وإن كان نجساً صلباً إمتنع من البول فيه،

وإن كان طاهراً صلباً خُيِّر بين الجلوس، والقيام،

(1) If the makān is ṭāhir ṣalban – If the place you are going to urinate is pure and hard then he's says you should urinate whilst sitting down.

(2) If the area is najas rakhwan - If it's filthy and soft then you should urinate whist standing

(3) If the place is najas ṣalban - If it's najas and hard, he shouldn't urinate there at all. Because obviously it's going to splash and the splash back isn't going to just be the urine but also the najāsa which is already in that area. And this is very relevant in areas where the toilet has become overflown, you're desperate etc. This is a reality, if you don't think that you're ever going to back to your Pind and see that, wait till you go on ʿumrah and you're stuck on the road to Medina and you have to use one of those Saudi diners then you're going to realise what we're talking about.

(4) If the place is ṭāhir rakhwan – if it's pure and soft then he has the choice of either urinating standing or sitting.

All of this, if you look at all of these permutations it's all to do with the likelihood of the urine splashing back and when it splashing back what the affect would be.

The modern day application of that subject goes back to my favourite subject, toilets. You see I said to you toilets is a knowledge. It's a real knowledge! You'll go to like apna countries and you'll find that the hole is very small. You go to our countries and we've got like more medium sized, and the water is very, very low. If you got to the States,

you go to Canada and all the rest of it, their system is a different one. Their system is that the water level is literally like two inches underneath your backside. You know our toilet you've got like that much drop before it hits the water, so imagine that the water level is up to here, full of water. I'm thinking that there's a fiqh behind that. The fiqh is what is falling from you is falling very quickly into the water and I'm guessing by that, that that minimises the splashing of water and so on. And in general I think it does, Allahu a'lam. Because obviously the problem with having low water which is my biggest problem with the squatting idea, not squatting but actually standing on your toilet and then squatting is that you're increasing the height. So you're creating like a big drop. You may think it's funny but I spent three weeks choosing my toilets. Looking at the size, the fiqh the angle. Because our modern day makān rakhwan (soft ground) is the angle of the front part. If it's too sheer, then there's a problem. If it's too in, th at's a problem. There's a perfect angle somewhere (I don't know what that angle is) where impact versus angle equals minimal or no splash back. It needs to be looked at.

Back in my old days, when I used to do a lot of locuming and contracting, I used portable fiqh solutions. An example of portable fiqh solutions are that you're not confident about how clean the toilet is, so it's about using tissue paper to line the area. So, then it doesn't matter about angliture, you take out the angle problem. If you put enough tissue there, then there's no way there's any splash back.

I am aware that this can get a bit crazy, so that's why it's very important in my opinion, why making istinjāʾ with water is so helpful, because it gets rid of a lot of possibilities of any splash back. It also gets rid of a lot of waswasa, because if you have urinated and there has been potential splash back, but you've washed your private parts, and you know that they're wet because you have washed them, this is a weapon against shayṭān. I'm going to talk about this a little bit later as well. This is a very important point. And we have a precedent by ʿAbdullāh ibn ʿAbbās that helps us in this. It's something which I always recommend to my students.

So, I'm saying this is something you need to be aware of. Don't take it too far, but it's something you need to be aware of how you do it.

The next point,

"…after urinating to use the left hand to squeeze the penis starting from its base to its head, three times, and to shake it three times…"

There's a lot of specific detail that's being said from the madhab and it's very interesting.

This in sharīʿah is called 'silt' (سِلت). What is the process of silt? 'Silt' is effectively 'aiding evacuation.' When you've finished urinating, and you know that the penis definitely has some urine left in it, the base of the penis is gently squeezed. It's like milking an udder. You're going along from the bottom to the top and squeezing. And the urethra is being emptied almost, and it's obviously squeezing everything out. You can see the common sense for that.

Q: A sister asked online about the opinions of Shaykh Muḥammad Mukhtār ash-Shanqīṭī and how that would apply for a sister?

Ustādh AE: For a sister, try your best, because clearly for a sister, that's messed up, because it's going straight down. Maybe the high water level is an advantage for her. She needs to do some fiqh. She needs to position herself in a way, where it's not causing a splash back, because it is a problem. The ground toilets are fine for a male, because he can direct his urine. But for a woman, it's hitting that hard surface so close and it's causing splashing. It's a serious issue. For a male, it's obviously easier, for a female, they're just going to have to try their best.

So back to the issue, why are we squeezing the penis? Why did the fuqahā say that? Because, they know there's a load of urine in there. And they know that if you leave it for a long period of time, you will find some kind of wetness there; it's a fact.

So, this is a human issue that everyone knows. It's not so much of a problem for females, but for the males, it's a major issue.

This is where shayṭān takes over and you're always worrying. That's why people that just go to urinate in the toilet are sitting in there for 5-10 minutes, because they're

constantly squeezing and drying it with tissue and washing it and thinking there's still more there. So, it's a real problem.

This is where the ʿilm comes to save us. Shaykh ʿUthaymīn (raḥmat Allāh ʿalayh) says,

و هذا قول ضعيف جدًّا

"And I want you to know that this is an incredibly weak statement."

لأنه لم يصحَّ عن النبيِّ

First of all, this has never been authentically narrated from the Prophet ﷺ that he did that. That's the end of the story.

Secondly, Shaykh ʿUthaymīn says that medically, it is something which is harmful. You are putting pressure upon your urethra, and I'm sure there is some problem with that. It's no good, especially if you add it to the next point, which is shaking it and tapping it and all of this playing around is not healthy for this organ.

He says, that is why Shaykh al-Islām ibn Taymiyyah (raḥmat Allāh ʿalayh) comes out with this statement (which I say should be written in gold):

الذَّكَرُ نالضَّرع، إن حلبته دَرَّ، و إن ترمته قَرَّ

"The penis is like an udder. If you milk it, it will flow and if you leave it, it will settle."

When you have a cow and you milk the udders – and it's not easy to milk by the way, pulling at the same time and squeezing – that milking process is like a tap. You squeeze, let it go, and it's gone. And you can come back and squeeze again and suddenly, it comes back out again. And you let go, it's gone again.

What Shaykh al-Islām is saying is the penis is exactly the same. You're going to stay there for half an hour is you keep on squeezing; it will keep coming.

And if you are letting that waswasa get to you, that's how shayṭān takes over. He ruins your whole thought process by thinking, 'you're not pure, you're najas. There more.'

Shaykh al-Islām is saying that if you're going to go for that shayṭāni logic, then you can stay there for a whole hour and keep squeezing and you will **always** be able to get more urine out.

No, that's not acceptable. So, what do we do? We urinate, we stop, we try more, we stop, we try again, we stop, we wash, and we go. That's it. This is what Allāh ﷻ has obligated upon the Muslims. He didn't obligate that you stay there for 5-10 minutes, and He didn't obligate that you squeeze or shake it. You urinate and you wash and you go. That's it.

If you then feel things afterwards, or think it's wet, you assume this is waswās from shayṭān, say aʿūdhu billāh min al- shayṭān al-rajīm, and you ignore it.

If you're struggling to ignore it, then I repeat to you this statement: you have only been obligated to urinate and leave in literally one or two minutes. Anything that happens after that, either you are ill and you are incontinent, and for that there's a separate ruling, because you are literally dribbling and you don't have the control over the pelvic muscles, and that's something else. Or you're normal, and whatever comes out afterwards, if it does come out, is forgiven. Ignore it. Don't sweat over it.

This is where I bring in the statement that's been narrated in al-Maṭālib on the authority of ʿAbdullāh ibn ʿAbbās (raḍiya Allāhu ʿanhumā). I love this, subḥān Allāh. What he would do is that after he would urinate, he would make istinjāʾ, and after he would finish istinjāʾ, he would get water and slightly sprinkle it over himself and his clothes, and put his clothes on. This is fiqh.

He knows shayṭān is going to come to him, and he is going to slap him hard. Shayṭān comments about all that wetness, you know then it was yourself who did it.

That is how the ṣaḥābah knew that this is what shayṭān is going to come at and use, he can't bring any bigger game than that, that's his game, and I'm going to bring my a-game as well.

So, it's another way of practically putting it in this point, I will not allow doubt, because that's shayṭān's number one weapon, to overcome me.

I just want to move on quickly to the shaking as well which is called natar, and there is a Ḥadīth that is narrated in the this matter (إِذَا بَالَ أَحَدُكُمْ فَلْيَنْتُرْ ذَكَرَهُ ثَلاَثَ).'When one of you urinates, then let him shake his penis after it three times', meaning that after he is finished, drop it off or shake it so it drops off. This ḥadīth has been narrated by Imam Ahmad, but it was considered weak by Imam al-Bayhaqi, Imam an-Nawawi, Ibn Ḥajar and by Imam al-Buṣiri. So we consider this ḥadīth to be weak.

That is why Shaykh al-Islam said another amazing statement:

النَّترُ بدعة وليس سُنَّة، ولا ينبغي للإنسان أن يَنْتُرَ ذَكَرَه

This process of natar is bidʿah. Anyone who goes around shaking his penis in this manner wanting more urine to come out, this is not Sunnah at all and in fact it is bidʿah. Let him not do that at all. You urinate and you are sure that it is done. I can't hang around here for five minutes – I'm not meant to. Wash your penis or use tissue paper. It is dry. Don't keep going back. That is the whole point of washing three times. Wash three times, then you move on. If you keep coming back, there is going to be more there.

Shaykh ʿUthaymīn goes into a bit of discussion about how many statements there are (and this is why I said that the classical ʿulamāʾ are specialists in making things difficult for people).Some of them said that what is required from the Muslims is that when they go to urinate,

أنَّه ينبغي للإنسان أن يَتَنَحْنَحَ ليخرج باقي البول إن كان فيه

that they have to cough. So once you finish urinating, you have to cough three times to try and get everything out.

وبعضهم قال: ينبغي أن يقومَ ويمشيَ خطوات

Others said he has to get up and walk some steps back and forth.

وبعضهم قال: ينبغي أن يصعدَ درجة ويأتي من أعلاها بسرعة

Some of them said that he has to go up to a couple of steps and then rush down. All of these are narrated by ibn Taymiyyah in Majmūʿ al-Fatāwa, and by Imam ibn al-Qayyim in al-Ighātha. Shaykh ʿUthaymīn says

وكُلُّ هذا من الوساوس التي لا أصل لها، والدِّينُ . ولله الحمد . يُسْرٌ.

Honestly, this is beautiful. He says, 'All of these is just from whisperings of shayṭān - absolute nonsense. And all praise be to Allah, for this deen is ease'.

I just want to mention at this point the issue of urinating standing up. I want you to know that there is a difference in opinion. Aisha (RA) was the most prominent anti opinion on this. She said you are not allowed to urinate standing up. And the reason for that is clear, she as one of the households never saw the Prophet ﷺ urinating except sitting down.

The Prophet ﷺ would go far away but there was also a portion of the house where he could do that as well. You can almost call it a house toilet; it was a part in the corner where he would go sometimes, but rarely. Every time that he was there, he was sitting down. So the aṣl is that.

The problem is that we don't accept Aisha's (RA) opinion, because it has been narrated in Ṣaḥīḥ Muslim and a number of aḥādīth. (أَوْ قَالَ لَقَدْ أَتَى النَّبِيُّ صلى الله عليه وسلم سُبَاطَةَ قَوْمٍ فَبَالَ قَائِمًا.) this is Ṣaḥīḥ Muslim, a ḥadīth narrated on the authority of Ḥudhayfah that when the Prophet ﷺ would come to the toilet area of the people, we would see him urinating standing up. This is something which is well established that he urinated standing up, and there is a huge discussion to this matter.

Some people said yes he urinated standing up because he was suffering from weak knees at that time and he couldn't sit down. This is the ʿulamāʾ speaking. Other ʿulamāʾ said that he was suffering from a condition in the loins and the Arabs they used to say urinating standing reduces the pain in the loins. Maybe spinal pain; I don't know. And others said that this is abrogated. It is definitely not abrogated, these are later aḥādīth.

Shaykh Mukhtār ash-Shanqīṭi likes this last opinion. He said that it is only to be done when you come to a dirty area. The point is that you come to a dirty area and he did it in a dirty area.

I want you to understand what I mean by dirty area. When I say dirty area, I mean an area where it is all full of faeces basically. This is all faeces so you can't step anywhere, you can't sit down. There is a risk of your thobe and stuff being dragged in it. So it is obvious that you are not going to in that area.

So some people said that and Shaykh Muhammad Mukhtār ash-Shanqīṭi said that is a fair enough explanation but it doesn't take away from the fact that the aṣl is sitting down and that to urinate standing is allowed.

According to Shaykh Muhammad Mukhtār ash-Shanqīṭi, and this is my opinion as well and the taught position of this class,

القول الراجح والعلم عند الله

يجوز البول قائما ولو لم يوجد عذرا إلا إن الأفضل أن يبول جالسا

It is permissible to urinate standing up even if he doesn't have an excuse to urinate standing up, yet the basic principle is to urinate sitting down - that is the complete statement. You are allowed to urinate, you don't have to have a pressing need or some excuse or something.

You are allowed and that is the reason he ﷺ did it; to allow it for his ummah for a need, but Muhammad Mukhtār ash-Shanqīṭi is saying that there is no evidence to suggest that there has to be a need. He has allowed it, he has done it and therefore you can do it if you wish. You don't have to have an excuse. It doesn't have to be someone who is ill or needs some excuse. He is allowed to do it, no problem. But you should know that the basic principle when it comes to urinating is to sit down. That is more becoming, more clean etc. So that is the summary if you like of this situation.

Q: what about modern day?

Ustādh AE: Modern day is our normal toilet. It is ridiculous to urinate standing up, to be honest. For anyone to be urinating standing up in those toilets is a disaster. It is a disaster adab-wise, practise wise, everything because you know what men do: they don't lift the seat and that disgusting behaviour.

People urinate on the floor as well. And you have this idea that they (bathrooms) are clean when you take off your clothes or anything like that and obviously the splashing back is more pronounced when you are coming from a higher drop point.

In our toilets at home, people should sit down. I don't want to say that it is obligated because the reason they should sit down or they must sit down is because they have to be sure that they are not creating definite circumstances where they are bring najāsa back upon themselves.

Like I said, in the modern day urinal, they are actually shaped but you have to be careful in a public urinal. I said to you that my understanding of that ḥadīth is clear: that the man was punished in the grave because he was not concealing his private parts, which is what happens in modern day urinals. You have to be very careful.

So urinating standing is allowed. You don't have to have an excuse to do it. Try you very best to understand the mechanics and physics of your toilet and where you go to the toilet so you don't make a mess when you are doing it and it causes a problem for you.

Likewise, when you are urinating, do not get caught up that there is still more urine there and you are squeezing and shaking. You urinate, then you say that is enough now. You wash three times. If you don't have water, you use the toilet paper three times. Don’t go back a 4th/5th/6th time. You will definitely still find more urine. You will keep finding it. You wash.

That is why to wash is great because you know you have washed. You know it is wet because of water and then you don't worry about any wetness after that because you know that that is dealt with.

Moving to another place to clean the private part is common sense point if soiling is feared. If you are out there in those areas and there is najāsa all over the place (especially if you have just done a number two), to then try to clean yourself in the same

area is a risky scenario. You can get your hand dirty and everything else dirty. So the idea is that you take a couple of steps, move to another area where you are able to use water and it is not going to splash back. Obviously if you are doing istijmār (dry cleaning using toilet paper, stones or clods of earth), then there is no problem, which is why in the Arabic it says:

وتَحَوُّلُه من مَوضِعِه ليَسْتَنْجِيَ في غيرِه

For istinjāʾ, the risk is higher because it keeps splashing. There is an interesting point in my opinion; when you are making istinjāʾ upon your toilet and you are using whatever you are using (spray etc.) ,the application of the classical principle to modern day is that when you are using that amount of water, it is also splashing back najāsa onto you.

So it is acceptable for a person to do what? Clean himself and to flush himself whilst he is still there, so that what you have got now is only clean water underneath and therefore when you are doing istinjāʾ and cleaning your private parts, any splashing is splashing from clean water.

Do you understand my point? This is also an acceptable principle and this is the modern day application of *fī makānin rakhwa*. It's the same principle. You have flushed the toilet, now you have only got clean water underneath. All that is remaining now is for you to do istinjāʾ with your private parts. You can now wash cleanly. Any splash back is mitigated because the water and the surrounding is now clean. That is not an obligation – I am saying it as a bit of advice.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وصحبه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

We finished the section, so we're going to deal with the chapter of the makrūh (disliked) matters. On page 3 it says:

و يُكْرَهُ دخولُه بشيءٍ فيه ذِكْرُ اللهِ تعالى إلا لحاجةٍ، ورَفْعُ ثوبِه قبلَ دُنُوِّه من الأَرْضِ، وكلامُه فيه، وبولُه في شَقٍّ ونحوِه، ومَسُّ فَرْجِه بيمينِه واستنجاؤُه واستجمارُه بها، واستقبالُ النَّيِّرَيْنِ.

The following are disliked: (1) entering with anything containing mention of Allāh, Most High; (2) raising the garment before nearing the ground; (3) speaking whilst in the toilet; (4) urinating in a hole or the like; (5) touching the genitals with the right hand; (6) using the right hand when removing filth using stones or water; (7) facing the Sun or the Moon.

Last week we did the recommended matters, so this week we are doing the exact opposite – the disliked matters.

He begins with: و يُكْرَهُ دخولُه بشيءٍ فيه ذِكْرُ اللهِ تعالى

If I were to translate this literally, it would mean: it is disliked, the entering in with something which has the dhikr of Allah the Most High.

The first thing we need to understand is that in Arabic, dukhūluhu – there's a ḍamīr (pronoun): *-hu*. It either means his (the person who needs to go to the toilet) or dukhūluhu means the place you're going into. The Arabic could suggest both of them - either it's hated to go into the place with the dhikr of Allah, or it could be translated as it is hated for the person to go in with the dhikr of Allah.

In actual fact, the correct translation and understanding is that it's referring to 'him', the person.

الضمير يعود إلى قاضي الحاجة

The ḍamīr [belongs to] the person who is dealing with his need.

The next thing is: ذِكْرُ اللهِ, the dhikr of Allah. The translation says 'containing mention of Allah'. Dhikr is subḥānAllah, alḥamdulillāh, Allāhu lā ilāha illa huwa al-ḥayy al-qayyūm (āyat al-kursi in its right place is dhikr). To do the sunnah, in terms of actions – not just statements – but certain actions at certain times so that you're always being conscious of Allah through your practice of the sunnah is also a very broad understanding of dhikr.

Dhikr is a huge concept, but that is *not* what is intended here. It's not dhikr in its general sense – it is dhikr in its linguistic sense, meaning 'the mentioning of'. Basically, anything that mentions Allah in some kind of way is what is being referred to here.

Why is that? They base this on the ḥadīth of Anas ﵁ on the authority of the Prophet ﷺ that he would take off his ring when he would enter into the toilet. Why? Because this ring is engraved with " محمد رسول الله ", Muhammad is the messenger of Allah.

وهذه ليست من الذِّكر المعروف، فيقتضي أن كُلَّ ما فيه اسمُ الله يُكرَه دُخولُ الخلاء به

This isn't necessarily the dhikr of Allah. "Muhammad rasūl Allah" is not dhikr, as we understand it – neither in a technical sense nor in a linguistic sense. Therefore they use this ḥadīth to focus on the point that it's the part with the name of Allah ﷻ, the mentioning of the name of Allah ﷻ in some kind of way. [We do this] out of respect.

That's the wajh al-istidlāl (the way that they come to this matter), that's where they're coming from. That's how they're basing their evidence.

Here's the issue: this ḥadīth itself, as Shaykh ʿUthaymīn probably correctly said,

والحديث معلول

Maʿlūl means that the ḥadīth has a ʿillah. You can translate maʿlūl as sick, diseased, or ill if you look at it linguistically. How is the ḥadīth ill? The word ʿillah, in ḥadīth sciences, refers to a hidden fault.

You see, aḥādīth have some very obvious problems that everyone can deal with. They can look at it right away and say 'This is not a ḥadīth'.

For example, this person here can say "I heard a ḥadīth today", and I can say, "What was that ḥadīth?", then he says " قال الإمام مالك عن النبي صلى الله عليه وسلم من دخل كذا... " (I heard Imam Malik say that the Prophet ﷺ entered upon…) Right away we can say

"Whoa, hold on. What happened to the 150 years and two generations of people that you missed out on?" That's an obvious fault; there's a break in the chain.

There are other easy ways, like if you mention a person's name like Ibn Lahīʿa – we know that he is very weak and a liar so we can't go ahead with a ḥadīth that has him in the chain.

These are obvious faults, and knowing this does not make you a muḥaddith. What makes you a muḥaddith and puts you at the top level? If you remember early on [in the course] we talked about the muḥaddith, the nāqiḍ, etc. They are those people that can look at a chain and it looks supreme, with top people – not just top people, but imams. It could be from an imam, from an imam, from an imam, from a companion, from the Prophet ﷺ. This person can take one look at it and say "This ḥadīth is weak" It's almost like x-ray vision, he can see behind what's going on. He knows that these two guys never met at that time. So there's a hidden fault

Hidden faults are called ʿilal in plural, and ʿillah in the singular form. This is the real skill of the muḥaddith.

Anyone who is a professional can relate to this. When a doctor looks at a patient and the obvious signs are not there but he has that sixth sense, that's his skill. The pharmacist who looks at a prescription that's all legal but he feels that there's something wrong. An engineer can look at an engine and it can look great but the sound just isn't right. Every specialist has their field, and for the muḥaddith and nāqiḍ, this is their field.

So the ḥadīth is maʿlūl and he says وفيه مقال كثير – many people have spoken lots about this ḥadīth. It was narrated originally by Imam Abu Dāwūd, at-Tirmidhi, and by Ibn Majah. Imam at-Tirmidhi said that it is ḥasan ṣaḥīḥ gharīb, Hakim said that it's authentic, but the majority of the scholars said that it is weak.

قال أبو داود: هذا حديث منكر

Imam Abu Dāwūd himself said this is a rejected ḥadīth.

قال النسائي: هذا الحديث غير محفوظ

Imam an-Nasāʾi said this ḥadīth is not preserved. It's not something which has been protected; it's not an authentic narration. Imam an-Nawawi said:

ضعّفه أبو داود والنسائي والبيهقي والجمهور، وقول الترمذي: إنه حسن مَرْدُودٌ عليه

He wants to defend Imam at-Tirmidhi but he's saying that Abu Dāwūd, an-Nasāʾi, al-Bayhaqi and so on said it is weak.

Ibn Ḥajr al-Asqalāni (raḥmat Allah ʿalayh) said this ḥadīth is maʿlūl; there's a hidden fault with it – it's basically unacceptable.

Anyway, Shaykh ʿUthaymīn says:

ومن صحَّح الحديث أو حسَّنه قال بالكراهة

Even those who said that this ḥadīth is authentic say that this action of the Prophet ﷺ (of taking off the ring before entering the toilet) only indicates that the actual entering with any mention of Allah is hated, not ḥarām.

As for those people who said the ḥadīth is not authentic, then they said it's not hated.

لكن الأفضل أن لا يدخُلَ

Even though those people said that the ḥadīth is weak and it's not hated, they said it's better that you don't walk in.

Shaykh ʿUthaymīn says: what is the legal reality of the statement 'better'? In Islam or in fiqh, how can you say something's 'better'?

Well, he says the difference between us saying it's makrūh on one hand or saying it's better not to go in, it's because if you don't do that which is better, you have not fallen into something which is disliked.

Someone might say to you "It's better if you don't do that" - if you don't listen to them and you do it, you haven't done a makrūh action. So, that's why the word afḍal or 'better' (better to do this, better to leave that) is a different, very specific category of action - it's not a very legal one. It's more of an ethical one, it's one based upon the objectives of sharīʿah.

So what Shaykh ʿUthaymīn is saying is: I don't accept this ḥadīth. I think it's weak. It's not hated to go into the toilet with the mentioning of Allah ﷻ but it's better if you don't, out of respect. But if you do, I'm not saying that you're going to do a makrūh action or definitely not going to do a ḥarām action.

So we're well away from ḥarām, alḥamdulillāh, and we're even away from the makrūh. But there's a consensus - ʿulamāʾ have all pretty much said that it is better not to do that. It's obvious for anything that we have that kind of value for; you don't even have to be religious to understand that.

Respect is a very subjective term. If respect is broken down to a physical thing, then the most non-practicing Muslims are far more respectful of the Qurʾān than the practicing. The practicing Muslims are keeping the muṣḥaf here and there and picking it up and it's all dog-eared and lying all around the place etc., because they use it day and night and they're attached to it and we're happy with that; but physically it doesn't look like you're respecting the book too much. Whereas the non-practicing they don't touch it at all, treat it like it really is the crown jewel.

The practicing and even the most non-practicing won't feel right taking the Qurʾān to the toilet. And on that point, there is a consensus that the Qurʾān is not to be taken into the toilet - not because there is evidence, but because it is an insult to the words of Allah ﷻ. That's the correct position.

Shaykh ʿUthaymīn has an interesting point. He states that the ʿulamāʾ have very much made an exception; they said that it is ḥarām to walk into the toilet with the Qurʾān, whether it's out in the open in your hand or whether it's in your pocket of your jacket.

Iṭlāqan meaning 'unconditionally'- it is ḥarām to walk into the toilet with your muṣḥaf even in your pocket because it has ashraf al-kalām, the most respected of speech.

The next Arabic statement is "إلا لحاجَةٍ" – "unless there is a need". There are going to be various scenarios that are going to present themselves and the ʿulamāʾ even accepted (although very reluctantly) that even the muṣḥaf one could happen. And this is in the idea that there is no one to give the muṣḥaf to.

The standard principle is that when you go to the toilet, you hand your muṣḥaf to someone and ask them to hold it for you. But let's just say you're out somewhere and you know there are thieves around… and you have got to understand that in our culture, we don't think that Qurʾāns get stolen, but they do back home - that happens.

If you really fear that it's going to be stolen, then there may be some space for you to wrap it up and put it in your pocket, that's the idea behind it. But like I said, many scholars don't even accept that. They say you can hide it somewhere and you should look for other options.

A much more difficult one is things like money. In old times, money was a problem because it had dhikr all over it and you can't leave that with people and you can't really hide that generally because people are looking for that kind of thing. But the point is that money is a more difficult one and for that reason they said it's in the pocket, it's hidden- that's okay, inshāʾAllāh. That's where the 'need' card is played. It's not a

problem in the UK but in Saudi, the current batch of notes, only on the 1 riyal note it has a seal in the style of the Prophet's ﷺ ring and seal.

It says in the middle 'لا اله الا الله وحده لا شريك له'

and then around it says 'محمد رسول الله, أَرْسَلَ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّه'. This is all on the one riyal note like a small stamp in the middle but it's very clear Arabic.

Now that's not an ayah, but that's dhikr. 'لا اله الا الله وحده لا شريك له' is proper dhikr and 'محمد رسول الله' is not dhikr, it's a fact.

'أَرْسَلَ بِالْهُدَىٰ وَدِينِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّينِ كُلِّهِ' is an exact part of an ayah. "(Allah) sent him with the guidance and the true religion to become prevalent and dominant over all religions" is what it says. If you have one of those in your pocket, inshāʾAllāh it's okay, because of the need.

Small muṣḥafs are now redundant in the face of smart phones and androids- really nice high quality muṣḥafs. It's a screen of liquid and when we press the right order of buttons and hit the right code of electrical impulses on the conductor, it then sends an impulse which changes that liquid into the muṣḥaf page and creates that image.

If you look at the phone, there is nothing of any form of a muṣḥaf whatsoever; what you have is a code, data – which is very different from a muṣḥaf which is actual, physical, real and there. Anyway, I don't think there is a problem with taking a phone (that has Qurʾān applications) to the toilet.

So the next point then is ورَفْعُ ثَوْبِهِ قَبلَ دُنُوِّه مِن الأرض which is translated as, 'raising the garment before nearing the ground'.

The meaning of this is very simple – basically, you don't lift up your thobe early. It's not going to apply to us most of the time, but the idea here is a person who is trying to get away as far as possible to go to the toilet outside and he can't find cover. He is going to try his very best to get as far away as possible.

Basically, he finds his location first, then it is literally at the very last second that he lifts up his thobe and risks his ʿawrah being shown. That is the meaning behind this.

Obviously, for us in a closed toilet, its clear it's not going to happen - you are going to close the door and no one is going to see anyway.

The reason for that is because the Prophet ﷺ said in a ḥadīth which is narrated by Imam Muslim that: لا ينظر الرَّجُل إلى عورة الرَّجُل

A man is not allowed to look at the ʿawrah of another man (and the same applies for the women).

Shaykh ʿUthaymīn said there are three statements of the scholars on this issue. The first thing was some of them said it's allowed because there might be a need. The second is that said it's hated (i.e. what we just said from our text), and the third is that this is ḥarām to do - not just makrūh. Remember, this whole showing their ʿawrah thing is in the makrūh section.

You might think, 'Hold on, why is that?' In actual fact, the third statement of ḥarām is actually the position of the Ḥanbali madhab - that it's not allowed/it's ḥarām to lift up the thobe before you get to the final moment but لكن اقتصروا على الكراهة هنا

But here they have decided to go with 'it's hated', or a level down from ḥarām because they want to summarize the issue. They want to make it easy because maybe there is a reason for you to do that.

Obviously, if you are wearing a thobe this is a big issue. If you are urinating standing up, it can be a much more serious issue depending upon a direction and so on, so that is just a point.

Shaykh ʿUthaymīn here now has a little kind of discussion about urinating standing up. We discussed that last week and I told you that I find that to be something which is permissible. The rest of the discussion is about Aisha (raḍī Allāhu ʿanhā) who right until the end refused to believe that.

It was narrated from Sayyidna ʿUmar - he never urinated standing up. He said since I became Muslim I never ever urinated standing up. The funny thing is that Imam at-Ṭabarāni narrates an athar that he did urinate standing up, so you have two opposing evidences. Anyway, the point is that it's something which is permissible.

There are a number of possibilities which would indicate why the Prophet ﷺ might have done that. There's a very clear ḥadīth where he went to where the people were gathering together (basically a dump where the rubbish dump is and still in a public eye). This is what the scholars said: that it is a dump, but not out in the wood somewhere - it was actually in a common place.

The point is that they said that the Prophet ﷺ urinated standing up, because to urinate sitting down would have led to more uncovering of the ʿawrah. For him to do it standing up would have been more covering.

Allāhu aʿlam. What the scholars have agreed upon (and I told you my position last week) is that he did it to show permissibility. In principle, we urinate sitting down but it's absolutely allowed for you to urinate standing up.

Some of them said that the reason he did it is because his knees have become weak and he had a knee infection/problem. This is because the Arabs used to say that, but firstly, there is no truth in that anyway (from a medical point of view).

Secondly, it's doubtful whether we can trace back to the Arabs.

Thirdly, it goes back to the same principle that we talked about; anyone who squats is going to kill their knees, so obviously you are going to feel better urinating standing up. It's not necessarily a cure for knee pain - its preventing knee pain happening in the first place. There is a difference between the two.

The next thing he says is وَكَلاَمُهُ فِيهِ (3) speaking whilst in the toilet.

This is very interesting. Fīhi refers to 'in the toilet', not 'in the process of going to the toilet'. Fīhi is bigger. So there is speaking whilst you are actually urinating or defecating, and the speaking was in that area. The position of the madhab is the general one - that just being in there is a problem which obviously causes a number of interesting issues.

On the top of page 117 Shaykh ʿUthaymīn says that it's not liked to speak whilst you are fulfilling your need.

The evidence: a man passed by the Prophet ﷺ whilst he was urinating and he gave him salām, but the Prophet ﷺ did not return the salām. This ḥadīth is narrated by Imam Muslim in Kitāb al-Ḥayḍ (the Book of Menstruation). The ʿulamāʾ said that if speaking was allowed, the Prophet ﷺ would have responded because to respond to the salām is wājib (it's a must/obligation), and if it was allowed he would have done it.

The problem with that argument is that he did actually respond to the salām. We know that as the ḥadīth mentions in its detail,

فسلَّم عليه فلم يردَّ عليه حتى توضأ ثم اعتذر إليه فقال إني كرهت أن أذكر الله إلى على طهر

This ḥadīth has been narrated by Ibn Khuzaima and it was authenticated by him as well. What happened is that when the man came, he was a muhājir. When he came, he gave his salām to the Prophet ﷺ and he didn't respond. This is the longer version to give us more details.

The aṣl is in Ṣaḥīḥ Muslim - he didn't give him the salām. The Prophet ﷺ then finished from urinating, then went and made wuḍūʾ as well. It wasn't even the fact that he was in a toilet as such, he then made wuḍūʾ as well and *then*

اعتذر عليه أفضل صلاة و سلام

he went and apologized to the guy and said, 'Sorry, I just want to explain myself. I really dislike mentioning the name of Allah whilst I'm not in a state of purity'.

He said 'I dislike that fact i do that so i just want to say to you that. It's not almost the strongest condemnation of talking, either. He *did* give salām, he just delayed the salām. He didn't say, 'Speaking for me is ḥarām' he said 'I prefer that I don't mention the name of Allah whilst I'm in a state of impurity'.

A real point for this discussion comes from another narration: there are two people who cannot find a place to go separately/don't have the time to go separately to the toilet and they are close by one another, then they go to the toilet together and they chat to each other whilst they are in the toilet.

What I find amazing is that this ḥadīth is very clear when it describes this incident that is happening. This ḥadīth which has been narrated by Imam Ahmad and by Abu Dawūd. On the authority of Abu Said al-Khudri رضي الله عنه, the Prophet ﷺ said that two men should not go out together (going for a dump, basically).

Number two, uncovering their awrah and chatting to each other about it. Because Allah سبحانه وتعالى abhors that (hates it). Maqt is more than hate, so much so that He سبحانه وتعالى is angry.

كَبُرَ مَقْتًا عِندَ اللَّهِ أَن تَقُولُوا مَا لَا تَفْعَلُونَ

It is most hateful to God that you say things and then do not do them; **[Sūrat al-Ṣaff, 61:3]**

So maqt is disgust, hate, everything.

The problem with this ḥadīth is that it's weak, but the principle is clear as sun, you don't go around doing that. When you just think about this, this ḥadīth is referring to the open when people can see each other, so it's very clear.

People now do that in toilets don't they? They go to the cubicles, you be in there, you be in there and they be doing whatever they want, chatting to each other etc. You hear it, you go into the cubicles and you hear them chatting to each other. That's exactly the application of the ḥadīth, it's just that they both can't see each others ʿawrah. Anyway it's something that you should think about because that's a problem.

I tell you something which is interesting, Imam Ahmad (raḥmat Allah ʿalayh), he said when he was asked in a narration about speaking whilst going to the toilet: lā yanbaghi (لا ينبغي). Now the direct translation of lā yanbaghi would be: 'It's not good'.

Now there is a very interesting lesson here in uṣūl al-fiqh and especially in the uṣūl of the madhab of the Ḥanbalis. Imam Ahmad makes a number of these kind of statements, which when you hear it or read it, it's not clear what he's trying to say.

Lā yanbaghi is not a legal statement, it's a statement which is indicating his preference. Yet his students and the imams of the madhab know that when Imam Ahmad says something like that, he means something more. That's why Shaykh ʿUthaymīn says,

والمعروف عند اصحابه إنه إذا قال: ((اكره)) أو ((لا ينبغي)) إنه للتحريم.

His companions and the big imams of the Ḥanbali madhab and his students and those who studied with him and under him, they know that when Imam Ahmad said 'I dislike' or he says lā yanbaghi, that it shouldn't be done. It is indicating ḥarām, according to Imam Ahmad.

So when he says that statement, he is basically saying, 'I think it's ḥarām'. He says that I dislike that you do that, he's basically saying that I think that it's ḥarām. If he says that you shouldn't do that (لا ينبغي أن تفعل **كذا**), he's basically saying that's ḥarām.

Shaykh ʿUthaymīn concludes this point - a person should not speak whilst he is going to the toilet, whilst he is in the process of the toilet and whilst he is the actually area of the toilet itself, unless there is a need (ḥājah). Such as if he is going to help someone, someone who's lost or someone who's trying to come his way or he's telling him to get out of the way. Or someone spoke to him and it's an absolute must that he must respond to him. Or he has a need with a certain person who's in the room, as Shaykh ʿUthaymīn says.

That's why he's very accurate; he didn't say for a ḍarūrah, he said for a ḥājah. You see, in sharīʿah we have different levels of need: ḍarūrah (necessity), ḥājah (need) and the last one, tahsiniyat (just for the sake of doing it, or just to perfect the action).

Shaykh Muhammad Mukhtār al-Shanqīṭi is a lot more traditional, faqīh kind of type, he gives an example. He says: For ḍarūrah, no problem. A ḍarūrah would be that a person suddenly turns around and he sees a bomb. This is a ḍarūrah. He says:

فمثال الضرورة: أن يخشى على إنسان الهلاك

So if a person, if he is basically fearing destruction. So this is ḍarūrah.

He says the ḥājah is also permissible. The ḥājah would be that someone's walking close by and he's going to walk in on him. You have to speak up. That would be a need.

Shaykh ʿUthaymīn says that if there was someone in the room or there was someone there outside that you fear that you need something from, and you know that he's about to leave and you hear him walk out the door, you're allowed to call him; 'Wait, just give me five minutes'.

He also says that, something that I think everyone has fallen into, when you run out of toilet paper. Shaykh ʿUthaymīn says if you need water for istinjāʾ (but the modern day version is toilet rolls as well), he says there's no problem with that. And you can see more references to that in the books of Ḥanbali fiqh.

He moves onto the next thing which is hated:

وبولُه في شَقٍّ ونحوِه

(4) urinating in a hole or the like;

I've written the word hole for the word shaqq (**شَقٍّ**). Shaqq/shuquq is actually the word for crack, but its intended meaning is also a hole. The point here is that it is disliked to urinate into a crevice, a crack, a hole, an opening in the ground such as a burrow or a hole for vermin and other little animals, even if you know - and this is what Shaykh ʿUthaymīn says - even if you know the reason for that hole. That's going to become clear when you realise what we talked about last week.

We said that amongst our cultures it is very well known that the reason that you don't do it in these areas it is the masākin al-jinn (the homes of the jinn). That's a supposition isn't it? It's based upon the ghayb, you don't know. So Shaykh ʿUthaymīn says that even if you do know that this actually is a hole for mice, or field mice or rodents or whatever, you still don't do it. You will find some pieces of ground that it's very, very clear why you might have a crack.

Shaykh ʿUthaymīn gives an example here of a plain, and in this plain, because it's so flat, the rain when it falls on it, it evaporates super quick and therefore it dries up very quick and it causes a lot of cracks, in desert areas.

So you're very confident and you know that that's a crack for that and it's not because an animal's there, or because of jinn homes or anything. Shaykh ʿUthaymīn says, dhāhir al-kalam, what seems obvious from the statements of the Ḥanbalis is that it doesn't even matter if you know the reason. And then he says this is not just for any crack but also for the crevice in a tree, you know where little birds might be or insects. And also a burrow, a den and a lair. Each animal has its own little thing.

All of this is not allowed. Why? Because, and this is now taʿleel meaning that the ruling is that it is hated (makrūh) but if there is a need and what would the need be? That you can't find any other place. So if there is a need then the karāha disappears. If there is ever a need then the karāha disappears.

Why is it makrūh? For a number of reasons. The first reason is the ḥadīth of Qatadah ibn Abdillah ibn Sarjis (raḍī Allāhu taʿālā ʿanhu) on the authority of Prophet ﷺ that he said:

نهى أن يبال في الجهر

He prohibited us from urinating into a burrow or into holes. So Qatadah (raḍīAllāhu ʿanhu) was asked:

فما بال الجهر؟

What's so special about holes? And he said:

انها مساكن الجن

They are the residents or dwelling places of the jinn.

This ḥadīth has been narrated by Imām Aḥmad and by Imām Abū Dāwūd in 'The Chapter of Ṭahārah' and ibn at-Turkmānī and other scholars said the ḥadīth itself has a ʿilla. And it is narrated from Imām Aḥmad bin Ḥanbal that it has not been established or heard from Qatādah (raḍiya Allāhu ʿanh) himself.

لكن أثبت سماعه منه عليُّ بن المديني و أبو زرعة، و المثبت مقدَّم على النافي

This is very interesting. But other scholars of ḥadīth such as ʿAlī bin Madīnī (who was the teacher of Imām al-Bukhārī and companion and friend of Imām Aḥmad) said this has been established as a ḥadīth from Qatādah. And Abū Zurʿah, who is of course another great muḥaddith, says that as well.

And in ḥadīth there's a principle; that the one who says it has been established, his statement is given precedence than the one who says it has not been established, which is a detailed point in muṣṭalaḥ al-Ḥadīth.

And so who considered this ḥadīth to be authentic? This is interesting; al-Ḥākim, ibn Khuzaymah, ibn as-Sakan, Imām an-Nawawī and Imām adh-Dhahabī.

Shaykh ʿUthaymīn says,

و هذا الحديث من العلماء من صَحَّحه، و منهم من ضَعَّفه، و أقلُّ أحواله أن يكون حسناً؛ لأنَّ العلماء قَبِلوه، و احتجُّوا به.

His position on this is that some say it's authentic, some say it's weak, but as far as I'm concerned, the bare minimum that this ḥadīth is, is that it is ḥasan, meaning acceptable, fair.

And they accepted this ḥadīth and more importantly, they all acted upon this ḥadīth. What does it mean they acted? They wrote out and taught all their students to not urinate in these areas.

That's the ḥadīth evidence.

The second evidence for why you're not allowed to do this is the obvious ones; you're killing animals and causing them harm unnecessarily. You're causing a problem for yourself unnecessarily. The idea is if you were to urinate into a hole that has a load of insects, they're going to come rushing out. You are urinating all over yourself.

أو يخرج و أنت على بولك فيؤذيك، و ربما تقوم بسرعة فلا تسلم من رَشاش البول

You might urinate on it, and it might jump out onto you, and it then leaves the urine on you, making you najas.

So, the point is that if that happened, you are the fault. Why would you go to the hole in the first place? You should urinate in a proper place without causing trouble. That's the point being made. So, these are the two reasons.

Shaykh ʿUthaymīn then pushes the boat out and says, we should mention at this juncture the story of Saʿad bin ʿUbādah, the amīr of the tribe of al-Khazraj (سيِّدَ الخزرج). And you can see by the way of a scholar how he talks about a story, what he thinks about the story. He said,

و ذكر المؤرِّخون

"The historians mention…"

Did you see he didn't say, 'Allāh says…', 'the scholars said…' and he didn't say it's in the books of ḥadīth, he said 'the historians.' And as I said to you before, in the two books where we accept some laxity and we know that we don't need too much strength in terms of narration are tafsīr and history.

When it comes to history and tafsīr, these are two sources we don't mind taking a few strange and far-out statements in, because we're not going to base our ʿaqīdah, fiqh, ḥalāl and ḥarām, and ijtihād on it. We're just going to use these incidents of tafsīr explanation and historical analysis as something to bold strop our argument, and not as prove of our argument itself.

So, that's why Shaykh ʿUthaymīn is happy to go with the statement, and a story which is pretty wild as you're going to hear. But that's why he's predicated with, the historians mentioned that sayyid al-Khazraj, Saʿad bin ʿUbādah (raḍiya Allāhu taʿālā ʿanhu) was in ash-Shām (Palestine), and he urinated into one of these holes, the juḥr.

و ما إن فرغ من بوله حتى استلقى ميِّتاً

He hadn't even finished from his urinating, except that he collapsed and died on the spot.

فسمعوا هاتفاً يهتف في المدينة يقول:

In Madīnah, at that moment when it happened, the people heard an invisible voice that said,

نحنُ قتَلْنا سَيِّدَ الخز رَجِ سَعْدَ بْنَ عُبَادهْ

وَ رَمَيْنَاهُ بسَهْمَيْنِ فلم نُخْطِئ فُؤادَه

"We killed the leader of the tribe of al-Khazraj, Saʿad ibn ʿUbādah, we shot him with our arrows and we never missed the hearts."

This is the statement. And Shaykh ʿUthaymīn says,

هكذا ذكر المؤرخون، و الله أعلم بصحَّة هذه القِصَّة، و لمن يكفي ما ذكرنا من الدَّليل و التَّعليل

That is exactly what the historians said, and Allāh knows about the authenticity of this story, but it is enough for us what we mention about evidence in the first ḥadīth, and the common sense that we mention in the second about getting ourselves dirty. And we even said that if there's actually a need and you can't find any place, it's allowed for you to do it, don't worry.

Shaykh ʿUthaymīn has made it very clear what his legal position is, but he's also definitely added some weight to the idea that it's very common in our culture, and it's based upon this story, and it's a scary story.

And just to give you a little bit of information about the narration – it has been narrated by Imām ʿAbd ar-Razzāq in al-Muṣannaf, Imām al-Ṭabarānī, al-Ḥākim on the authority of Maʿmar on the authority of Qatādah, who's the student of ʿAbdullāh ibn ʿAbbās. So, this is a heavy chain.

It's been narrated by ibn Saʿad, ibn ʿAsākir on the authority of ibn Sirīn and al-Aṣmaʿī as well.

And all of these narrations are marāsīl which is the plural of the word mursal. Mursal is singular and marāsīl is the plural. What's a mursal? Mursal is a messenger, the one who has been sent with a message. But, I don't want the linguistic meaning of mursal. What does mursal mean in ḥadīth?

When it stops at a ṣahābī, it's called mawqūf. There's a break in the chain, but where's the break in the chain?

The mursal ḥadīth is when a tābiʿī is narrating from the Prophet ﷺ. He leaves out the companion completely. That's what a mursal ḥadīth would be.

A mursal narration from a person would mean that he misses out the key link that would give him that information first hand.

So, the tābiʿīn and at-bāʿ at-Tābiʿīn that are narrating this story are missing out the final link but they're very sure that this is what happened to Saʿad.

So, this is not a mursal ḥadīth, because it's not about the Prophet ﷺ. It's a mursal on the story of Saʿad. So, it's a technical mursal narration.And what's very interesting is that the muḥaqqiq said,

و المرسل إذا جاء مرسلاً من وجه آخر؛ مخرجه غير مخرج الأول؛ فإنه حينئذ يتقوَّى؛ كما هو مذهب المحققين من أهل العلم.

So, if something happened to Shazad, I would know about it, because I know everything about Shazad. ʿEesa wouldn't know everything about Shazad. He would have to go through me if he wants to know about Shazad. If he said, 'this is what happened to Shazad' and you heard that from him, you would immediately question how he found that out, because he didn't say, 'my dad told me'.

This is a mursal narration. If this mursal narration is made but then Nazeef makes the same statement as well about Shazad and he didn't go through me either, we have two mursal narrations which are going through different routes.

And when it comes to the principle of the scholars and ruling on these points and issues and it comes from different routes, that strengthens the overall nature of the original mursal narration.

What the muḥaqqiq is trying to say is that this narration is sound.

So I repeat to you, Saʿad ibn ʿUbādah urinated into a hole of an animal or a hole and the jinn basically killed him. That's what it says and Allāh knows best.

He said that he heard from Shaykh ʿUthaymīn this discussion once, that in Unaiza which is near Najd in Riyadh. When he was teaching his students and when it gets cold and people throw boiling water out, as a result of that because you don't know where you are throwing it and you harm someone(jinn meaning) and there was some reincarnation (?) upon children and no one knew what happened as a result.

Shaykh ʿUthaymīn was saying that when you do something like that, say bismillah. There is no sharʿi evidence for that per se but there is a general principle out there.

If there is a chance that you are doing something in the wrong way, then you should not do it. We have a drain in a sewer and it is very clear so pour it down the drain in the sewer. You have a tap hole, pour it into a tap hole and don't just throw dangerous harmful things around. I don't want to bring complete paranoia, I am saying that there is this understanding which is there. In a place where a jinn will be feeling safe and secure. A hole in a tree or a burrow. It doesn't expect to be destroyed by someone urinating there so why will you go and do that. And some random place where it is cold is what the example that Shaykh gave. I think that is a wordy point.

Question: Were you saying like a hole is it like destroying nature (inaudible)

Ustadh AE: I don't necessarily mean destroying nature per se. What I mean is that you know if there was something that would be destructive and you are doing it in a certain area where you wouldn't be expecting that to happen that might just be requiring a bismillah. It sounds strange.

What if I tell you that ʿulamāʾ based upon the ḥadīth of the Prophet ﷺ when they would see a snake in the house, would actually announce to the snake, 'if you are jinn, leave the house because I am going to kill you'.

So the ʿulamāʾ they say that you have to do it three times. It's as if the snake has a ḥaqq upon you to get out and not just to be killed or whatever if it is a jinn. So there is an understanding that you announce your intention before you do something that my cause harm.

Question: What's the ruling for an adhān app on a phone?

Ustadh A.E: So first of all the adhān app on a phone is no problem. There is nothing which prohibits having adhān app on the phone per se. I really dislike an adhān app or even more so an adhān ringtone and even more so a Qurʾānic ringtone because people just cut it off straight away and that is not what the adhān or the Quran is meant for. You put it and you let it play or you don't put it at all. An adhān app for me at the time of the adhān it goes beep beep beep. That is what it should be. That is my adhān app. unless you will let that play out. You either let it play out or you don't activate the full adhān. What if goes off whilst we are in the toilet is the question? If it goes on you have to stop it.

Question: What if you scrolling Twitter or Facebook whilst in the toilet and the name of Allah come up in English or Arabic?

Ustadh A.E: That is a problem. Astaghfir Allah, that is what I am saying.

Question: What if you are in the toilet and the Quran is being played in the house?

Ustadh A.E: I always get the Qurʾān turned off. Why? Because it is very difficult if you know Qurʾān to not feel, think or recite whilst you sitting in the toilet. It is very difficult so you should be on the safe side. There are narration's from salaf that they used to put stones in their mouth because they really used to be in to Dhikr and qirāʾah and when they begin the toilet, they are still in the same thing so they put is so they don't say anything. And I think that is okay. At the same time if you can control yourself there is no problem because that is too much. What if you are in a public toilet in a masjid for

example and everyone is reading Quran and you can't make everyone stop just for you. You have to get your own control.

Question: It is hated to converse whilst in the toilet. How about texting? I am assuming the ḥadīth used is also applicable to those who make phone calls whilst in the toilet?

Ustadh A.E: texting is not prohibited under this ḥadīth, directly speaking .Texting is not speaking and there is no honour in it. The ʿillah is speaking itself. The reason I mean now. You know when I said ʿillah means the sharīʿah reason. The prohibition is actual speaking. The ʿillah is also you dishonouring the words that are being said. If you are texting silently, theoretically speaking this will not come under the prohibition of speaking. What it will come under? The problematic area of extending your stay in the toilet. You know lots of people ask about reading and things like that. That is the problem with reading, listening etc. is that it is delaying your stay in place where you shouldn't be delaying your stay in.

Question: I have heard that the definition of a toilet is the area around the actual toilet because toilets generally..... (inaudible)

Ustadh A.E: we discussed that couple of weeks back and what we said is that the definition of a toilet is difficult. It is the actual area and we rule by that technically speaking so that we are able to make our Dhikr when we are doing wuḍūʾ at the sink. But that is the only reason. Otherwise we rule the entire bathroom as the toilet and therefore when we say bismillah, we say it when we step in to the bathroom and we say Allāhumma innī aʿūdhu bika min al-khubthi wa al-khabāʾith when we walk into the bathroom, and we say ghufrānak when we walk out of the bathroom.

When it comes to the dhikr of the toilet, we use the bathroom as the toilet. When it comes to the actual actions inside the bathroom, then we call the toilet just the toilet area. Otherwise when we go to our sinks which are clean and separate and so on, to say bismillah and make the duʿāʾ and so on, then that becomes a problem .Then we can't say anything. It is a lot better for you to be on the safe side and some scholars say you can even delay the bismillah but I don't like that.

You say bismillah and then the duʿāʾ for wuḍūʾ you should say that outside of the bathroom as well. That is the safer side. I want to say that I don't think it is a problem to make the Dhikr at the bathroom side. I don't have a problem. But it is best to always avoid khilāf (differences of opinions amongst scholars).

Question: how do we prevent speaking to our children when they are in the toilet?

Ustadh A.E: I think as I said it is difficult. First of all I would say if people are having difficulty that we go by the easier ruling that the bathroom is safe from that. You know for example when a person goes to the bathroom to brush their teeth then we can just assume that the toilet is not being applied here. I'm saying this as a safety gap until you move on and create that discipline where you don't get them to speak and you don't speak as well as an interim measure.

In the Qurʾān, the word makrūh - certainly all the way through it Surat Al-'Isrā' - means ḥarām, and in other places not always.

Question: kids like 2-3 years old they want to leave the bathroom door slightly open, they want to chat a little bit sitting on the toilet.

Ustadh A.E: I think there is some space for that. Very small children who can't carry one without being on the toilet etc. and they need to be spoken to and they speak. I think there is some space for that because they are young and are not held applicable to that kind of ruling. Allah سبحانه وتعالى knows best.

بسم الله الرحمن الرحيم
الحمد لله رب العالمين
والعاقبة للمتقين ولا عدوان إلا على الظالمين
اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وصحبه أجمعين
اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا
اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

Assalamu ʿalaykum wa rahmatullāh wa barakātu

Every lesson is important in the scheme of things, obviously some are much more important than others, and some go on a lot more than others, but today's lesson is very interesting from the point of view that we will be covering some key principles in Qawāʿid al-Fiqhiyyah and Uṣūl al-Fiqh.

Some of those things you might have heard. There are rules in sharīʿah which you might not have realised before, that are in play that scholars use to determine certain facts when they're held up with opposing evidences. We'll come to that naturally.

We're on page 3 of the actual notes on the category of the disliked (makrūh) matters. The entire text was,

"The following are disliked: (1) entering with anything containing mention of Allāh, Most High; (2) raising the garment before nearing the ground; (3) speaking whilst in the toilet; (4) urinating in a hole or the like; (5) touching the genitals with the right hand; (6) using the right hand when removing filth using stones or water; (7) facing the Sun or the Moon."

These are the disliked matters. Let's just finish it off. We're on page 121 of Sharḥ Mumtiʿ and right in the middle,

و مسُّ فرجِه بيَمِينِهِ

"And his (or her) touching of the genitals with the right hand."

It is disliked for the qāḍī alḥājih (the one who is seeing to his need, i.e. going to the toilet) to touch the private parts with his right hand. This is referring to the front and the back, because kilāl al-farjayn means the two faraj. The word 'faraj' when it's used by itself is a general term, therefore referring to the back passage and the front. The reason for this is the ḥadīth of Abū Qatādah (raḍī Allāhu taʿāla ʿanhu) and he said,

لا يُمْسِكَنَّ أحدُكُم ذَكَرَهُ بيمينه و هو يبول، و لا يَتَمَسَّحْ من الخلاء بيمينه، و لا يَتَنَفَّسْ في الإناء.

This ḥadīth is narrated by Imām al-Bukhāri in "The Chapter of Purification."

"Let not one of you hold his penis – and that has been specifically said – with his right hand whilst he is urinating, let him not wipe himself with his right hand when he is defecating, and let him not breathe into his container/glass."

If you drink, you should take a sip once and breathe. This is the sunnah according to the majority of the scholars. You take three sips and you breathe and you take it easy. If you watch a child, they gulp and breathe into the glass. It's okay for a child, because they don't know what's happening. And the whole point is that they're breathing into a glass and making it dirty. So, that's the ḥadīth just to give you some context.

If we concentrate on this ḥadīth that we talked about, Shaykh ʿUthaymīn said that the Prophet ﷺ has specifically said that he holds his penis with his right hand whilst he is urinating and the Prophet ﷺ also restricted it to whilst urinating.

Then we ask the question, is that the case? Is that the only time that it's allowed?

و قد احتلف العلماء

The scholars have differed (raḥimahum Allāh taʿāla) over this restriction. Is it the case that the prohibition of the Prophet ﷺ is only in this ḥadīth? I'm saying prohibition even when we're doing the chapter of the disliked matters. But we're saying prohibition, because we haven't got to the fiqh conclusion yet.

When you read this ḥadīth, the Prophet ﷺ said, 'Do not…" and when you have that, it means a prohibition. So, we're now slowly going over the ḥadīth and the ḥadīth is prohibiting using the right hand.

Is the touching of the private parts restricted only to whilst urinating alone? Because the common sense reason is that he will dirty his hand. And it's his right hand and the right hand is being used for all of the honourable, clean and good things. Is that the reason?

و إذا كان لا يبول...

And if he's not urinating, what's happening then? We have a ḥadīth about that. The Prophet ﷺ was asked in the ḥadīth of Ṭalq (raḍi Allāhu taʿāla ʿanhu), where he came to the Prophet ﷺ and said to him, 'Yā Rasūl Allāh, does the one who touch his penis in the prayer have to make wuḍūʾ or not?" And the Prophet ﷺ responded to him,

أنما هو بَضْعَة منك

"This is just a part of you." It's just another organ. That response would suggest that he doesn't need to make wuḍūʾ, and therefore it's permissible outside of urinating to touch.

Others scholars said,

و إذا كان بَضْعَة منه فلا فرق بين أن يمسَّه بيده اليُمنى أو اليُسرى

At the same time, if this is the case, it wouldn't even matter whether you were in the prayer or having a bath or doing something else, whether he touched it with his right or left hand, according to this ḥadīth and permission. If you say to someone, 'It's just a part of you', then right or left hand is taken out of the equation.

So, what we have now so far is the Prophet ﷺ making it clear that you're not allowed to touch your private parts with the right hand whilst you are on the toilet, but outside of the toilet, it seems that it doesn't really matter, because it's part of you.

The scholars differed over how to deal with this, because it is a major issue.

و قال بعض العلماء: إنه إذا نُهي عن مسِّه باليمين حال البول، فالنهيُّ عن مسِّه في غير حال البول من باب أَوْلَى

Some of the scholars said, if a person is prohibited to touch his private parts whilst going to the toilet, then it must be even more prohibited outside the toilet. At least if you're going to prohibit something whilst going to the toilet, that's hard upon a person, because that's exactly what he is using his hands for. He doesn't really have another choice but to use those two hands at that time to clean himself.

So, if he's being prohibited at the one single time where you have an excuse to touch your private parts, then what about the rest of the time where there's no excuse to touch your private parts? That's surely got to be even more prohibited. And this is the argument.

And what Shaykh ʿUthaymīn says is that as far as he is concerned, both of these two opinions are good. There's a wajh (وَجْه), meaning that there's a point. When you hear the word 'wajh' or 'hadha qawlu wajīh' (this statement has a point), it means there's something there in the discussion. Shaykh ʿUthaymīn is trying to rate both points.

The argument that states that it's part of your body is no problem whenever you touch it; it has an angle. And the argument that says you should never touch it also has an angle.

And if you take the second opinion that says you should never touch it, how would you respond to the ḥadīth? You'd say it's either abrogated or that is was something that was unknown. You'd have to try and find an argument to try and cancel out the ḥadīth of Ṭalq. Many people said the ḥadīth is weak and dealt with it like that.

Shaykh ʿUthaymīn says,

و الاحتمالن واردان

Both situations have been narrated, both possibilities are active.

و الأحوط أن يتجنَّب مسَّهُ مطلقاً

This is a very important word that I always teach in all of my classes and all of fiqh; the word 'Aḥwaṭ.' Allāh ﷻ says,

﴿ وَلَا يُحِيطُونَ بِشَيْءٍ مِّنْ عِلْمِهِ﴾

"…but they do not comprehend/encompass any of His knowledge…" [Qurʾān 2:255]

The word 'Aḥwaṭ' comes from the verb, to encompass. When you use the word in fiqh, it has the indication of trying to say that it is the most encompassing opinion, and it will cover most of the evidences and that means you'll stay away from the khilāf. You will protect yourself from the difference of opinions of the scholars. In English, we just say it's the safest opinion.

When the scholars teach this opinion in the books of fiqh, they say 'al-aslam aw al-aḥwaṭ', meaning, the safest position or the most encompassing position.

What do you think the most encompassing position in this would be? Just don't touch it at all, at any circumstance, at any time. It's as simple as that. That is what Shaykh ʿUthaymīn wants to say.

و لكن الجزم بالكراهة إنَّما هو في حال البول للحديث

But, this is us just telling the people, males and females, to not touch your private parts, whether you're inside your prayers, outside your prayers, and in any kind of circumstance. This is our advice to you, because it's the safest opinion.

As for saying, that this is makrūh, which is a legal statement which requires a legal evidence, this is only for when urinating and going to the toilet, because the ḥadīth is very clear and it's ḥadīth al-wārid (a narrated ḥadīth) in the matter.

و في عير حال البول محلُّ احتمال

As for any other time outside of urinating, then this is up for discussion and there are evidences.

And Shaykh ʿUthaymīn says,

فإذا لم يكن هناك داعٍ ففي اليد اليُسرى غنيةٌ عن اليد اليمنى

There's really no need to ever get involved in that kind of doubtful matter using your right hand. If there's some doubt, use your left hand. There's no issue there to be discussed.

And Shaykh ʿUthaymīn says that for the student of knowledge, what is the taʿlīl for the kirāhah? What is the actual evidence to say this is makrūh? It is from ikrām al-yumna, out of honouring the right hand. And we've used that principle along the line of this chapter. Out of honouring the right hand, one doesn't do things which are bringing it down in status.

There are a few points there that we need to make. If there's a need, for example he doesn't have a left hand or there's some kind of difficulty, then he's allowed to use his right hand.

The other thing is that this ruling is applicable at all times. It's advised not to use the right hand for anything, other than for sexual matters, which is a whole different category and that will come in its own time. But, everything outside of that, like sexual matters, day-to-day matters and normative times, one should avoid touching private parts with the right hand. And not just your own private parts, but other people's private parts, especially for children when cleaning them.

For example, when you're washing your baby in the bath and it comes to their private parts, use your left hand. This is the position of the ʿulamāʾ. So, when you're washing other children's private parts, use the left hand and not the right hand, whether you're in the bathroom, shower, or changing the nappy.

Now, an issue comes up. Some people might say no one actually uses the right hand; people might use a stone or tissue. So, it's the tissue which is the cleansing agent. But the same ruling is applied, because the ḥadīth says, 'the one who holds his private parts', and that wasn't even touching the maḥall al-najāsah (the area of dirt).

Another question which arises (which I think is very interesting) is the issue of not having water, and therefore you have to do istijmār, and if you remember how we opened up this whole chapter, we said that there are two ways; istinjāʾ and istijmār. Some of the ṣaḥābah said that to use water is not the aṣl; it's to use the stones and toilet paper. Istinjāʾ is to use water and istijmār is when you use anything other than water.

We said that the two basic principles on planet earth are toilet paper and clods of earth. People don't usually use stones, they use clods. It's like a clump of earth. That's the standard in the Muslim and developing world. Here we use toilet paper.

What's interesting is that Shaykh Muḥammad Mukhtār ash-Shanqīṭi said that, what about if a situation arises where a male has to make istijmār, but is unable to clean his private parts

using just the left hand? The problem is that he's not allowed to hold his private parts with the right hand to gently squeeze and expel the urine and then to dry it with the left hand.

And remember we're not talking about water here, we're talking about istijmār. So, he's not able to hold his private parts with his right hand, because the prohibition is clear. He's not allowed to clean with his right hand, because the prohibition is the same. Everything has to be done with the left hand. And sometimes, he might need to squeeze and clean and so he can't do that with one hand.

Shaykh ʿUthaymīn says, if there is a person who needs to clean himself – and he's assuming that there's no toilet paper and that somehow he can't use his right hand – you get the stone or the clod and hold it with your two feet and clean your private parts with it.

إن أمكن أن يجعله بين رجليه، و يتمسَّح فعل، و إن لم يمكنه أخذه باليمين، و مسح بالشِّمال

If that's not even possible, then just hold it with the right hand and clean with the left.

Let's look at what Shaykh ʿUthaymīn said. You're in a situation where you can't get by with just using the left. So now you use the stone or the cleaning material with your feet and if not, you use the right hand.

Shaykh Muḥammad Mukhtār ash-Shanqīṭi says to leave the feet and what you would do is that you would hold the cleaning paper or stone in your right hand and you would not be allowed to move your right hand. So, the right hand is almost like a wall. You're holding the cleaning material and you're not moving. And if you're not moving, your left hand does all the moving of the private parts. And you're right hand is there by coincidence, because Muḥammad Mukhtār ash-Shanqīṭi said if you move your right hand, you're cleaning but if you hold it there, then everything else is doing the cleaning and the right hand is just there by itself. So, those are a few points there.

And we just covered point number five and six; touching the genitals with the right hand and using the right hand when removing filth using stones or water.

So, we have one final point left in the chapter of kirāhah and that is facing the sun or the moon.

واستقبالُ النَّيِّرَيْنِ

The word 'nīrayn' comes from 'nūr' which means 'the two things which give light' and they said that this is something which is makrūh. Why did the madhāhib say that? Because, the ḥadīth narrated on the matter is weak. And Shaykh ʿUthaymīn says,

و ليس هناك دليل صحيح، بل تعليل...

There is not an authentic evidence that would establish anything like that. Then they moved from using a ḥadīth, because they couldn't find one to try and rationalise it. The rational was that this has the nūr of Allāh ﷻ. They said that the moon and the sun are the two expressions of the light of Allāh ﷻ.

And Shaykh ʿUthaymīn said that this is a bit problematic, because everything has the light of Allāh ﷻ. What about all of the stars? They're even more based on the light of Allāh ﷻ, and who are closer to Him and are brighter.

و في هذا نَظر

That's why Shaykh ʿUthaymīn isn't sure about that. And if you also look at another ḥadīth which is narrated by Imām al-Bukhāri in Kitāb al-Wuḍūʾ, it says,

لا تستقبلوا القِبلَة و لا تستدبروها ببول و لا غائط، و لكن شرِّقوا، أو غرِّبُوا

"Do not face the qiblah, and do not turn your back to it, whilst you are urinating or defecating, but turn to the east or turn to the west."

The word 'sharq' refers to the east and that's why they call the Middle East 'al-Sharq al-Awsaṭ' and 'gharb' refers to the west.

And what Shaykh ʿUthaymīn says,

ومعلوم أن من شرَّق أو غرَّب والشَّمس طالعة فإنه يستقبلها

If you think about it, the Prophet ﷺ said, don't face the qiblah and don't turn your back to it, but go to the east or go to the west. And Shaykh ʿUthaymīn says, if you're being told by the Prophet ﷺ to go to the east or the west, you're going to find the sun there, and you can't avoid the sun. So, which way are you meant to sit? So, it's clear that from the ʿaql point of view, it doesn't make any sense and neither does the 'nūr' argument. The hadith is weak, therefore Shaykh ʿUthaymīn says, this is a matter which not correct.

فالصحيح: عدمُ الكراهة لعدم الدَّليل الصَّحيح، بل ولثبوت الدَّليل الدَّالِّ على الجواز

The correct opinion is that there is no disliked matter in this, because there is no evidence. In actual fact, the evidence clearly indicates that it is permissible, because if you're going to the west or the east, you're going to face the sun or the moon.

Now, we enter the new sub-chapter of the **prohibited** matters. All of those were the disliked matters according to the Ḥanbali madhab and Shaykh ʿUthaymīn gave his opinions on that.

And now we go on the Ḥanbali position, according to Imām al-Ḥajjāwi (raḥmat Allāh ʿalayh) in the text of Zād al-Mustaqniʿ and page 4 of the text. These are the matters which are unlawful.

و يَحْرُمُ استقبالُ القبلةِ واستدبارُها في غيرِ بُنيانٍ، ولُبْثُه فوقَ حاجتِه، وبولُه في طَريقٍ وظِلٍّ نافعٍ وتحتَ شجرةٍ عليها ثَمَرَةٌ

"The following are unlawful: (1) facing or turning one's back to the *qiblah* when not inside a building; (2) remaining longer than needed; (3) urinating on a path, in useful shade, or beneath a fruit-bearing tree."

Let's have a look at the issues which are going to come up in this discussion and it's a very interesting discussion. This is where we're going to start going into some deep Uṣūl al-Fiqh.

Shaykh ʿUthaymīn says that, why did the Ḥanābilah go straight into the ḥarām and say it's ḥarām to face the qiblah and to turn one's back to it? It is because of the ḥadīth of Abī Ayyūb al-Anṣārī (raḍī Allāhu taʿālā ʿanhu) in which the Prophet ﷺ said,

لا تستقبلوا القبلة ببولٍ ولا غائط، ولا تستدبروها، ولكن شَرِّقوا، أو غَرِّبوا

Abī Ayyūb narrated this ḥadīth. He is the one who said to not face the qiblah when you're urinating or defecating, and don't turn your back towards it, but rather turn to the east or turn to the west.

Then Abī Ayyūb carries on and says,

فقدمنا الشَّام فوجدنا مراحيض قد بُنيت نحو الكعبة، فننحرف عنها، ونستغفر الله

"We went to ash-Shām (the Damascus area), and we found that toilets had been built and they were facing towards the Kaʿbah, so we altered their direction and we sought forgiveness from Allāh ﷻ."

This is narrated by Imām al-Bukhāri; the ḥadīth of Abū Ayyūb and his own commentary to it and how we put it into practice as well. This is the reason why the scholars said it's ḥarām.

And we know that when we say 'Lā tastaqbilū wa lā tastadbirū' (لا تستقبلوا ولا تستدبروا), 'don't face and don't turn your back', it's similar to saying it's ḥarām.

نَهيٌ، والأصلُ في النهي التَّحريم

This is first lesson you learn in Uṣūl al-Fiqh. Whenever we prohibit saying 'don't do' or 'stop that', it means a prohibition, except if a second evidence comes along and suggests that it is

makrūh only, because maybe another evidence comes along and shows the action being allowed in a certain stage. If the evidence shows that, it would indicate that the action is permissible, inshāʾAllāh.

What's interesting is that Shaykh ʿUthaymīn says that what we can benefit from the ḥadīth is that, it is not enough just to change the angle by five degrees or to change your position a little bit, because even the ḥadīth says,

ولكن شَرِّقوا، أو غَرِّبوا

And it is suggesting a complete banning.

الانحراف التَّام

Therefore, the question is what is the evidence or not, for doing this? What's the taʿlīl (the reason, the common sense) minus the ḥadīth for not facing or putting your back to the qiblah? If we use the same principle that we just mentioned for touching the private parts with the right hand, what's the reason?

It's the qiblah. It's iḥtirām al-qiblah. It's about respecting the qiblah itself and that's the reason (the ʿillah) in this ḥadīth

The ḥadīth is clear, but the question is why? Why is there a prohibition? Because, the Prophet ﷺ has made it clear that the qiblah itself is something muḥtaram (respected) and to do that is something which is disrespectful.

But then we have the second part of the statement, because on the first part of the statement, very few scholars had any issues with that. We're going to have a big discussion about that in a second.

But you're thinking about toilets and if you don't have that, you go outside into an open area for toilets.

So, the second part of that first prohibition is,

في غير بُنْيَان

"Outside of the building."

So, it's prohibited outside of the building. The Ḥanābilah are trying to say that inside the building or a built-up toilet or a separated structure, there is no problem.

So, in that statement they say,

ويحرُمُ استقبالُ القبلة واستدبارُها في غير بُنْيَان

It's ḥarām to face or turn ones back to the qiblah whilst defecating or urinating when you are outside the building. Therefore, inside the building, there is no problem according to the Ḥanābilah. In fact, not just the Ḥanābilah, but the jamhūr al-ʿulamāʾ (the majority of scholars): the Shāfiʿīs, Mālikis and the majority of the scholars. Why is that? Let's open this discussion.

The reason for that is primarily a ḥadīth of ʿAbdullāh bin ʿUmar (may Allāh be pleased with him and his father) and he says,

رَقِيْتُ يوماً على بيت أختي حفصة، فرأيت النبيَّ صلّى الله عليه وسلّم قاعداً لحاجته مستقبلَ الشَّام مستدبر الكعبة

"I once ascended onto the roof of the house of my sister Ḥafṣah and I saw the Prophet ﷺ going into the toilet and he was facing Shām (Damascus/Palestine) and his back was towards the Kaʿbah."

So, immediately we have a problem, because the previous ḥadīth said you are not allowed to turn your back to the Kaʿbah or face the Kaʿbah. And as the scholars have said, when you hear the word qiblah, we also mean the Kaʿbah.

So, we have the statement telling us to not do it, but the action of the Prophet ﷺ is clearly showing it; this is the issue.

وهذا المشهور من المذهب

"And this is the popular opinion in the Ḥanbali madhab."

Because of this action of the Prophet ﷺ inside his house – and last week we established that the Prophet ﷺ did have an area for going to the toilet inside his house and in the house of ʿĀʾishah especially – and they therefore allow it inside the house, because it's a bunyān (building).

بل قالوا رحمهم الله: يكفي الحائل وإن لم يكن بُنياناً، كما لو اتَّجه إلى كَوْمَةٍ من رمل أقامها وكان وراءها، أو إلى شجرة ما أشبه ذلك

In the madhab, it is sufficient, and that's what's narrated in Sharḥ Muntahā al-Irādāt, which is one the main books of Ḥanbalī commentary, but it's not what you call strictly a Ḥanbalī

commentary. Our commentary is much wider and much more relaxed, because we're looking at the other madhāhib, and taking what we feel to be the strongest.

The Prophet ﷺ in his ḥadīth has indicated that he's going to the toilet in the building, therefore the Ḥanbalis and the majority of the scholars said that it's allowed in a building. The Ḥanbalis even went further and said any kind of barrier between you and the outside will do, even if you get a sand dune and you go to the toilet behind the sand dune to create a barrier. And if you use a tree or anything similar to that, some of the scholars said it's sufficient for them.

Some of the scholars also said it's not permissible at all to face the qiblah or to turn ones back to it.

بكلِّ حال

At all, at any time, whether you're in a building or outside (it is not permissible). And this is a narration from Imām Aḥmad. They said that the reason for this is because of the statement of the Prophet ﷺ. He said, don't face the qiblah and don't turn ones back towards it; that is the qawl (the statement).

أما العمل

As the action of Sayyidna Abī Ayyūb is a proof of it.

فبفعل أبي أيُّوب حين قدم الشَّام فوجد مراحيض بُنيت نحو الكعبة

They were buildings, so they went there and changed them.

هذا يدلّ على أنه لم يرَ هذا كافياً

It was not enough to just leave it and allow it. Just the fact that it was in building was not good enough, so the action of Abī Ayyūb is a clear indicator.

So how did they respond to the ḥadīth of ʿAbdullāh bin ʿUmar? It's been abrogated. So, the action of the Prophet ﷺ was done before he prohibited the action.

A number of the ʿulamāʾ consider this ḥadīth to be weak, because of Qays. We are going to cover this ḥadīth in detail later. We are not going to cover this ḥadīth now, because this ḥadīth comes into its own importance in later chapters. But, a number of scholars consider this ḥadīth to be weak.

From them is Imām Aḥmad, Yaḥya bin Maʿīn who is the teacher of Imām al-Bukhāri, Imām adh-Dhahabī, but likewise, Imām al-Ṭabarāni and ibn Ḥajar didn't have a major issue with this ḥadīth.

So, it's split down the line. There are a big number of scholars that consider the ḥadīth to be weak and there are number of scholars that consider the ḥadīth to be authentic. In fact, some of the scholars said that regardless of whatever anyone says, they know that this ḥadīth is more authentic than the ḥadīth of Ayyūb al-Anṣārī, which is also narrated by Imām Aḥmad in more detail.

The point is that there is a discussion there about the authenticity of the ḥadīth.

The other point is that some people said that where two things contradict one another, you are not allowed to go to the principle of saying that one is abrogated, unless it's impossible to combine them and to reconcile them. And this is a very important rule. You have to try and reconcile and if reconciliation is not possible, then it' possible to say that one is abrogated or not.

Shaykh ʿUthaymīn says,

و الرَّاجح

I was having a discussion about this; how come the big ʿulamāʾ like the four Imāms say, 'this is the position', and then other scholars come along and then say, 'the rājiḥ and the ṣaḥīḥ is this'. Is this arrogance or not? Depending upon the scholar, his taʿbīr (terminology) is to be seen according to how you understand who that scholar is.

So, if he is somebody young and he likes to go around saying that this is ṣaḥīḥ and this is rājiḥ, then that means nothing, because they are not known for knowledge and they are just wasting their time. They don't know what fiqh is and they never studied the opinions. They just read a book of Shaykh ibn Bāz, Shaykh al-Albāni and of Shaykh ʿUthaymīn mentioning these words. That's obviously nonsense.

As for a scholar who is very careful with his words and you know that he goes with the evidences and you know his respect for the ʿulamāʾ, when he says that statement, then he is not trying to say that it's not possible all other opinions are bāṭil (false). He is saying that according to his own opinion, this is what he thinks is correct. And this is fiqh, not ʿaqīdah, and in fiqh everything is possible. It's not something which is cut from stone.

When Shaykh ʿUthaymīn is very confident about something and he believes it to be correct, but not the only position, he will use the word 'ṣaḥīḥ'. But, when he knows that there is some discussion happening and both positions are possible, then he will say, 'wa al-rājiḥ'

'Rājiḥ' means the preponderant opinion, the one which seems stronger, but that also allows the other position to be strong, and not just weak. When you say, 'ṣaḥīḥ' then the other position must be ḍaʿīf (weak).

So, this is more of an adabi kind of statement. When you see Shaykh ʿUthaymīn say this, you know that he is recognizing that this issue is a bit more difficult than the norm. That's why he said,

و الرَّاجح: أنه يجوز في البُنيان استدبارُ القِبْلة دون استقبالِها

The correct opinion is that it's permissible to turn the back towards the qiblah, but not to face it whilst in a building, because the prohibition is super clear and it's supported by both aḥadīth.

In the ḥadīth of Abī Ayyūb, the Prophet ﷺ said to not face it and to not turn your back to it. In the ḥadīth of ʿAbdullāh bin ʿUmar, he had his back to it.

Therefore, what is very clear – if you take both aḥādīth and combine them – is that where there is no doubt is that to face the qiblah is prohibited, because the Prophet ﷺ didn't do it when he was in his house and the statement of the Prophet ﷺ is made very clear as well. And this therefore, is the position of Shaykh ʿUthaymīn.

والنهيَ عن الاستدبار خُصِّصَ بما إذا كان في البُنيان

What is the meaning of the prohibition of pointing the back toward the qiblah in the ḥadīth of Abī Ayyūb? When we read that ḥadīth of Abī Ayyūb in which he said, 'don't turn your back to the qiblah', this means outside. As for when you are facing the qiblah, this is referring to all times, inside and outside.

This is Shaykh ʿUthaymīn's opinion. And he also says that this makes sense as well.

الاستدبار أهونُ من الاستقبال

To urinate towards something is disgraceful and to turn your back to something is less disgraceful. It's not completely disgraceful, but it's less disgraceful.

Shaykh ʿUthaymīn makes a statement at the end and says that regardless of what we think of this, what's better is to not even try to turn your back towards it as well.

I'm going to just show to you a little more detail in this matter, because actually is not as simple as we might think.

Shaykh Muḥammad Mukhtār ash-Shanqīṭi said it's completely impermissible, at any time, to face the qiblah or to turn your backs towards it, whether in a toilet, or in an apartment, in a building or outside. He said that there are six positions on this matter. And I would like to quote them to you so that you get the names of the ʿulamāʾ down.

القول الأول : يحرم الاستقبال ، والاستدبار مطلقاً ، وهو مذهب الحنفية ، واختاره الإمام ابن حزم ، وشيخ الإسلام رحمة الله على الجميع.

1) He said the first statement is that it's completely impermissible, back or front, in a building or outside the building. This is the position of Shaykh Muḥammad Mukhtār ash-Shanqīṭi, which is scary. If that wasn't scary enough, then it's also the official position of the Ḥanafi madhab. And it gets even scarier; this is the position Shaykh al-Islām ibn Taymiyyah as well.

If you want to take it further and make it even more scarier, then it's the statement and position of Abī Ayyūb al-Anṣārī and Mujāhid who is the student of ʿAbdullāh bin ʿAbbās (or Ibrāhīm al-Nakhaʿī who is the student of ʿAbdullāh bin Masʿūd), and Imām Sufyān ath-Thawrī. And it's also in a narration from Imām Aḥmad, which is why Shaykh al-Islām ibn Taymiyyah took that position, because he felt much more confident that his own Imām took that, raḥmat Allāh ʿalā al-jamīʿ. So, that is the first position and it's completely impermissible.

القول الثاني: يجوز الاستقبال والاستدبار مطلقاً؛ وهو مذب الظاهرية، وبعض السلف رحمهم الله

2) The second position is that is it completely permissible to face the qiblah and turn your back to it at all times. It's the exact opposite of the first position. And this is the position of Ibn Ḥazm and the Ẓāhiriyyah. The narration that Ibn Ḥazm is upon this position is weak, but the Ẓāhiri madhab, who are the literalists, are the ones who allow this. They just took the action of the Prophet ﷺ and they said this is the evidence, and it supports it, and establishes it and therefore, it's allowed. Some of the salaf also allowed this. ʿUrwah bin Zubayr is one of them and Rabīʿah, who is the teacher of Imām al-Shāfiʿī.

القول الثالث: يجوز الاستدبار دون الاستقبال ; وهو رواية عن الامام أبي حنيفة ، وأحمد ، وقول بعض السلف رحمهم الله

3) The third position is that it is allowed to turn your back to it, but you are not allowed to face the qiblah. This is a narration from Imām Abī Ḥanīfa and Imām Aḥmad and some of the salaf.

القول الرابع: يجوز الاستدبار دون الاستقبال في البنيان دون الصحراء؛ وهو رواية عن الإمام أبي حنيفة رحمه الله

4) The fourth position is that it is allowed to turn your back to it, but not face it in a building, and not outside the ṣaḥrāʾ (desert, sand). That's the narration of Imām Abī Ḥanīfa and the position of Shaykh ʿUthaymīn

القول الخامس: يجوز الاستقبال والاستدبار في البنيان دون الصحراء ؛ وهو مذب الجمهور، وهم المالكية، وشافعية، والحنابلة رحمهم الله.

5) The fifth position is that it is allowed to face and to turn ones back in a building, but outside it's not allowed at all. So both are allowed inside a building and both are not allowed outside a building. And that's the position of the text that we're studying. Shaykh al-Ḥajjāwi in Zād al-Mustaqniʿ, the Ḥanbalī position said,

و يَحْرُمُ استقبالُ القبلةِ واستدبارُها في غيرِ بُنيانٍ،

"The following are unlawful: facing or turning one's back to the qiblah when not inside a building."

So immediately you know that Ḥanbalis allow it. But not just the Ḥanbalis, but this is the position of the jamhūr (majority); the Māliki School, the Shāfiʿī School, the Ḥanbali School, and it is the position of ʿAbbās, who was the uncle of the Prophet ﷺ, and it's also the position of ʿAbdullāh bin ʿUmar himself, and he was the one who saw the action.

القول السادس: يحرم استقبال القبلة ببول أو غائط وكذلك بيت المقدس ؛ وهو قول الحسن البصري رحمه الله

6) The sixth position is that it is not allowed to face or turn your back towards the qiblah at all, whilst urinating and defecating, and it's also not allowed to do it towards Bayt al-Maqdis aswell. It's similar to position number one, but they added Bayt al-Maqdis. This is the narration of al-Ḥasan al-Baṣrī (raḥmat Allāh ʿalayh).

It's nice, because we get to see how much of the ʿulamāʾ differ amongst themselves and the little details they go into. And I like this position, because it carries on with the same ʿillah. If you're going to say the ʿillah is disrespecting the qiblah, then Bayt al-Maqdis is our third holiest mosque and used to be our qiblah and it is something which is musharrafah and muqaddasah (honoured and sanctified). So, I personally have to say that I like the position of al-Ḥasan al-Baṣrī

Shaykh Muḥammad Mukhtār al-Shanqīṭi says that there is no doubt that position number one is the correct position, which is very scary, because the first problem is that ḥadīth of Abī Ayyūb al-Anṣārī is very clear. It's a ḥadīth of Imām al-Bukhāri and therefore we can't mess

about. And in there he says very clearly, don't face it and don't turn the other way round either.

The second problem is that the ḥadīth of ʿAbdullāh bin ʿUmar could be abrogated.

The third problem is that when you have a ḥadīth which is going up against another one, you have to try and reconcile. This is a very important benefit for you; when you're reconciling between a ḥadīth that is a statement and a ḥadīth that is an action, what do you think the scholars do? They're trying to solve a problem, because you have conflicting evidences. We have a statement, in which the Prophet ﷺ said,

لا تستقبلوا القبلة ولا تستدبروها

'Don't face it and don't turn your back to it' and then you have an action of the Prophet ﷺ where he did istidbār (turned) to the qiblah.

Stage one is what is the principle, or is there even a principle that helps us in a discussion when it comes to a ḥadīth which is qawlī (statement) and a ḥadīth which is fiʿlī (action)?

A statement can be taken in different ways, but when there's an action, it's clear and he's put it out.

The first point is that when we have an action and a statement, are they the same? They're all the same unless there's a problem. You can't say that the statement or action is stronger absolutely. The only time we open up these kinds of discussions, is when we cannot reconcile between two ḥadīth. That is so important. You don't open this discussion, if there's a possibility to reconcile. If you cannot reconcile, then you start to talk about the issues.

Action has to come first, because there's no way of misinterpreting it. You've played it out and who's played it out but the Prophet ﷺ. What better application would you want of the statement? But the problem with that is if you depend on the action, you don't know the circumstance behind that action and that's what nearly every scholar said in usūl. When we see an action of the Prophet ﷺ, then we don't know whether it was khās (specific) to him. And many times, it is something which is specific to the Prophet ﷺ. And the action in of itself is not qāṭiʿ (definitive), because it could still be abrogated.

And timing is difficult to determine all the time. Shaykh Muḥammad Mukhtār ash-Shanqīṭi did say that the ḥadīth of ʿAbdullāh bin ʿUmar happened early, but he doesn't have any evidence for that.

It's a good point to make that the ḥadīth of Abī Ayyūb is a bit later, because he said that they went to Shām straight away. It could lend itself to the fact that it happened later, but not necessarily here. But, I'm not necessarily talking about debating these two ḥadīth, I want to

go deeper. I want to debate the two principles that if ḥadīth are the same – meaning that we can't reconcile between them – something has to give. What are we going to use? If we have a ḥadīth which says 'x' and we have a ḥadīth which says 'y', Ahl al-Sunnah will take and act on both, because if the sanad is ṣaḥīḥ, then the ḥadīth is ṣaḥīḥ, and that is our madhab. Ahl al everything else do whatever they want. But, if we have a ḥadīth which is ṣaḥīḥ, Ahl al-Sunnah always act by it, because we know that's the Sunnah of the Prophet ﷺ.

But when aḥādīth are contradicting each other, then that's fiqh and that's where knowledge needs to come into play. When aḥādīth are all authentic and are saying different things, what's the issue? Nothing. But when aḥādīth are talking about one thing and contradict, we have to have a system and the scholars have to try and work it out.

The first thing you do is that you establish authenticity. And you might find that one is in al-Bukhāri and the other is in al-Dārimī which is very and weak and fabricated and that's the end of the story. So, we throw that away and take the other one.

If both aḥādīth have an authentic sanad, then we might look at whether it's contradicting Qurʾān which is much more difficult, because to say that an authentic ḥadīth is contradicting an authentic naṣ (text) like Qurʾān, that's a kabīr (big) statement. Or we'll see if there's a hidden fault.

The next thing we start to do is to look at them. Is one a statement and one an action or are they both actions or are they both statements? Let's look at our scenario; one is an action and one is a statement. If there's an action and a statement, which one goes first? We put the argument forward of the action, because it's clear. Then we responded that an action is inherently weaker versus a statement in a scenario, because we don't know the circumstance of that action.

Not every action of the Prophet ﷺ is to be just taken, because if he himself does an action then abrogates it afterwards, then the abrogated action is not right.

And if we don't know which action came first, can we therefore be super confident and go with the action? That's the discussion.

The option of taking the easier action would only be acceptable if both are suggesting that. When something is prohibiting and the evidences are the same, the easier option is not into play. This is a contradiction. When the Prophet ﷺ would take the easier option of the two, as ʿĀʾishah said, are when there are two permissible options. This is about ḥarām and ḥarām.

Q: How did ʿAbdullāh bin ʿUmar behave and react?

Ustādh AE: ʿAbdullāh bin ʿUmar himself chose his position. He said it's allowed to do it in a building and it's not allowed outside. It's clear for him that his action was permissible for him and that in this instance he took the action of the Prophet ﷺ over his prohibition. But, as I said, we are not debating the ḥadīth at this moment in time, we're debating the principle. Once we establish a principle, then we will debate the ḥadīth. This is what I want try and build you up to.

Shaykh Muḥammad Mukhtār al-Shanqīṭi said the principle is,

والقاعدة : أنّه إذا تعَارضَ القَوْلُ، والفِعْلُ، قَدّمْنا القَوْلُ على الفِعْلِ

When there is a statement and an action that contradict, we will put the statement over the action. That is the correct position.

That is the qāʿidah (principle). That's what you write down when you're learning qāʿidah from qawāʿid al-fiqhiyyah (principles of fiqh).

If there's a contradiction between a statement and an action, then we will give precedence to the statement over the action. Why?

لأن الفعل يدخله إحتمال الخصوصية بخلاف القول الذي خُوطِبتْ به الأمّة ، فيكون دليل القول أرجح .

In the action, a possibility of specificity always comes in. If the Prophet ﷺ does an action, there's always the possibility that it's only allowed for him. But in a statement, that's not possible. And that's why Shaykh Muḥammad Mukhtār ash-Shanqīṭi says,

بخلاف القول الذي خُوطِبتْ به الأمّة ، فيكون دليل القول أرجح.

When the Prophet ﷺ makes a statement, it's clearly not about him, because if it was about him, why would he tell everyone else to do it? And that is the winning argument.

This is a really important principle in Uṣūl al-Fiqh and a beneficial point that scholars use. When the scenario presents itself of a difference occurring between an action and a statement in one masʾalah (issue), we reluctantly, not happily, accept it.

Because we've tried everything and we're not sure and we're still not sure. You see the scholars that didn't agree with that principle. There were five other statements and it's enough for me to tell you that the majority of the scholars agreed with this principle, but didn't agree with the outcome of the principle, because if we establish this principle, which is clear now, a statement is given precedence over the action when you use this principle,

In our scenario, what's going to win? What's the conclusion if we use the principle that statement precedes action in our masʾalah? The ḥadīth of Abī Ayyūb is their king therefore the conclusion is that it is not allowed at all to face the qiblah or to turn your back towards it.

And Muḥammad Mukhtār ash-Shanqīṭi (ḥafiẓahu Allāhu taʿālā wa raʿāhu) made an interesting statement. He said that, when you look at this discussion and argument, how can anyone argue against this position when Abī Ayyūb al-Anṣārī has made such a clear statement?

The evidence of Sayyidina ʿAbdullāh bin ʿUmar is that of seeing. Seeing something he shouldn't have been seeing in the first place. And how is that an evidence for the Ummah? How is the Prophet ﷺ teaching his nation in a secret action that he didn't want anyone to see? When you think about it, it's so obvious and it's such a strong argument, it terrifies me, because this is a hard-core position.

Clearly Sayyidina ʿAbdullāh bin ʿUmar saw it and wasn't meant to see it. That's why in our houses and villages you'll know that roofs are not open, but they have walls around them, because you can see into the house and the neighbours, and the women and it's a problem.

Therefore, he shouldn't have seen it, but he did and he just reports on the fiqh of the result. But from an evidence point of view, it's not possible for the Prophet ﷺ to be legislating for his nation by a secret and private action.

Q: Wouldn't even in a legal sense if somebody were to see something they were not supposed to and bring it to a judge, the judge would throw out what he saw?

Ustādh AE: That was the whole problem with wiretaps. That's why they were inadmissible for evidence. Islamically, there's no doubt. In all legal systems, there's understandings when you do something in secret, then you're not allowed. There's also a debate in England and it's the reason why they won't allow wiretapping to be admissible as evidence. The fiqh behind the matter is very delicate.

And now for the problem. As I said to you the majority of people don't have a clue what is happening. But you'll hope that at least they'll know the qiblah.

If you follow the Ḥanbali madhab and the majority of scholars, you are okay in your house. If you follow the position of Shaykh ʿUthaymīn, you're okay in your house if you have your back to the qiblah.

Just on that point, I'm going to hesitate. If you are going to the toilet and you're urinating standing up, then just sit down. If you're urinating towards the qiblah, turn around and sit down and then you're urinating in the other direction. This is a plus point for the Sunnah of sitting down. That's the first point.

The second point to take from this is that I myself don't rule by this, but my personal opinion has always been the opinion of Shaykh al-Islām ibn Taymiyyah on this issue, which is that it is completely impermissible, inside the building and outside the building.

And if you are about to build your house, check the directions of your toilets and if you have a toilet in your house which is towards the qiblah, then you need to change the angle of it.

From the fiqh of toilets is that you get one that has a certain level of drop-zone to prevent splash-back. And there's pros and cons. But people in England don't know that the toilets in America have water all the way to the top, which has an advantage of minimizing the drop zone, therefore minimizing the splash back. But the big disaster is that if you're washing yourself, it's all over the place.

And what's also different is that when you flush the toilet, all of your water disappears and when we flush our toilets (in England), the water doesn't completely disappear. The dirty water disappears, but it's replaced immediately, whereas in your toilets, it disappears and then it starts to replace.

The advantage you guys have here is that when you flush, there's nothing there, and if you were to wash yourself, there's no splashing. That's why I said that every toilet in this moment in time is not an Islamic toilet; they all have a problem, even the ones on the floor.

That's the first things from the ḥarām matters.

Why is a statement taken over an action? The action has contexts and it could be specific to the Prophet ﷺ. The other problem with the action is that he could forget or do something wrong and people might think how that is possible. He is the Prophet ﷺ. But the Prophet ﷺ has ʿiṣmah, meaning that he's forgiven in sins and mistakes.

Even if the Prophet ﷺ did that, especially if there's an opposing authentic evidence, it doesn't negate the fact that the Prophet ﷺ made a mistake right there. He forgot and wasn't aware and he faced it. Misyān (forgetfulness) is common and not an issue. I'll go even further and say, what is the reason that it is prohibited to face or turn your back towards the qiblah when going to the toilet? Not showing honour and dignity to the Kaʿbah. Is that possible from the Prophet ﷺ? It's not possible. He is maʿṣūm (free of sin). Even if he physically tried and said and spoke, he couldn't disrespect the qiblah. He is protected from sin, not mistake.

We could even argue that even if he did do it, and it is prohibited, if the ʿillah is disrespecting the Kaʿbah, he couldn't disrespect the Kaʿbah anyway, so it's okay for him.

It's a very interesting support of the whole action argument. Here's a really good example, but even in the principle stage, when you're looking at an action, there's so many variables that come up.

Even though there are variables in a statement, the variables are less. And when they are less, then we got to give it the strength and that's why statement is given precedence in uṣūl al-Fiqh and Muṣṭalaḥ al-Ḥadīth.

Q: In this case, the Prophet ﷺ was in his house or the house of his wives, it's unlikely that he forgot to keep the bathroom that way over and over again.

Ustādh AE: It's possible, which is why the scholars when they were discussing and debating this matter never used forgetfulness as the reason why he did it. They always put down abrogation; that it was allowed and then prohibited afterwards.

Q: The last opinion that you mentioned, you said that the Shaykh ash-Shanqīṭi mentioned six opinions. You mentioned the last one of al-Ḥasan al-Baṣrī (raḥimahullāh). Is that opinion that the inside and outside it is not permissible or just outside is not permissible. You mentioned back and front not allowed and also do not face Bayt al-Maqdis.

Ustādh A.E: I haven't read that statement from him myself but according to what Shaykh Muḥammad Mukhtār ash-Shanqīṭi is saying that inside and outside is not happening, which is hard-core. But at least it maintains the ʿillah. It's a statement consistent in theory, sentiment and everything.

Q: What about if you walk into a place and you don't have any option?

Ustādh A.E: Then as I said, I think that you change position.

Q: What if that is limited and not possible?

Ustādh A.E: I think that is okay. The scholars of the madhāhib call it talfīq, which is taking a concession by going by another's scholar's permissibility. And that is what we will say as well. We wouldn't call it talfīq, we would say by just accepting and hoping, because it is a matter of khilāf and you had no intention and you don't have any other choice. And alḥamdulillāh, a number of scholars say it is allowed and I go with it.

I just want to make it clear, I know that we have been having a lot of big discussion and I wanted it a bit more, because a lot of students won't understand the principle. I do think my opinion is a minority opinion. It is and I told you that it is only Abī Ayyūb that holds it and ibn Taymiyyah. But it is obviously still a minority opinion. The majority obviously are saying it is allowed.

Q: Did any of the scholars deduce based on both of these aḥādīth that they are ṣaḥīḥ and it is possible that inside the house it is makrūh or in general it is makrūh to face the Kaʿbah from

the front or the back? Because for example you have a statement then you have a contradictory action. The Prophet ﷺ said that is not permissible to speak after ʿIshāʾ, but we do know that the Prophet ﷺ did speak after ʿIshāʾ so some of the scholars say that it is not ḥarām and it brought down to the level of makrūh.

Ustādh A.E: That is the basic principle that when you have a statement which says something is ḥarām and then you have evidence which will suggest otherwise, then it brings it down to makrūh generally. And there are some scholars, but is not a popular opinion because the ḥadīth is so strong in its statement of ḥarām.

Some questions are coming from the portal and the questions have reminded me of the final statement that Shaykh ʿUthaymīn makes on this subsection. He said that in summary, we have said that you should not face or turn your back towards the Kaʿbah and that is what we hope Shaykh ʿUthaymīn is saying. Try your best. But if you do turn your back to it, it's not a problem. This is what he said for when you're inside the building.

Shaykh ʿUthaymīn then says, let just conclude something else. Facing the Kaʿbah can sometimes be ḥarām, like when you're urinating. And facing the Kaʿbah can be wājib, such as in prayer and sometimes it can be makrūh, such as during the jumuʿah khuṭbah. It is makrūh, but allowed, for the khaṭīb to face the qiblah and give the khuṭbah, because you are turning your back to the folks speaking to them. And sometimes it is mustaḥabb, such as making duʿāʾ and wuḍūʾ. So this is the conclusion of his statement of ḥarām, wājib, makrūh and mustaḥabb.

قال بعض العلماء: إن كُلَّ طاعةٍ الأفضلُ فيها استقبالُ القبلة إلا بدليل

Some scholars went as far as to say that it is recommended to face the qiblah in every act of worship, unless there is clear evidence which will prohibit that act. Shaykh ʿUthaymīn says,

و لكن في هذا نظر! لأنَّنا إذا جعلنا هذه قاعدةً، فإنَّ هذا خلاف المعروف من أنَّ الأصل في العبادات الحظر

He doesn't know about that, because if we make this a qāʿidah (principle) and if this was acceptable as a statement, what will this then contradict? It's the most popular thing that we know about worship. That in worship, the base principle is that everything is prohibited. You cannot say anything about ʿibādah, unless there is an evidence that suggests it. Not the other way around.

And those scholars said every time that you do any act of ʿibādah and you face the Kaʿbah, it is okay, unless there's something that states otherwise. But actually that is the exact opposite of the principle of ʿibādah, which is agreed upon and that is, in acts of ʿibādah, everything is ḥarām until Allāh allows you.

These are acts that you are saying that are the Sunnah and you will be rewarded for and this was done before and we want to emulate. So you need to have that protection. So as I always give the example, it is not allowed to pray with your hands on your head and it is not allowed to pray with your hands on chest either, but then the ḥadīth comes that you can pray with your hands on your chest, but it didn't come and say with your hands on your head. So we don't do anything until the ḥadīth comes and tells us.

So Shaykh ʿUthaymīn is saying that likewise, to say that for every acts of worship you should face towards the Kaʿbah when you are doing it and you'll be rewarded for it, is a problem. Now for wuḍūʾ, we have some basic evidences and for duʿāʾ we have some basic evidences as well.

Q: What about facing our legs and sitting in our homes or mosques with the legs facing the qiblah?

Ustādh A.E: It is something which is permissible, but the idea of putting your feet towards something is not something which is agreed upon universally as being disrespectful. At the same time, scholars ask you not to do it, because many cultures strongly see that as offensive. And if you are sitting towards a person and they will take it offensively, then you should avoid doing it to the Kaʿbah as well. There is no evidence from the Sunnah, but this is a general position of the scholars out of adab.

Q: For many people, there is no choice in regards to the position of the toilet so in this case, is it under the category of necessity making it permissible, but still under the category of ḥarām?

Ustādh A.E: The answer to that will be, yes for those people that are unable, because they don't have. If you're following my opinion, then I will say it is ḥarām, but I don't have any choice. But, if you are following the majority, then it is permissible anyway and it won't apply to you. And if you are following the Ḥanbali madhab, then it is okay. If you are following Shaykh ʿUthaymīn's position, then he said that it's okay inside the house as long you don't face towards the qiblah. But yes if you are following my opinion that it is ḥarām completely.

I don't want you to follow my opinion, unless you believe in it. But, if you are following my opinion that it is ḥarām inside and outside, then it would still be ḥarām, but because of necessity, you are allowed to do it.

Q: What is the actual taught position of the class with regards to cleaning and touching the private parts with the right hand and facing the qiblah?

Ustādh A.E: The taught position of the class is that you are not allowed to use your right hand. You clean yourself with water by pouring with the right and cleaning with the left. If

you are using tissue paper etc. then you clean it with the left. You are not allowed to use the right hand, unless you have to. And avoid facing the qiblah.

Question: What are you supposed to do in public toilets if you do not know the direction? Must you always figure the direction of the qiblah before you use the toilet?

Ustadh A.E: I always keep an eye of that kind of thing. Obviously if you are following the majority, then it doesn't matter.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

I think we're on page 126 in the commentary. We pretty much did the first point, on the unlawful matter. I think where we are now in the Arabic text on page 4:

و يَحْرُمُ استقبالُ القبلةِ واستدبارُها في غيرِ بُنيانٍ، ولُبْثُه فوقَ حاجتِه، وبولُه في طَريقٍ وظِلٍّ نافعٍ وتحتَ شجرةٍ عليها ثَمَرَةٌ

The following are unlawful: (1) facing or turning one's back to the *qiblah* when not inside a building; (2) remaining longer than needed; (3) urinating on a path, in useful shade, or beneath a fruit-bearing tree.

So those are the three points. The third one is like three separate points but it's like the same category so we can make them three or five it doesn't really matter.

We had a really beneficial discussion. I actually, subḥānAllah, really enjoyed last week's lesson. I found that there were a lot of beneficial points in there that we were able to express, and it being recording and transcribed will be a service to us in the future. Certain things are put down which you know are big things. You won't realise it now, but later you will realise we did big things last lesson.

Discussing the difference in methodology, with respect to deriving evidences and ḥadīth especially. That's really beneficial, to come across two ḥadīth which we don't just say that one's weak and take the easy way out. We're going to accept them both on authenticity levels, and we're going to try and use as much fiqh prowess as possible and work out which one is more correct. We looked at varying opinions; six plus opinions on what was the correct position on the issue (i.e. urinating facing the qiblah). Then we came to this very interesting masʾalah where we compared a verbal statement versus an action of the Prophet ﷺ.

What was our conclusion with respect to the first point about it being ḥarām? Let's summarise a rough conclusion from what you understand of the Ḥanbali statement of Imam al-Ḥajjāwi:

و يَحْرُمُ استقبالُ القبلةِ واستدبارُها في غيرِ بُنيانٍ،

The following are unlawful: (1) facing or turning one's back to the *qiblah* when not inside a building;

There's a difference of opinion amongst the scholars, some scholars said it is not allowed to face the qiblah or turning ones back, whilst urinating or defecating absolutely, whether inside a building or outside a building. Such as Shaykh al-Islam Ibn Taymiyyah.

We made it very clear that this is a very literal, minority opinion, one that I hold and I didn't want it to become the preferred opinion of the class per se.

Exactly as it says in the this text here; in the building you're covered and so therefore the issue is not a problem. Outside, one avoids it. That's the majority position, the position of the Ḥanafis and the Mālikis and the Shāfiʿī as well. Exactly what is there is the majority position.

So let's go then into the next statement. So the next point:

ولُبْثُه فوقَ حاجتِه،

(2) remaining longer than needed;

And his لُبْث (lubth), you see this verb 'wa ma labitha' (وما لبث), it's used in the Qurʾān many times – they remained. So his remaining there (meaning her remaining as well) above their need. So basically hanging around in the toilet for no reason. Shaykh ʿUthaymīn says:

أي: يحرم، ويجب عليه أن يخرج من حين انتهائه، وعلَّلوا ذلك بعِلَّتين

This is ḥarām. He should exit as soon as he has fulfilled his need. And they gave the reasoning for this based upon two ʿillahs (sharīʿah reasons). The first one:

الأولى: أن في ذلك كشفاً للعورة بلا حاجة.

The first one is that it leads to the uncovering of ones ʿawrah, without any need.

And secondly:

الثَّانية: أن الحُشُوشَ والمراحيض مأوى الشَّياطين والنُّفوس الخبيثة فلا ينبغي أن يبقى في هذا المكان الخبيث

That toilets, public urinals and dirty areas, if it's not like an actual physical toilet, these are the chilling grounds, the yard effectively of the shayāṭīn (devils) and an-nufūs al-khabītha (النُّفوس الخبيثة) meaning corrupted souls. So what it means by corrupted souls is obviously referring to humans doing ḥarām things and so on and so forth. Like masturbation and like whatever else that could be happening there. Dirty actions, ḥarām actions and makrūh actions. We'll deal with rulings on those kind of actions later. And so it's not right that a person remains in such a place.

So what does Shaykh ʿUthaymīn say, and you see immediately from his statement: "وعلَّلوا" – and *they* gave two reasons.

He says:

وتحريمُ اللُّبث مبنيٌّ على التَّعليل، ولا دليلَ فيه عن النبيِّ صلّى الله عليه وسلّم، ولهذا قال أحمد في رواية عنه: «إنه يُكره، ولا يحرم»

As for the ruling on making this remaining in the toilet ḥarām is based just upon reasoning. These two reasons given is based upon taʿleel, but there is no single

textual evidence on this issue from the Prophet ﷺ. It's just from common sense and good thinking. But is there specific evidence from the Prophet ﷺ to make it ḥarām? No.

And therefore, Imam Aḥmad b. Ḥanbal (raḥmat Allah ʿalayh) said in a narration (في رواية,) so again these are heavy words here. We're learning another point here that Imam Aḥmad has many riwāyāt and we know that from the principles of the Ḥanbali madhab that if you follow the Ḥanbali madhab there are often three narrations taken from Imam Aḥmad, sometimes completely contradictory.

There's a huge science just on which school to follow, within the Ḥanbalis; those of his close students, those of the muḥaqqiqīn (who looked at all the evidences and came later), and were superior imams like Ibn Qudāmah, for example. So that's important to recognise, and it's a difficult job and it's for the experts in the Ḥanbali madhab to determine what is the qawl'l-rājiḥ, the strongest opinion within the madhab. Normally when we say qawl'l-rājiḥ, we're talking about amongst all the fiqh opinions. I'm just saying the qawl'l-rājiḥ fi'l-madhab, meaning the preferred opinion in the madhab. Or the word, al-muʿtamad. Al-muʿtamad means the status quo opinion, the one which the ʿamad is upon, you know the pillar. I don't know how you describe muʿtamad… the base position, the default position. We discussed these terms in our early lessons in the introduction to the madhab.

So Shaykh ʿUthaymīn says that because of the lack of sharīʿah evidence, meaning textual evidence, or naṣ meaning text (a ḥadīth or ayah). What's the plural for that? Nuṣūṣ. Because of this, Imam Ahmad said:

«إنه يُكره، ولا يحرم»

Actually it's something disliked and not ḥarām.

This is the position of Imam Ahmad and this is clearly the position of Shaykh ʿUthaymīn as well.

So already we've see the differences in this list of ḥarām. In this list of ḥarām, the first point was about facing or putting ones back towards the qiblah. Already you see that I disagree with that, many of the Ḥanbalis themselves disagree with that, and big scholars disagree with that.

The second point that was put forward by the Ḥanbali madhab is that it ḥarām to stay in the toilet for a longer period of time. Already Shaykh ʿUthaymīn disagrees with that, he says that it's makrūh, already there's a riwāyah from Imam Aḥmad himself which also say that it's makrūh. I agree on that position myself. And there's some more details in al-Inṣāf, which is the famous Ḥanbali commentary.

What I wanted to say to you is that it's clear that there are no sharīʿah evidences themselves, ḥadīth or whatever. But the points being made are interesting. Let's looks at the first one, let's look at it holistically or spiritually, if you like.

The first one is that it leads to the ʿawrah being uncovered for longer than is needed. This was the position of the scholars. Even though there might not be a specific, direct, clear evidence to prohibit such a action, we know that to walk around naked, for example, or uncovering one's ʿawrah unless there's a need of some sort specifically, like getting changed, or getting into bed or going to the bathroom is something that should be avoided. So that's a lesson for us, for the time being, until we come to details section on the ʿawrah.

Just for example, one's at home alone, or doors are closed, it doesn't mean that we have this nudist kind of mentality. I'll tell you something which is interesting. When it comes to psychologically looking at various movements like the nudist movement or like the people whose inhibitions are very permissive or liberal with respect to that, it's actually because they have become used to their body in such a way. Nakedness, even though it might be permissible at certain times, there is very clear

emphasis in Islam that one covers the body anyway, even though you might not need to.

Like the hat for example. It's difficult to say, even though there are one or two scholars, it's difficult to say that the hat is a religious thing. Now there are discussions amongst the salaf and so on and so forth that you will see that in actual fact it's not the hat which is the issue, it's actually anything which covers the body as much as possible is seen as honourable. And I gave king example like a couple of weeks back. That the difference between the normal guy and the king is that he's got all this pointless extra robes on and so when it comes to when he comes out he's weighed down. Not just with jewellery, but he's got a robe, and another - mostly covering his shoulders, not really covering his arms. That's why when he's getting changed he has to hold out his arms so that they can lift off the firs tlayer, then the second, etc. That's the general idea.

Also, when you look at the concept of niqab or hijab – back in the day it was the way to differentiate between a free and an enslaved woman. The woman with an enslaved background would not wear the hijab. Whereas a free woman is known as a noble woman, a woman of honour who is not a captive, has full rights and cannot be sold – they were covered. Even in the classic, pre-Islamic period and moving into the early days of Islam, this was something which was well-known in society. Today when you see people discussing hijab, it's very difficult to avoid using the word 'honourable'.

Q: Isn't this more about dignity rather than honour? Because even when you're alone, who are you exposing your ʿawrah to?

A: You're saying my use of the word honour is focused too much on the other party? I think that's a fair point. The texts which do exist on this issue… there's nothing direct, but when you look at the famous ḥadīth of Sayyidna ʿUthmān and some of the ṣaḥāba, and just generally from the Prophet ﷺ, when they were told to cover or

when a comment was made about one's ʿawrah, it's interesting that… who was it who was considered to be shy? The angels. It fits into your point meaning that it's not just about the other person but of course being by yourself is only oneself from a human point of view. There are angels around.

We need to appreciate that. If you're walking around the house naked, don't expect the angels to be following you around. Even to the human mind or human emotion, it's uncomfortable to recite Qurʾān whilst naked.

That can also be taken in the wrong way, though. We're saying cover yourself and have dignity, honour and respect for yourself, in front of others, and in front of the angels. But then also don't create a situation which many of our women do which is that you can't read Qurʾān without having to cover your head.

There are some narrations from the companions and the salaf that shows the excellence of that but it's in a general sense.

It's similar to the idea about when it comes to kids, especially this generation in this country, if we didn't allow them to read Qurʾān while lying down, they would not read it. It's a real challenge if you want them to connect with the Qurʾān and to tell them to read it the way we read it. If we read the Qurʾān lying down, we'd get beat. Qurʾān was very much a formal process. We would get a Qurʾān shelf, put it in, cross our legs, sit in a formal fashion and read it like that. There was distance between us and the Qurʾān and it was very much an object.

After the sahwa (Islamic awakening) in the world, one of the key objectives of the sahwa and the founders of the Islamic awakening in the last 50 years was to revive the Qurʾān as a real constitution and spiritual companion. That's obviously a noble objective and something we need to do. Efforts in that area were focussed on tafsīr – translating the Qurʾān so that people could connect with it, in a language that they understand. Some of the subsidiary points was to make people comfortable carrying it, so the Qurʾān was made smaller to fit into people's pockets. That was a big

problem to people because it wasn't the norm. People who were reading it lying down with their feet out… the criticism was reduced. It was still there, but one wouldn't get into anything deep or hard core because you don't want to mess up the opportunity. That has gone even more and more what with electronic which one can more comfortably lay down with. It's hard, it doesn't bend or tear, etc.

I'll go even further with the issue of menstruation and reading Qurʾān. This used to have very little discussion amongst the scholars in the early days, even though back then some of the ʿulamāʾ did not consider it a condition that a woman be in her clean period to touch or read the Qurʾān. Contemporarily speaking, the scholars are much more "lax" on this and they allow it for a number of reasons – the main one being lined up to one of the objectives of the Islamic revival: if we don't let them do this, we'll start to lose touch with the religion. If we're too tight or harsh on them, that little thing that they're doing will go.

There's a lot of pressure on scholars to allow things. Obviously it's been made easier now with the electronic device where someone doesn't even have to touch the pure pages of the muṣḥaf, and just swipe the electronic device.

The reason I mention this is that it's very important when looking at fiqh rulings, try to look at things outside the box, look deeper and understand what the scholars are thinking and what are the principles that these rulings are based upon.

Nakedness is a very important thing that we need to teach our children about. It's a big challenge. The big challenge is little girls. They are very impressionable when it comes to clothing. There's a difficult dichotomy when it comes to the mother, and obviously if the mother is not doing her part, then you can forget about it. That's an uphill battle that you're not going to win.

If a mother's not covering and she doesn't care about the deen but she still has that concern… There are so many like that who don't cover but they want their daughters to cover. That's just a disaster.

If you are covering, the big challenge is the prevailing environment around the child, and their insistence on reducing clothing, uncovering, and so on.

It's starts little. It's starts from full sleeve and goes to short sleeve, and trousers to tights then stockings, then finally to bare legs. I'm not sexualizing this at all. Keep everything baggy and decent… this is how it happens.

These are the things we have to be protected against big time, and I haven't even introduced the topic of ḥijāb. I have this point of view that we shouldn't rush ḥijāb upon a little girl in primary school unless she's in Islamic school, which is the only killer/die-hard reason why we should have Islamic school for little girls. I mean it's good for everyone, but if I had to choose what age to put what child in, that would be it. It's at that age where their ideology is formed with respect to their bodies.

For example, if a little girl sexually develops – she starts to go through her body changes, then the ʿulamāʾ have said she has to cover to minimize that physical reality. Psychologically speaking, for a little girl who is under 11 years old, and she has friends around her who are innocently confused about what just happened, that's difficult for a little girl.

That's why I say that the huge advantage for little girls is that if that does happen (or even if it doesn't happen), then it's introduced early and everyone's doing it.

Moving on further from this nakedness discussion, when little girls start junior high (year 7 and so on), regardless of the state of their body or prepubescent or not, they go in with ḥijāb. That will make it far easier psychologically speaking.

We can relate to this when it comes to praying at work. If you say it from the beginning, it's no problem. But if you spend 2-3 years chilling out, then suddenly you become the religious guy and you want time off, it becomes a mission.

So nakedness is an important issue, and it's not going to go away – it's only going to get worse. When it goes back, it goes back as a fashion fad.

Anyway, the second point that he gives is that this is where the people hang about, and the bad things happen. Especially in the age of devices, you can be in there for way longer than you need to be.

I came up with a khātirah on the plane. I was sitting there feeling tired and depressed just lying there, and then I went to the bathroom. When I came back from the bathroom, it struck me. If you want to know what the sunnah is with respect to wuḍūʾ and istinjāʾ, when it comes to the process and the amount of water, the sunnah is the way you do it in an airplane.

I never felt the need to remain in an airline lavatory for more than one second. Cleaning and washing yourself is a mission. So is the space. The amount of body you uncover is minimal, because there's nowhere to put anything. And this fits in here.

What's the point here? That you don't uncover your ʿawrah for less than what is needed. And in last week's lesson we said that he doesn't uncover until he's literally sitting on the ground. All of these are physical realities that you experience in a toilet.

Then for the wuḍūʾ, you can't use buckets of water. And throughout the whole process I was thinking that this is sunnah.

The next point is,

و بولُه في طريق

"His urinating on the pathways."

Shaykh ʿUthaymīn says that the Ḥanbalis considered this to be ḥarām. Don't get mislead by urinating on the path; defecating is even worse.

و الغائط من باب أَوْلَى

That's even more emphasised, because it's not mentioned. And he says the basis for this is the ḥadīth which is narrated in Ṣaḥīḥ Muslim on the authority of the Prophet ﷺ.

أتقوا اللَّعَّانَيْن

"Protect yourself from those two things that people will curse you for."

و ما اللَّعَّانان يا رسول الله؟

"And what are these two things that people will curse you for?"

الذي يتخلَّى في طريق النَّاس، أو في ظلِّهم

"That where people go to the toilet in the paths of the people, or in their shades."

This is supported by a number of other narrations as well. And we will talk about this in a second.

This ḥadīth is ṣaḥīḥ, inshāʾAllāh and it was considered ṣaḥīḥ by a number of the scholars, even though some scholars considered this hadith to be weak, and there's a detailed discussion in the footnotes.

The ḥadīth says to avoid that. Shaykh ʿUthaymīn says the reasoning (ʿillah) behind it is that urine is harmful and distasteful for the people who are walking by, and they're only walking by in this area. I want you to imagine that it's not like in the UK where the road is also paved as well as the pavement. And that the road is also safe like the pavement.

In those societies then and even now, the amount of effort that has to go into making a pavement safer, sound and secure means that if you don't walk on the pavement, there's no other safe option. You're getting in the way of things and it's dangerous.

Once you take out that pavement, you're taking out everything. The difference here is that if they took out the pavement by urinating, it causes a minor inconvenience. You make a detour, because the rest of it is all possible. But still, it's an inconvenience.

What is your thought when you see dog mess on the floor? You go around it. If you step in it, you are cursing and freaking out. That's where the word 'al-laʿānayn' comes from; that which people say, may he be cursed. You may rest on the wall and relaxing somewhere and then you can smell a disgusting smell and realise someone has urinated there. You have to pay a fine of £80 in the UK.

So, the ʿillah is that you urinate on the path and that is a hassle and what Shaykh ʿUthaymīn says is that it is a īdhāʾ (harmful) and harming is not that you physically have to cut someone. When you're stressing people out or making them uncomfortable or causing them to change path, it's called harming. And harming the Muslims is ḥarām, because Allāh ﷻ says,

﴿وَالَّذِينَ يُؤْذُونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بِغَيْرِ مَا اكْتَسَبُوا فَقَدِ احْتَمَلُوا بُهْتَانًا وَإِثْمًا مُّبِينًا﴾

"And those who undeservedly insult believing men and women will bear guilt of slander and flagrant sin." [Qurʾān 33:58]

And to continue on from that,

و ظِلٍّ نافع

"And a beneficial shade."

Shaykh ʿUthaymīn says, it's ḥarām to urinate or defecate in a beneficial shade.

و ليس كُلُّ ظل يحرم فيه ذلك

The point here to note is that not every shade is beneficial. It's not ḥarām to defecate in the shade; it's ḥarām to defecate in a beneficial shade. Sometimes, a person will go to the toilet in a place where there is shade, but the people don't ever go there. It's not in the way of the people and not in their path and use, and therefore we do not say it is ḥarām

و الدَّليل قوله: أو في ظِلِّهم

يعني: الظِّلَّ الذي هو محلُّ جلوسهم، و انتفاعهم بذلك

The evidence for the statement of Shaykh ʿUthaymīn saying that it's not every shade is because the Prophet ﷺ said, 'Aw fī ẓillihim', meaning 'their shade'. It's not his shade, but it's the peoples shade, meaning the rest points, beauty points, picnic areas and toilets. Toilet is a very good example, because people go to toilets and they urinate around the toilet, or on the wall, as opposed to in the toilet. It basically means that where people are least expecting it and people are going to go there as well. That's the reasoning behind that.

On page 128 of Sharḥ Mumtiʿ, Shaykh ʿUthaymīn says, some of the people of knowledge said, what can the same ruling be applied to, about it being ḥarām to urinate and defecate in the shade, and it also being linked to the weather? An example is an over-hanging lip of a building, a roof where people would run to, to take cover from rain if that was something common.

In winter days, there are times where the sun shines through weakly in certain areas and people generally sit in those areas to get a bit warm and it's something very common. The qiyās (analogy) is applied to that as well, so you have to be very careful from that point of view.

و قال بعض أهل العلم: إلا إذا كانوا يجلسون لِغِيْبَة، أو فعل محوَّم جاز أن يفرِّقهم، و لو بالبول، أو الغائط.

Some of the scholars said the exception to this rule is if the place is an area where just people sit down to backbite

It's mentioned in Kishāf al-Qināʿ , which is one of the commentary books, that if people are going to gather to do something ḥarām in this area, then it's permissible to urinate and defecate in this area to split them up.

Shaykh ʿUthaymīn isn't sure about that statement, because the ḥadīth is general. It didn't mention specific realities of the people sinning or not sinning. The ḥadīth doesn't restrict this kind of reality.

ولأن لا فائدة من ذلك، لأنهم إذا علموا أنه تغوَّط أو بال في أماكن جلوسهم فإنهم يزيدون شرًّا، و ربَّما يتقاتلون معه.

Shaykh ʿUthaymīn says, there's no benefit in doing that. If they find out that it's that person who's doing that, they're going to beat him up.

And he says that the right thing is to go to a place and to advise them to not do it, it's ḥarām. Shaykh ʿUthaymīn is just talking about that.

وتحت شجرةٍ عليها ثَمرةٌ - And underneath a fruit-bearing tree.

It is forbidden to defecate under a fruit bearing tree and Imam Al-Ḥajjāwi he benefits us by saying:

«تحت» أنه لا بُدَّ أن يكون قريباً منها، وليس بعيداً.

He says that the benefit of reading this text carefully is that he used the word taḥt «تحت», meaning under or beneath a fruit-bearing tree, meaning that he has to be close to a tree and not far from it meaning that if he is far away from a tree then the ruling does not apply, but if he's close to a tree, then the ruling applies.

The Shaykh then says: As for thamarah «ثمرة», he says that 'fruit' is a big word.

ولكن يجب أن تُقيَّد فيُقال: ثمرة مقصودة، أو ثمرة محترمة

Either we say maqṣūdah 'مقصودة'desirable/popular fruit (that which the people want, people have a qasd for it, it doesn't have to be for eating), or we say muḥtarimah 'محترمة' respected/sanctified (that which has some ʿizzah, 'sanctified' might not be the right word).

It's not permissible to urinate or defecate under a maqṣūdah fruit tree because the fruit might fall down and become najas by landing into the urine/faeces. The other reason is that if this tree has fruit that people are after for some reason, either to eat or to use for animals or for some other reason - then they are going to have to climb that tree and then they themselves might get dirty. So this is the understanding for 'desirable fruit', fruit that people are after.

As for the muḥtarimah he says- such as the fruit of the 'nakhlah' (palm tree) anything that comes from it – because it is a special tree and its dates are respected and have a special status. And also other trees that have special significance, likewise.

وهناك أشياء لا يجوز البول فيها ولا التغوُّط غير ما ذكره المؤلِّف كالمساجد

He says that the author did not mention a few other places where it is not permissible to urinate or defecate. The first of these are the mosques/masājid.

ولهذا قال النبيُّ صلّى الله عليه وسلّم للأعرابي: «إنَّ هذه المساجد لا تصلح لشيءٍ من هذا البول ولا القَذَر؛ إنَّما هي لذكر الله عزّ وجل والصَّلاة، وقراءة القرآن

This is why the Prophet ﷺ said to the Bedouin in the ḥadīth which is narrated in Ṣaḥīḥ Muslim in the Chapter of Purification-

'These mosques- it is not becoming to be having anything from urine or faeces therein. Indeed they are for the remembrance of Allah, the Mighty and Exalted, the prayer and the recital of the Qurʾān.'

وكذلك المدارس

And likewise, in the places where people study, like schools and colleges and religious institutions

فكلُّ مجتمعات النَّاس لأمر دينيٍّ أو دنيويٍّ لا يجوز للإنسان أن يتبوَّلَ فيها أو يتغوَّط

Indeed any place where people gather for religious or secular purposes, it is not permissible to defecate or urinate in such a place – this of course is not referring to built-up toilets which are separate from the main thing.

والعِلَّةُ: القياسُ على نهي النبيِّ صلّى الله عليه وسلّم عن البول في الطُّرقات، وظِلِّ النَّاس

What's the reasoning behind this? It's a simple analogy - If the roads and paths are forbidden, then of course these places must be forbidden even more so.

And likewise, (this is a very beautiful point) – he says that if is this is the ruling with respect to urine and defecating and the ʿillah/reasoning is harming the people, then what about harming the people with one's tongue?

الأذيَّة التي تحصُل للمسلمين في أي عمل كان قوليًّا أو فعليًّا لعموم قوله تعالى: ﴿وَالَّذِينَ يُؤْذُونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بِغَيْرِ مَا اكْتَسَبُوا فَقَدِ احْتَمَلُوا بُهْتَانًا وَإِثْمًا مُبِينًا﴾

If we're using this āyah from Sūrat al-Aḥzāb to establish that physically harming people by putting urine or faeces at risk of them touching, what do you think then of your statements harming people or your actions that harm the people. That's like littering or leaving things that people might fall over or leaving infections because you're not being clean and responsible and so on and so forth. Then, taking it further to a spiritual level - not belittling people or backbiting and so on.

Then he mentions a point that is specific to the Muslim nations- as for the Turkish baths or the ḥammāmāt or any place where someone is taking a bath, it's not permissible to defecate but it is permissible to urinate because the urine is washed away but the faeces can't be washed away down the plug hole. He says that despite this, it is better or recommended to avoid it. But sometimes, because all the other toilets are busy, people might need to urinate down the plug hole (in the bathing area).

Feeding animals is a separate category in fiqh which we will get to in about 36 years' time. In that chapter you will see that animals are allowed to eat and they are allowed to eat najāsa as well but only a certain amount. When it starts to become the majority of its food stuff, it is not permissible then to slaughter that animal. So you can protect it completely from eating najas but that has to be like the limit of the amount of najāsa that it takes in. All of these issues from a fiqh point arise from just that little point which I find interesting.

Q: We had a discussion about the different categories of places when they have the characteristic of either been hard or soft combined whether they are clean or najas. Those were the four variables. And then we went through different pairing them with each thing. Najas-hard, najas-soft etc. If a person urinates in a certain area, does that area become an impure place?

Ustadh A.E: Maybe if I understand the objective behind the question then it would be easier to answer. It is obviously impure at that moment and depending upon

where the area is and how it is washed will determine whether it is impure afterwards. The categories that we gave were for areas that was freshly impure. Remember when we said this discussion that the toilets are the cleanest place in the house or this modern day toilets. That actual toilet bowl physically is as clean as it gets been flushed, domestos etc. is super clean isn't it? So it depends on what moment you are referring to.

(Inaudible) it was a different recommendation a person could urinate standing or seated.

Ustadh A.E: Correct. So let's put it into context. These were statements of the scholars that are not in any way obligatory. Not supported by any evidence per se for these four categories but they were just surmising amongst themselves that if we have these different combinations of realities then there is going to be possible outcomes. The reason why it is important for me to say that is that we all know through physical practise and reality that this is not always the case, so it is quite possible to urinate in hard-najas and nothing happens, but the reason that ʿulamāʾ (scholars) put those brackets is that there is a high likelihood of something happening.

What I would do is explain the categories for the learning point - the ruling though is based upon the consequence. The ruling is not based upon the categories themselves. The categories are for us to reflect and think. But what happens to us or the ḥarām/halal issue is all based on the consequence of urinating in a certain area.

So if you urinated in a soft clean area, you know like we gave the example that sometimes you might hit an insect and it rebounds when we discussed the issue of the hole. Remember? You might urinate and insects, things will come out and therefore the urine comes back.

This is likewise the wind. You know urinating in the wind is a popular mathal using different context. Sometimes for example if it is very weak urine and the wind blows

so are going to rule on urinating in the wind? No. We are going to be aware of it and we are going to rule on the consequence of if urine comes back to yourself. So what I am saying is that it is good to know the different options and understand different realities but the more important point is to understand the consequence of what happens in said area and that therefore the scholars they put some recommendation down to make sure that one minimizes any likelihood.

The more that I am traveling, the more that I see. Honestly there is an argument for all these American style toilets with the high water level. There is, but I don't think I am sold on it compared to the pit. I think lower is safer as long as you don't get no splash back behaviour.

I have definitely written off one toilet. I use one type of toilet and I say that is a disaster. You know what that one is? That one that has a high water level and I said to you that the advantage of that is when you flush it, is that it doesn't splash.

You in the toilet with the water levels, I said to you the big advantage of those that therefore you can flush the toilet and if you then do istinjāʾ, the water which is splashing back is clean water.

So the first point there is that there are toilets which are high water level combined with automatic flush systems. Now what do you need to do for the automatic flush to work? Get off the toilet. You guys know by now when I say low/high water level.

So the UK toilets are the low water level (down there) right? There is no problem there.

First of all, let us take a step back. Flushing on a low water level toilet: If you have a low water level and the water is here, if you urinate and defecate it is going against a hard surface making it more likely to stick to the said surface therefore more dirty.

Whereas if you compare it to the American style toilet which is water level up to here, because it falls into the water first it doesn't stick to the sides. What is the

consequence of the two toilets? That in the first one when you flush, it has to have big flush to clean the sides and as a result water goes crazy all over the place and it all empties and starts to fill up immediately. There is always splash back in that flushing process.

Whereas in the second type of toilet where the water level is high because there is no force needed(there is nothing to clean) when you press flush, the water just goes and so the water then fills up nice and slow so there is no flash back. So I am saying they each have their pros and cons but then if you are using a toilet which has a high water level, then you are about to make istinjāʾ. You don't want to make istinjāʾ on that toilet because the water is so close it will splash back and make you more dirty.

So you flush the toilet, it empties and now you can do your istinjāʾ and there is no splashing. I come across a toilet the other day and I thought that is a disaster. It was a high water level with the automatic sensor based flush system. No physical way of flushing it. It means you have to get off the toilet, significantly away from the toilet. And then allow it to flush and then go back. I made I mental note that I have got to tell the lads that is off the list. If you are thinking about hooking one up, then that is off the list.

Question: Is it permissible to urinate in the non-fruit bearing trees?

Ustadh A.E: it is permissible to urinate under a tree in which there is no reason that person will stay there and it has no fruit and it has no benefit for the people. That is permissible inshAllah. Allāhu aʿlam

Question: When cleaning the bathroom, you have to go in and out several times. Is it best to read the adhkār before going in and coming out of the bathroom?

Ustadh A.E: this is a good question. Going in to the toilet number of times for cleaning purposes or some other purpose, this requires one time bismillah. It is permissible for you to repeat it. But the same ruling is like if you come in to the

masjid and you keep going in and out, you don't need to keep praying taḥiyyāt al-masjid. It is like a general salām to the masjid and the bismillah is a general protection. So it would be the first time and when you come back out. I am not going to take it to the modernist further level but there would even be an argument that you wouldn't even have to say the du’ā because you are not using it for its bad purpose, I would I avoid that. That is controversial. I would make du’ā, but I don't need to repeat it a number of times.

Question: (inaudible)

Ustadh A.E: that is why I said that it is not just about the fruit as long as that three is not being used for shade or not being used for some popular reason. Then that has to be combined with the fact that it is fruit bearing or not.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

We're on page 5, discussing some specific details with regards to istinjāʾ. In the naṣ, al-Ḥajjāwi (raḥmat Allah ʿalayh) says:

ويَسْتَجْمِرُ بحَجَرٍ ثم يَستنجِي بالماءِ، ويُجْزِئُه الاستجمارُ إن لم يَعْدُ الخارِجُ مَوْضِعَ العادةِ. و يُشْتَرَطُ للاستجمارِ بأحجارٍ ونحوِها أن يكونَ طاهرًا مُنْقِيًا غيرَ عَظْمٍ ورَوْثٍ وطعامٍ ومُحْتَرَمٍ ومُتَّصِلٍ بحَيوانٍ،

Filth is removed with a stone and then with water. It is sufficient to remove the filth with a stone as long as the filth does not exceed its normal spreading. It is a condition for removing filth using stones and the like, that it be: (1) pure; (2) remove the filth; (3) that it not be a bone or animal dropping, (5) food, (6) something sanctified, or (7) something connected to an animal.

We're on page 129 of Shaykh al-ʿUthaymīn's sharḥ, right at the bottom. Let's talk about these words, because the Shaykh starts with 'wa yastajmiru'(ويَسْتَجْمِرُ). Yastajmir is the present form verb of istijmār (cleaning oneself with something other than water).

الاستجمار: يكون بحجر وما ينوب منابه، والاستنجاء يكون بالماء.

Istijmār is to clean oneself with a stone (or something which takes its place), and istinjāʾ is to clean oneself with water.

Shaykh ʿUthaymīn says that the statement of Imam al-Ḥajjāwi (and consequently the Ḥanbali madhab) that you use stones and *then* you use water is al-afḍal, or the best thing that one can do.

هذا هو الأفضل؛ وليس على سبيل الوجوب، ولهذا قال: "ويجزائه الاستجمار".

…but it's not something which is obligatory. He then follows it up with a statement: 'but it is sufficient just to do istijmār'.

The Ḥanbali madhab is saying that the best thing is to do both istijmār and istinjāʾ, but it is enough to just use paper by itself.

والإنسان إذا قضى حاجته لا يخلو من ثلاث حالات:

الأولى: أن يستنجي بالماء واحده. وهو جائز على الراجح، وإن وجد فيه خلاف قديم من بعض السلف

If someone does go to the toilet, three things are going to happen when it comes to cleaning himself:

1. He's going to clean himself with water alone. This is permissible according to the strongest opinion, despite the fact that it has been narrated that there is difference of opinion on this issue. We talked a lot about this – about the salaf and the companions and the various opinions they held. Some didn't like it, some did. You need to go back and revise that if you want more detail on this particular issue. He says, 'This is old difference of opinion from the time of the salaf'. The footnote mentions that in the Muʿannaf of Ibn Abi Shaybah (which is the best collection for narrations of the Companions), there are narrations that ʿudhayfah ibn al-Yamān and ʿ Abdullāh ibn azZubayr were amongst those who did not prefer using water alone. What was their thinking, what was the position of these companions and others from the salaf? It's common sense. How on earth can I allow my hand to touch something disgusting in smell and in its physical nature as well? The hand is muʿtaram, even if it's the left hand. This fiqh discussion is pre-Muslim showers. They never had a pressurized thingamajig, so it wasn't possible to just do what the Arabs do and just sit there without touching. It was impossible to believe that there would be istinjāʿ without using the hand, so this whole discussion is about using the hand to physically touch the area. The Shaykh then says that it's a fair complaint, but the authentic position is that it is permissible. Actually, later on it became an ijmāʿ of the scholars, that

it's permissible to use water alone. The evidence of that is many, and we've covered most of them. The ◎adīth of Anas ﷺ is the most famous – he said that the Prophet ﷺ went to use the toilet and we carried a container of water for him, and he cleaned himself with water alone. This ◎adīth is in Bukhāri. As for the common sense reasoning: we need to get rid of dirt and filth. The basic principle to clean anything is with water. So if you have some najāsa on your foot, you would use water to get rid of it. The same applies for your private parts as well.

2. The second position would be that the person uses toilet paper only. That's permissible ad we know it is from the statement of the Prophet ﷺ and his action. As for the statement, it comes from the ◎adīth of Salman al-Fārisi ﷺ when he said: "نهانا رسول الله صلى الله عليه وسلم أن نستنجي بأقل من ثلاثة أحجار" The Prophet ﷺ prohibited us from making istinjā◎ with less than three stones.This ◎adīth is narrated by Muslim. He forbade us to make istinjā◎ with stones. There's another lesson here – the word istijmār is not always used. If you hear the statement 'istinjā◎ with stones', it means istijmār. That's the statement. As for the action, we know from the ◎adīth of ◎ Abdullāh ibn Mas◎ ūd that the Prophet ﷺ went to go use the toilet and he asked ◎ Abdullāh ibn Mas◎ ūd to collect three stones for him. He collected two stones and a piece of dung (animal dropping which looks like a stone in a dry environment). The Prophet took the two stones and threw away the dung, then said "هذا ركس" meaning this is impure/disgusting/filthy. In another narration by al-Dāraqu◎ni, he said "ائتني بغيرها" – go and get me something else. This strengthens the other ◎adīth that there needs to be three stones as a minimum to use. There's also another

◎adīth by Abu Hurayrah that he himself gathered a number of stones for the Prophet ﷺ and brought them in his thobe. Actually, we can only assume because we don't have details. He could have put them in his pockets, which I don't think is the case because that means that you would need extra cloth which they didn't have. Jayb was seen as a luxury because you would need extra cloth. I think he gathered them in his thobe, wa Allāhu a◎ lam. So he gathered some stones and took them to the Prophet ﷺ… "فوضعها عنده؛ ثم انصرف." Then he put them there for him to use and then he left.

This ḥadīth is narrated by al-Bukhāri, and it indicates the permissibility of istijmār. So this is the second scenario where he used just stones. Ibn Taymiyyah (raḥmat Allah ʿalayh) said that this is what proves his original principle in purification: it's all about removal of filth, not the how or what will remove it. It's not about numbers, times, quantities – it's all about getting rid of the dirt. As long as we can purify the area, that's all that matters. Remember all the opinions we discussed about something having to be washed in a certain way, etc.? Look, if you can find a dry cleaning, that gets the job done. It's about getting the area clean. Ibn Taymiyyah is that modernizing force in that area of fiqh, without being modernist, of course. This is the position that we have adopted as a class – we are more concerned with the dirt being removed and not the thing which removes it (or not, as the case may be). This position is supported by the Prophet's ﷺ actions – sometimes he uses water only, sometimes he uses stones only, so it's clear that even his actions support this. This goes against the original Ḥanbali opinion that you can only remove filth with purifying water. We said: when it comes to dirt, anything that gets rid of it is sufficient.

3. The third position is to use both, as stated in this ◎anbali text – istijmār (toilet paper) followed by water (istinjāʾ) which, I think is the standard for all

Muslims. This is what every person pretty much does everywhere, except for some parts of the developing world where it's not possible. Shaykh ʿUthaymīn puts it out there by saying that he has never seen evidence of this being established by the Prophet ﷺ. Yet, there is no doubt that this action is the most complete when it comes to purifying. This is a big statement. It is the most complete. Of course it is. But that's a dangerous statement to make. The Prophet ﷺ goes into so much detail telling us everything about cleansing, yet he never does it, or we don't see anything to prove that he does it. Cleaning with a 'stone' and then following it with water is done by Muslims all over the world all the time, and what's interesting is that the Prophet ﷺ never did it. Not only did he never do it, but we're saying that it's more complete…? That's big kalām.

لكن من حيث المعنى لا شك أنه أكمل تطهيرا

Even though it is not established from the Prophet ﷺ having been done from him, but from what is intended by cleaning with paper and then water, there is no doubt it is the most complete purification process. I have to get my head around that, to be honest. I think that it's a big statement, but you know a big man can make that statement. It's Shaykh ʿUthaymīn so it's okay. So that's the discussion on that inshāʾAllāh. Like I said, we really discussed that. Go back to your notes in the first couple of lessons; we talked about all the names of all the companions who had that opinion.

The next statement then:

ويُجْزِئُه الاستجمارُ إن لم يَعْدُ الخارِجُ مَوْضِعَ العادةِ.

It is sufficient to remove the filth with a stone as long as the filth does not exceed its normal spreading.

What we are talking about here is that you can go ahead; we've just told you to use

stone then water but go ahead and use a stone alone, no problem. Use toilet paper if you want. But if you have had diarrhoea then think again. Not just diarrhoea, I'm talking messy diarrhoea. That's the exact point being said here. “Exceeding its normal spreading”, let me be direct here, what it's referring to is the world's perfect dump. So if you imagine the world's most perfect dump it's coming out and no touching, no cheeks, no nothing. It's clean - out and it's in that toilet and there's no this, no that. If that process goes wrong then obviously cannot go with toilet paper or a stone, because it's so all over the place and a stone only works when it is a restricted area.

Now it's interesting and what Shaykh ʿUthaymīn says that this is the same for urine as well. Sometimes it is possible for the glands to become blocked. Not just because of bad food or bad technique, but other factors that urine/faeces doesn't go where it should go, therefore we cannot now follow the opinion we can just use toilet paper or a stone. For that reason, the aṣl goes back to water. Shaykh ʿUthaymīn makes an important statement - there is not a single evidence from the sharīʿah to indicate this point that you have to now use water, but the ʿaql is clearly indicating it.

I will say something further: I don't think it is an obligation to use water and I don't think the Shaykh is saying that, especially in our time. In our time, it is possible that you can get the area cleaner using tissue paper than water, or they have wet wipes etc. It's possible nowadays to use anything, but the point is that if you know for a fact that whatever you are using is not going to clean the area, it is not right to use that. Then you need to use something further because we said the ʿillah is to remove the najāsa, whatever the type/quantity/location. That is the issue.

The conditions for using a stone or toilet paper are the following, and Shaykh ʿUthaymīn confirms that when we are talking about a stone, aḥjār (the plural of ◎ajr), even the Ḥanābilah say that we can use naḥwiha (that which is similar to that), such as the clod (dried earth) or a wetter kind of mud/dust, a cloth, paper, or even wood.

The first condition is that:

يُشْتَرَطُ للاستجمارِ بأحجارٍ ونحوِها أن يكونَ طاهرً

It is a condition for removing filth using stones and the like, that it be: (1) pure;

What does ◎āhir mean? It means two things that it is not najis and not mutanajjisan:

لا نجساً، ولا متنجساً

Najis means filthy. What is mutanajjis? It's something which has become filthy, secondary. So the classical example to use something filthy is to use something like pig skin. Likewise, if you had a clean tissue paper which you had cleaned yourself with, then you're going to go back and use that again, for example. Then that is something which has been made filthy - that would be something that is mutanajjis.

What's the evidence for that? The ḥadīth of ʿAbdullāh ibn Masʿūd, we just covered that. He brought the three stones to the Prophet ﷺ, except that the third stone was dung. What did the Prophet ﷺ say? What word did he use? ركس (riks) with a 'ka'. It's filthy, najis, so you can't use something which is najis.

In the ḥadīth of Abu Hurayrah رضي الله عنه, he said that the Messenger of Allah ﷺ forbade one to make istinjāʾ with a bone or with animal dung:

نهي رسول الله صل الله عليه وسلم أن يستنجى بعظمٍ أو روثٍ وقال: انهما لا يطهران

(عظمٍ) ʿAẓm, meaning animal bone or animal dung. The Prophet ﷺ said these two things don't purify. They are najis in and of themselves, and they do not purify. Therefore we know that whatever you use to clean yourself with must be pure. What's the common sense? The common sense is that we're trying to clean ourselves from impurity, so the thing that you use must also be pure.

The second condition is:

مُنْقِيًا

(2) remove the filth;

Remember what we are doing? We're doing the conditions of the things we're using to clean ourselves, be it paper, cloth, stone, or clod. The second condition is that it must be منقياً (munqiyan). It has to clean the area, and if it doesn't actually clean an area then that's a problem. What do we mean by that? Things which are very smooth, for example. So a stone which is completely smooth doesn't clean anything. There needs to be some texture to it to clean an area and that's the example that Shaykh ʿUthaymīn gives. Or because it's wet. If something is wet, then it doesn't clean anything. For example, tissue paper when it's wet. Shaykh ʿUthaymīn says, even a wet stone, or especially a wet clod. Or another scenario is that the area that you're cleaning, like your backside for example is very dry. If it becomes very dry than it's also possible that it doesn't clean properly as well. These are all mentioned by Shaykh ʿUthaymīn (raḥmat Allah ʿalayh).

The next condition, you can make this condition three and four or you can just put it under three.

غيرَ عَظْمٍ ورَوْثٍ

(3) that it not be a bone or animal dropping,

What's the evidence for that? The ḥadīth that we've mentioned of Abu Hurayrah, but there's also a narration of ʿAbdullāh ibn Masʿūd and there's also a narration of Salmān and Ruwayfiʿ, which are all collected in the footnotes below (Sharḥ, pg. 134)

What's the common sense point here? The common sense point is that the bone is going to be of two types. It's going to be number one, a bone of an animal which has been slaughtered; an animal which is mudhakkā, meaning one that dhakā has been done to it. Meaning it's been used ḥalāl, we've eaten this animal and its bones are left. What are these bones? They are the food of the jinn. We know that the Prophet

ﷺ told us that they are the food of the jinn and we know that it's not permissible for us to make these filthy for the jinn:

و لا يجوز تنجيسه على الجن

It's not permissible to make these bones filthy for the jinn.

The second type of bone is going to be a bone coming from a dead animal, which by necessity, is najis. Maytah or carrion, any bone that comes from carrion is najis in the first place. So we are locked ourselves out on both examples of bone there is not a third category.

Either the animal was slaughtered, meaning Jewish, Christian or Islamic and it's eaten and it's proper and therefore jinns have that. Or it's an animal that's just been killed by accident or dead meat and therefore that is najis aṣlan and so the jinn won't eat that anyway. That's the reason for the bone.

As for the dung, then Shaykh ʿUthaymīn says that it's the exact same reasons. The same principles would apply. If it comes from a dead animal, it's dead/dirty. And if it comes from the ḥalāl animal then it's also been used as fodder for the animals of the jinn. We covered that a couple of weeks ago.

Then the next condition is:

وطعامٍ

(5) food,

That it can't be food. We can't be having food. Not just our food, but the food of our animals as well. Not just our food but the food that we give to animals. It's not valid to make istijmār with them. Why is that? Because the Prophet ﷺ forbade making istinjāʾ with bones and dung. If he said that it's ḥarām with bones and dung, then what do you think about food? It's even more muḥtaram, more respected and

sanctified. The reason we're not allowed to use bones is because that was the ṭaʿām (food) of the jinn then what about the ṭaʿām (food) of ādami (humans beings)? Shaykh ʿUthaymīn also says that this is because it is the highest level of ingratitude, it is kufr bi'l-niʿmah. It is being ungrateful with the blessings of Allah ﷻ and He created these things for us to be eaten, not to be used in all this nonsense. Therefore the position that we have, the conclusion on this last point is that every single food of the humans and our animals, it is ḥarām to use for istijmār. This is the Ḥanbali position and what seems to be obvious from the text, this includes waste food as well, so bread crusts, apple cores etc.

Obviously, we live in a country which is very big on recycling and so on and food of course is the easiest thing to recycle. Not just for birds for then to eat, but to be for them to rot and put in the garden as compost and so on and so forth.

Shaykh ʿUthaymīn is going to go ahead and use the fact that it is being ungrateful to do with blessing as a reason and that would put out other examples as well. You know people using money, people do that as a show of extravagance. Any other examples?

Leaves are allowed. Leaves don't fall into the category. Leaves subḥānAllah are lifesavers outside in the rough.

Q: But animals eat leaves?

That's a good point, if leaves are allowed then that's what animals eat as well. I guess that if you knew that you're in an area and you know that these leaves are the food of the animals, that are in the area then maybe you'd refrain but if leaves get taken out, mushkilan. We don't live in a desert climate, muddy climate, ours is green and so on.... it's an interesting point and we need to look into that, because the next example is grass.

Grass is of course the food of virtually all the animals. At the same time, dry grass, clumps of grass, wet grass, these are all the things that when you're in the wild, when you're roughing it (camping, I mean), these are the things that you train yourself in using. You start to understand that life isn't about carrying toilet paper. These people going out there day and night, doing jihād had toilet paper with them? You have to survive.

My position is that I think that it is allowed. I think that grass and leaves and so on, because I think it would become huge. I think that many things that we're talking about when we say the 'food of animals', is that which is specified, clear and well-known. I think that would be the basic position. Allāhu aʿlam. It's a good point.

Then the next condition is:

وَمُحْتَرَمٍ

(6) something sanctified,

Muḥtaram, we covered this word last week. Something which has ḥurma (sanctity). Which if you want me to go further, it means something that is great.

تعظيم في الشارع

according to the sharīʿah of Allah ﷻ it is considered to be something of value. Therefore that doesn't just mean the muṣḥaf, obviously. It means the books of knowledge, it means books which people value as well. Not just books sharīʿah knowledge but books that are close to other people, so things of value. As for the evidence for the obvious religious sanctified matters, Allah ﷻ says:

﴿ ذَٰلِكَ وَمَن يُعَظِّمْ شَعَائِرَ اللَّهِ فَإِنَّهَا مِن تَقْوَى الْقُلُوبِ﴾

That [is so]. And whoever honours the symbols of Allah - indeed, it is from the piety of hearts. [Sūrat al-Hajj, 22:32]

And also Allah ﷻ says:

﴿ ذَٰلِكَ وَمَن يُعَظِّمْ حُرُمَاتِ اللَّهِ فَهُوَ خَيْرٌ لَّهُ عِندَ رَبِّهِ ﴾

That [has been commanded], and whoever honours the sacred ordinances of Allah - it is best for him in the sight of his Lord... [Sūrat al-Hajj, 22:30]

And Shaykh ʿUthaymīn says that taqwa is wājib. To have taqwa is a state which is obligatory to have at all times, as much as possible. And therefore, for that reason, it is not permissible to ever make istijmār with something which is muḥtaram.

و لو كان مكتوباً بغير العربية

Shaykh ʿUthaymīn says that this does not necessitate Arabic. It's not the Arabic which is the issue, it's the issue of sanctification and honour that's intrinsic in whatever is in front of you.

And the final condition is something which is connected to an animal. We're talking about a fox's tail, or a hoof or something like that. If we're not allowed to make istijmār with the fodder, which is the food of the animal, then what do you think of using the animal itself? Of course, it's even more ḥarām. So, you can't use an animal like that either.

Shaykh ʿUthaymīn says, what if a person says about that point, if that's the argument you're going to use for not using part of an animal, then what about the hand? Your hand is far more muḥtaram, and it's alive and connected to you, and you'll handle things. This is referring to cleaning oneself when using istinjāʾ

Shaykh ʿUthaymīn responds that this was mentioned by some of the salaf. They said,

إن الاستنجاء بالماء من غير أن يتقدَّم أحجارٌ لا يجوز ولا يجزي

Any istinjāʾ which is performed without istijmār being done before it is not permissible. They followed the same reasoning. How can you let your hands touch that? You've got to clean the area first with something and once it's all gone, then you can use water. And that's narrated from some of the salaf.

لأنك تلوِّث يدك بالنَّجاسة

And that's narrated as we said by, ʿAbdullāh bin al-Zubayr and Ḥudhayfah bin al-Yamān and you can see the narrations in the al-Muṣannaf of ibn Abī Shaibah (see footnotes of Sharḥ Mumtiʿ, pg. 131).

و هذا قولٌ ضعيفٌ جداً

Shaykh ʿUthaymīn says that this is a very weak statement. The authentic Sunnah clearly refutes that. The Prophet ﷺ made istinjāʾ with his hands and that's the end of the story.

If we want you use our ʿaql, let's debate this point. Shaykh ʿUthaymīn says that the touching of the najāsah is not an intentional touching of the najāsah to make oneself filthy, but a necessity to clean one's private parts with the addition of water.

و مباشرةُ الممنوع للتَّخلص منه ليست محظورةً بل مطلوبةً

This is a general principle you're being taught here. The forbidden touch, when done to free oneself and to finish from that situation, is not something which is ḥarām, rather it is something which is recommended. For example Shaykh ʿUthaymīn says, if someone is in iḥrām, he's not allowed to use perfume, but if another person puts perfume on him, what are you going to do? You have to wash your hands and this touching of the perfume will not invalidate your iḥrām, because you're touching it to clean yourself from it.

Another example is, when you were jāhil, you stole some land. And you're going back and forth on this land. The rulings of when you have stolen land or property is that you're not allowed to touch it or walk on it. If he makes tawbah half-way through, then has to walk on it to arrange its sale or arrange it to go back, because from one of the conditions of tawbah is to reverse the harm or the sin, so as a result of trying to reverse the sin, he needs to physically touch or move on to the area. And that's allowed, because he has to free himself of the sin.

That's whole of page five done. Let's move on to page six.

Now, we're talking about the action itself. Shaykh al-Ḥajjāwi (raḥmat Allāh ʿalayh) says,

ويُشْتَرَطُ ثلاثُ مَسَحاتٍ مُنْقِيَةٌ فأَكْثَرُ ولو بحَجَرٍ ذي شُعَبٍ، و يُسَنُّ قَطْعُه على وِتْرٍ. و يَجِبُ الاستنجاءُ لكلِّ خارجٍ إلا الريحَ، ولا يَصِحُّ قَبْلَه وُضوءٌ ولا تَيَمُّمٌ.

"It is a condition to wipe three or more times, each time removing the filth, even by using a stone with three corners. It is a *Sunnah* to stop on an odd number. It is obligatory to remove filth for everything that exits, except for wind. It is not valid to make ablution or *tayammum* before removing the filth."

A number of statements are made there, so let's look at that, inshāʾ Allāh.

On the bottom of page 136, Shaykh ʿUthaymīn says, this is the fifth condition from the conditions of using the stones. You have to wipe the area three times. The evidence for that is a very strong ḥadīth. It's a ḥadīth of Salmān al-Fārisi (raḍī Allāhu ʿanhu). He said in Ṣaḥīḥ Muslim,

نهي رسولُ الله أن نستنجيَ بأقلَّ من ثلاثة أحجار

"The Messenger of Allāh ﷺ prohibited us that we make istinjāʾ with less than three stones."

What is the reason for that? So, that a person doesn't have to keep coming back, because he's unsure. He does it and cleans the area completely at that time.

لأنَّه إذا فعل ذلك لا يستفيدُ

If a person is only sticking to one, then it's not normally done and if he goes away and he realises afterwards, he'll probably cause himself more dirt than he would first-time round, meaning to have completely cleaned himself first-time round.

Shaykh ʿUthaymīn says,

إذا إنقى بدون ثلاث كفى

Some of the scholars said that if a person is able to clean the area with less than three stones, then that is sufficient.

لأنَّ الحكم يدور عِلَّته

Because, the ruling is based upon the reason. And what's the ʿillah in this issue? It's removing the filth. If the filth is removed in less than three, then the ruling should be based upon less than three. This is the argument of some of those scholars. And I have to say this position is very close to my heart.

But Shayk ʿUthaymīn says,

و هذا القول يُرَدُّ بأنَّه صلى الله عليه و سلم نهى أن نستنجيَ بأقلَّ من ثلاثة أحجار

The problem is that this statement is rejected and refuted by the Prophet ﷺ when he said: we were prohibited to use less than three stones.

و إذا نهى عن ذلك فإنَّه يجب أن لا نقع فيما نهى عنه

If he ﷺ prohibited us from something, it becomes obligatory for us not to fall into something which he prohibited. It's a very strong language. And also majority of the time, we know that you can't clean yourself with less than three. And he also says that three is not a simple number; three has weight in Sharīʿah. Three is mentioned a number of times, across all kinds of aspects of the Qurʾān, Sunnah, Fiqh and ʿAqīdah.

I find this a fascinating statement, because one of the things I teach in Fiqh of Ṣalāh and other classes is that we do have to be careful about numbers. Many times in the Qurʾān and Sunnah, the numbers are mentioned not actually for the number, but to indicate many. And this is an important point. It's not always easy to differentiate when and that's the job of the scholars to do so. But, sometimes you can go too far with this idea and principle and just start to write of all numbers. We are still a literal reading tradition. We read literally, unless we can't understand something literally and we need to make an interpretation. This is the way of Ahl al-Sunnah. So if something says three, we will stick to three, unless we have clear indication that it's not really talking about the number, but it's talking about something else.

Here, we don't have any evidence to help us move away from the number three, and even if the ʿaql says that if you can clean in with one stone, then it's okay.

The reason I'm not too fussed about this point, meaning that I'm happy to stick to three if we have to, is because if you use water there'd be no issue there. If you're going to use something hard, like a paper, it's not going to clean as much as water is going to, so you need to use three, whereas if you're using water, then maybe it's okay.

I'm not giving a fatwa though, that if you're using stones or paper with water, you're okay to use just one paper, because you're using water. What I am saying is that when it comes to water, there's no such thing as three pouring's. You just pour and once you're clean, you're clean.

Even though my heart leans towards the fact that it's about cleanliness and not about the number three, the ḥadīth is pretty explicit, so we'll stick to that.

We said that the stone itself needs to be something which can purify. It can't be something which is completely smooth, wet or damp, because it's not going to clean. And likewise, if the area is not clean in less than three then we go further and using it more times.

And it's okay to use a stone with three corners. The point here is that the evidence seems to suggest that the Prophet ﷺ was presented with three separate stones. And what the Shaykh wants to say here is that it's not really about three stones, it's about three wiping's and cleanings.

So, if a big stone or clod has three corners, you could use that. The modern day example of this exact point would be using a toilet paper and folding it and using it again.

Shaykh ʿUthaymīn says that there is a discussion there. The scholars weren't too sure about that, but the rājiḥ (preponderant position) is that it is okay.

The next point is that it is Sunnah to stop upon witr. For example, if you go above three, because the area is still not clean, and you go to four and it's now clean on the fourth wiping, you need to increase to five. And if it cleans on the sixth, you increase to seven. That's a Sunnah.

And it's interesting that the Ḥanbalis also noticed that as a Sunnah and here's why. Shaykh ʿUthaymīn said that the evidence for this is what is narrated in Ṣaḥīḥ al-Bukhāri and Ṣaḥīḥ Muslim. The Prophet ﷺ said,

من استجمرَ فليوتِرْ

"The one, who makes istijmār, then let him do it an odd number of times."

From an Arabic point of view for the future, whenever a verb is used with the 'fa' which means 'then' – you could use 'fa' like 'faʿlam' (then know) – but when you add a 'lām' after the 'fa' (falyūtir), this 'lām' is called, 'Lām al-Amr'. When it's just entered before the present verb, it indicates obligation.

But here's the problem; we know that it's not an obligation to use three, because the Ḥanbalis said it's a Sunnah.

Shaykh ʿUthaymīn says that in principle, the order (amr) is obligatory, and if you're talking about the issue of three, then this is obligatory. This oddness is obligatory. But, anything which goes over three, because you need to clean it four times, then it becomes a voluntary or recommended act to make it five.

The taʾwīl (interpretation) that Shaykh ʿUthaymīn is giving is that the obligation only refers to three when it comes to witr. As for if you go above three, then this is the matter which is Sunnah and recommended.

And the evidence for Shaykh ʿUthaymīn's interpretation is based upon the ḥadīth of Abī Hurayrah (raḍī Allāhu ʿanhu) which is narrated by Imām Aḥmad and Abū Dāwūd and this ḥadīth has been criticised by a number of people. Imām an-Nawawi considered it to be an acceptable ḥadīth and ibn Ḥajr took it a little bit lower and said the isnād is ḥasan.

Here's a lesson for you; there's a big difference in statement when someone says that this is a ḥasan (acceptable, fair) ḥadīth and ḥasan al-isnād, meaning that its chain is okay. He's not overly comfortable or happy with the text, but he's looked at the chain and doesn't see a major issue. When a ḥadīth is ḥasan that means you're happy with the chain and the text.

So, what the text of the ḥadīth of Abī Hurayrah?

من استجمرَ فليوتِرْ، مَنْ فعل فقد أحسن؛ و مَنْ لا فلا حَرَج

The Prophet ﷺ said, “Whoever makes istijmār, then let him do it an odd number of times; whoever does that, that’s better for him, whoever doesn’t, then it’s not a problem.”

This ḥadīth would indicate, when taking in conjunction with the previous ḥadīth that obligated it, that to do witr isn’t an obligation, but it means something which is recommended.

Question: Struggling with this wiping three times, the ḥadīth makes complete sense if you are just using a stone. The second, third cleaning actually increases the amount of cleanliness in a sense. But if you are using tissue paper plus water afterwards, the water is going to take away any minute residue of filth

Ustadh A.E: So I tell you what, take water out of the equation and let’s debate just on the issue of toilet paper

Question contd.: because then it makes more sense

Ustadh A.E: Right and that is the reason I was at pains to emphasize that point. Remember the point that we said, it has not been narrated from the Prophet ﷺ that he ever did both so if we continue on that premise, then we are always exclusively talking about just stones or toilet paper. Then it is clear that you are risking it big time just going with one or two.

Question: So one with water is okay?

Ustadh A.E: Wallahi I don’t. I practice three minimum with water at least because I am just scared of the ḥadīth. I don't have the guts. But if someone was to say to me, ‘Look, it doesn't make any sense’ I would say ‘Yes, I think you have a point’. I don't have a problem with the istidlāl there, I really don’t. Because why? You have heard the evidence right there. The Prophet ﷺ didn't refer to that particular scenario. He didn't because he didn't do it. Neither did he not do it, neither did he instruct to it, so

where we have that and water. To be honest, the more you say it the more you think about it. The more you think about it, it is obvious if the water itself is not being used three times then the paper is seen as something additional/bonus so the rulings should be based on water which doesn't need three times. It doesn't matter how many times you use the paper. My fear is this: is that once you decide and make a decision to use something other than water, I am seeing that almost like a religious decision. Once you enter into a religious decision, and we know virtually everything comes under the category of odd number is better. Do you understand what I am saying? If you are about to eat something you would eat odd. We joke about that a lot isn't it? This principle is the reason why I say yes if I am going to involve it, then I am going to make it witr.

Question: you said that the ʿillah is to clean? Now the Prophet ﷺ said three times explicitly. Are going to try and second guess the reason behind what the Prophet ﷺ says and does just because we are trying to find the ʿillah behind everything he says?

Ustadh A.E: the ʿillah in general purification according to ibn Taymiyyah and our top position is to get the area clean by whatever which way it happens. Are we going to try and second guess the ʿillah behind everything the Prophet ﷺ and does just because we are trying to find the ʿillah? The answer is yes because that is a noble thing. What is the shame or problem in that? The problem would be if we are just finding it to try and get out of something but if it is trying to find out to increase in knowledge and understanding then what would be wrong with that?

Contd question: Like you said subconsciously you are uncomfortable yourself doing it less than three times?

Ustadh A.E: what you are trying to say is that there is too much bias in my trying to find the ʿillah.

Contd question: Yes you said that the ʿillah you know is to cleanse but at the same time the Prophet ﷺ has said explicitly three times and there is something within us as Muslims the Prophet ﷺ has said three times explicitly. Obviously, we can't get away from that fact and we can't explain that once could be you know. Why are we trying to second guess the reason for the three?

Ustadh A.E: In response to your question, first of all there is no doubt to anyone especially the scholars about how difficult it is to find the ʿillah. In fact you will have memorized from me (I hope) in this lesson and every lesson that you have taken. That I have said that according the scholars, the most difficult thing in the sharīʿah in Islam is to identify the ʿillah of an action. And that is the reason because bias pops in, because it is contextual, because it is subjective, because sometimes it is not clear to see. Sometimes you just have to say that is the way it is. Sometimes because it can be politically abused by people for their own. All obvious reasons what you mentioned and ten more as well. So number one there is no doubt how difficult it is but of course at the same time it is part of the religion, very much so. So no, we don't worry about finding the ʿillah as long as the scholars are sincere and they are trying to find the truth. So that is the answer to that point there.

The second point is that the search for the ʿillah can start to go too far where you almost ignore blatant statements. That is not the case. There are many more blatant statements in sharīʿah which we put to the side because it is clear that, that blatant statement was us blatantly misreading blatant statements.

We just saw the example right there. How clear a ḥadīth was that?

من يستجمر فليوتر –whoever is going to do istijmār, then let him not do it with less than three stones. Then we have got this one which comes along and it says do it an odd number of times. Odd number of times could include one, five, etc.

I am saying there is always going to be discussions in these issues. As long as we know that the scholar himself is sincere and has got a good evidence for his position, then we are not going to worry. I just want to add that Ibn Taymiyyah is a minority in this issue. The majority do consider numbers and things like that and purifying water, etc. exactly like the Ḥanbali madhab. In fact, the Ḥanbali madhab is supporting what you are trying to say. Stick to the text here.

Not that they don't try to find the ʿillah. Of course they do, but they're also not saying that the ʿillah is cleaning the area. They are saying that the ʿillah is using this water that water. Sheikh ʿUthaymīn doesn't agree, I don't agree, most of my mashāyikh won't agree, the contemporary scholars won't agree, big giants from the salaf and the khalaf won't agree but they are the minority. That doesn't make it wrong. It doesn't make it something that should be avoided either but it is contentious. The ʿillah is a fatal area; it is a risky area that is why no one goes there but the top fuqahāʾ, not scholars.

The top fuqahāʾ are the only ones allowed to try and identify a ʿillah, otherwise you can imagine everyone going around and saying the real reason for praying is to get close to Allāh ﷻ. I can get closer to him in my bed just by going to sleep. You know at Fajr time, it is just a waste of time.

I am going to hate every minute of it: walking over, washing myself, going and standing up there. It is going to be disaster. I am going to be feeling so horrible for ten minutes. I am not going to concentrate. I don't know what I say, to be honest. What is all the Arabic business? I only know qul huwa Allāhu aḥad anyway. Stay in bed and I promise to think of nothing else but Allāh and my sins and that is the ʿillah. The ʿillah is to get closer to Allah isn't it? You see what I am trying to say? It is the most dangerous thing in the world.

Question: What about using vinegar for cleaning toilets? I have heard that they are eco-friendly.

Ustadh A.E: SubḥānAllah what a good question! What about using vinegar to clean toilets or to clean oneself, to clean an area or sterilize an area on the skin or whatever. Anything which has acetic acid or some other kind of alcohol. Allāhu aʿlam. I think it is permissible if it understood as a separate industry specifically and it is not being done to disadvantage the people and if there is a reason for it. If there is a reason for it making it better than other industrial products. If it is an overwhelming obvious point then I think that there is some space for that. There might be some space for that. Especially vinegar considering it is just converting alcohol which has no value any way. Allāhu aʿlam

Question: Can clothing be used? If an apple core with an edible area already eaten cannot be used what about old used worn out cloth?

Ustadh A.E: Yes cloth is allowed to clean oneself and so on. That is allowed inshAllah.

Question: Speaking of finding the ʿillah. If you do find the ʿillah for a ruling, are you allowed to now change the ruling based on the ʿillah we have like (inaudible) can we change what the Prophet ﷺ said, the Prophet said three?

Ustadh A.E: Absolutely there is no contradiction. For us to submit to Allah and His Messenger, once they have made a decision, which is the ayah that you quote, is not a contradiction to using the reason that has been identified or put forward by Allāh ﷻ and His Messenger. For us to identify and then use it for something else or to realize that something is not applicable because then that inapplicability will be Allāh and His Messenger's decision. Does that make sense? So the doing of that action was Allah and His Messenger's decision. Then not doing of that action because of the ʿillah and circumstance will also be Allāh and his messenger's decision. Mostly key component, identification of the ʿillah (which is going to be hard work) and number two it has been done by the highest top scholar possible. I

can tell you now that 99.99% of scholars that you ever seen or heard of, know they can't find the ʿillah. And they won't go there. It is hard work. We won't need to worry about this. You need to worry when you start hearing people in the modern day time talking about ʿillah. Now there is no one around that can talk about ʿillah in the western countries and things like that; they have got no idea.

Question: Water seems to clean better but with tissue and stones it may leave behind small traces of filth so in that case would be better to use both or just water? And can soap be used?

Ustadh A.E: The top position of this class and the action of a number of the scholars is that to use tissue paper followed by water is better and more complete and if one adds soap to the equation, then that is also good and even better. This is all permissible without making it too difficult on oneself and obligatory. Because obviously we are living in a time where people get so used to things. It's very scary actually. Every day we are moving further and further away from our roots and from sacrifice and from simple living. Every day we are moving further and further. We are becoming more comfortable and politically this is a problem, socially, psychologically it is a problem. Just think about it right now, if this mind-set continues: a very very modern, convenience based, materialistic western mind-set that doesn't accept the idea of like getting dirty, not having paper or using water or roughing it etc. When you see people then doing that, you don't then associate with them. Now considering ninety per cent of our Muslim ummah is That, That is why we have that lack of empathy with our fellow Muslims especially when it comes to the issue of jihad especially. Especially those who are going out sacrificing, defending people and their lives. We are always siding with the Hollywood narrators because they are the ones that are backwards; that is just a psychological one. Then there is something which is more deeper psychologically rooted internally and that is we couldn't ever possibly imagine roughing it ourselves so in your heart there is no concept of striving/sacrifice for the sake of Allah in the heart. It is not

even there because you could never imagine living outside in the rough for a week. You could never imagine it. Well you know what? Start to imagine it because in Ṣaḥīḥ Muslim the ḥadīth of the Prophet ﷺ is very clear; the one who dies without a niyyah for jihad (striving) dies upon a branch of hypocrisy. Everyone has to have it in their hearts that we are ready to sacrifice, to push religion to the next level, to move forward, to put oneself in a scenario where you are not comfortable and of course you know that the principle of all jihad is jihad an-nafs which is the killing of the desire, The breaking of ego, the shattering of your comfort zone. All these things are the big barriers to real progression in the religion. Our desires, our nafs.

Question: is that everything in day to day?

Ustadh A.E: of course it is. And that is why the scholars have agreed any kind of other definition of jihad like the physical jihad like a war and any other kind of jihad such as writing, speaking or political jihad etc. it is all preceded by the jihad of the nafs. There is no doubt about that even of course any hadīth which indicates that is completely fabricated and there is no basis for that. But the meaning is correct. There can't be no striving in this religion if you can't take out your desires. If you can't imagine living without toilet paper you are finished. But who can? That's the point. That is the lesson to take from these lessons.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

والعاقبة للمتقين ولا عدوان إلا على الظالمين

وصلى الله وسلم على نبينا محمد وعلى اله وصحبه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

It's a sad day because it's the last day (maybe in our lives) that we will ever cover the fiqh of the toilet, the art of the dump… honestly, what a chapter it's been. SubḥānAllah I've enjoyed it so much, so it's sad that we'll be leaving it within a few minutes.

We also have good news alḥamdulillāh. We will be starting the chapter of wuḍūʾ. We're on the last page – page 6 of our notes.

وَيَجِبُ الاستنجاءُ لكلِّ خارجٍ إلا الريحَ، ولا يَصِحُّ قَبْلَه وُضوءٌ ولا تَيَمُّمٌ.

It is obligatory to remove filth for everything that exits, except for wind. It is not valid to make ablution or *tayammum* before removing the filth.

This means we're on page 139 in the commentary. The Shaykh starts by saying that this statement is finally getting to the point that we're now going to establish the ruling on istinjāʾ. It is something which is obligatory. What is actually being made obligatory – istinjāʾ with water or istijmār? Both.

We know already that when we say istinjāʾ, we can be referring to istijmār as well. Whether one uses stones, water, tissue, etc. all of this will be acceptable but it has to be with the intention of istinjāʾ. Not with the intention of just passing water over the area, but actually cleaning the area.

The evidence for the obligatory nature of making istinjāʾ… and I think here it serves us to go back to the linguistic meaning of the word istinjāʾ. We said that istinjāʾ is to seek cleanliness by the removal of anything which is there from dirt.

This is referring to anything which is filthy, anything which causes filth, anything which by itself is najis, or by it coming out causes a state of najāsa in the two passages (front and/or back). Removing that and cleaning the area, whether by water, or by tissue, or by stone is called istinjāʾ, in general.

The evidence for it being obligatory for everything that comes out – except for passing wind – is a ḥadīth in Bukhāri, where the Prophet ﷺ commanded Sayyidna ʿAli ibn Abi Ṭālib ﷺ to wash his penis after madhiy had come out.

There are two things which come out during intercourse or sexual excitement. There is semen, but before that there is a precursor which some people call prostatic fluid. I've always had something in my heart against calling madhiy prostatic fluid, because I think prostatic fluid has its own very defined time when it comes out, and it's not necessarily a unique 'event', unless there's a problem.

I believe prostatic fluid is a component of semen, so it wouldn't be right to suggest that prostatic fluid comes out every time before semen. The reason why it doesn't really matter whether we get caught up on what it is in terms of its medical name is because we will cover that in detail in the right section.

We'll cover the rulings concerning al-wadhy, al-many, and al-madhiy – those are the three key liquids which come out, and they each all have very specific rulings. What is their physical nature when they come out? What is their colour, thickness? Are they opaque or transparent? Is there a feeling of pleasure when they come out? When it comes out, does it necessitate a ghusl, or does it just necessitate cleansing of the area? These are the very interesting rulings which will be a very detailed discussion and chapter.

It's enough for you to know that madhiy is something which there is a scholarly consensus over that it is a najis substance. You should know that sperm is interestingly a pure, and not a najis substance. This is interesting because they are similar.

They're not *that* similar, because sperm is white and thick, whereas according to the ʿulamāʾ, madhiy is always very thin and it is slightly white-ish and cloudy but it's basically colourless, although it can get a little misty. The main characteristic is that it's thin and that there is no feeling of sexual delight when it comes out.

Anyway, when Sayyidna ʿAli went to the Prophet ﷺ to inform him that this is what had happened [that madhiy had come out], the Prophet ﷺ then commanded him to wash himself. He didn't tell him to make ghusl, he just said to wash his private parts. Why? Because it's najis and it cannot remain there; it's not possible for him to pray whilst it's there.

Also, we have the ḥadīth of Salmān al-Fārisi:
"أمرنا رسول الله صلى الله عليه وسلم إن لا ناستانجي بأقل من ثلاثة أحجار"

that the Prophet ﷺ commanded us that we do not make istinjāʾ except with at least three stones. This is just referring to istinjāʾ in general. The focus point for us is the word ʾamaranā (أمرنا) – he commanded us.

If he's commanding us to use three stones, it's not possible to think that the actual thing itself is not commanded. If the Prophet ﷺ is commanding three stones, it must mean that the istinjāʾ itself is being commanded. An order indicates obligation, as we know.

The next thing we'll discuss is the statement 'everything that exits,' which is referring to anything which comes out of the front or out of the anal passage. The only thing exempted from that is al-rīḥ (الريح), which is the technical term for wind or gas. This is an exception because it's nothing but air/gas – it doesn't have an athar.

The word athar has many meanings; athar is the narration of a Companion, athar can be the narration of the Prophet ﷺ, but the athar is what is left behind. When you see footsteps, these are the āthār of the person. Antiquities are called āthār - anything which is prehistoric, i.e. fossils and so on, because they are proof of something that came before. So athar means a trace.

Traces of blood indicates a murder, traces of food or crumbs indicate that someone has been eating something. Athar, here, is being used in its technical sense. If someone had gone to the toilet, then there are āthār of najāsa on his private parts. There are traces of dirt, whereas wind doesn't leave any āthār. For this reason, the scholars don't obligate istinjāʾ for passing wind.

This is regardless of whether there is a sound or not, because the gas/air itself is pure even if the smell is disgusting (khabītha). Some scholars did mention (and the Shaykh gives reference to it in the Ḥanbali commentary book al-Inṣāf) that because the smell is so disgusting, the gas is najis in and of itself.

But we don't have something like that. We don't have a concept that gas can be najis. This is an important lesson just generally, because something might be disgusting but if it doesn't leave an effect, or it doesn't settle, or it doesn't have a physical reality to it, then we can't give it the nature of najis.

The Shaykh says that obviously if one passes wind and in the process, he defecates, or feels wetness, this is not an issue of passing wind. This is now an issue of something else which has come out alongside the wind, and so any istinjāʾ/cleansing process should be done because of what else has come out, not necessarily because of the issue of passing wind.

Also, the Shaykh says that the other exemption which has not been mentioned by our author is semen, or al-maniy. What the Shaykh wants to say is that the ruling is based upon things which come out that are najis. If something comes out and it is pure, then one is not obligated to make istinjāʾ.

For example, if there was semen that would come out, it would be theoretically possible to just let it dry and scratch it off. This would neither be istijmār nor istinjāʾ. It could also be possible that you jump into the shower just as part of having a wash, without any intention of having a ghusl, making istinjāʾ, or doing wuḍūʾ.

A lot of people are going to realize how important it is to treat wuḍūʾ and ghusl as an act of worship. At the moment, a lot of people fall into the trap of just going into auto-pilot when they jump into the bathroom.

For example, you might be running around and you're sweaty and you want a shower, so your mind thinks 'I'm smelly, I need to get into the shower to get clean'. This is not an Islamic intention.

Back when we started this entire chapter, I told you that this is not necessarily about cleaning. This is not necessarily about cleaning yourself because we could use soaps and detergents and all kinds of things to do a better job in cleaning from a scientific point of view. This is a more spiritual process, where you're more involved in your thinking that you're doing this for Allah ﷻ and I'm getting myself ready to worship Allah ﷻ. It's not a case of wanting to smell the best.

Anyway, the Shaykh says

والطاهر لا يجب الاستنجاء له.

Anything which comes out which is pure, one does not need to make istinjāʾ for it.

The Shaykh gives another exemption:

ويستثنى أيضا غير الملوث ليبوسته، فإذا خرج شيء لا يلوث ليبوسته فلا يستنجي له؛

Something that comes out of both passages (obviously it's going to be the back passage… actually kidney stones could be used as an example for the front), which is so dry that it doesn't cause any talawwuth.

Talawwuth is an important word in the chapter of purification. It means to sully or soil (lawwatha).

لأن المقصود من الاستنجاء الطهارة، وهنا لا حاجة إلى ذلك.

He says that istinjāʾ is to purify an area. If something comes out and doesn't cause an impurity, what are you doing istinjāʾ for? For example, if something crazy came out like a stone, do you need to make istinjāʾ? If it causes talawwuth (soiling/sullying), istinjāʾ is wājib (obligatory). If it came out and it doesn't, then you don't have to make istinjāʾ.

The last statement is that

ولا يَصِحُّ قَبْلَه وُضوءٌ ولا تَيَمُّمٌ

It is not valid to make ablution or *tayammum* before removing the filth.

The muʾallif is saying that for the validity of wuḍūʾ and tayammum, there must have been istinjāʾ or istijmār of those areas were dirty. It's not possible for someone to enter into prayer or Ḥajj or do any act of ʿibādah that requires wuḍūʾ whilst having dirty private parts and he doesn't do that first.

In common currency, we're talking about a person who might have gone to the toilet, then instead of washing himself, he made wuḍūʾ first then went back and washed himself afterwards.

You would have thought that that was pretty straightforward. I think everyone knows as a basic Muslim that they come in an order. The interesting part is that there is a discussion amongst the scholars on this matter. The reason for that is because of the variant readings on a number of aḥādīth.

What's the evidence for the order that we all know and do and that the Ḥanbalis are stating? The evidence is the action of the Prophet ﷺ:

فإنه كان يقدم الاستجمار على الوضوء

That is a ḥadīth of Anas ﵁ in Bukhāri, which we've covered already. What was that? Anas used to carry that little container of water and he would accompany the Prophet ﷺ when he would make istinjāʾ. We've covered this ḥadīth a number of times. What was the wording of that ḥadīth?

"كان رسول الله صلى الله عليه وسلم يدخل الخلاء، فأحمل أنا وغلام إداوة من ماء وعنزة، يستنجي بالماء"

RasūlAllah ﷺ would enter the area to go to the toilet, and I and another boy would carry a beaker of water, and he would make istinjāʾ using the water.

و وجه حمل العنزة مع الماء

He says that there would be two parts there; there would be water that would be used for the istinjāʾ and the water jug would be used for the wuḍūʾ. When they would go out as a group, the Prophet ﷺ and the boy and Anas, they would be carrying these two things, one for the water for the istinjāʾ and one for the water for the wuḍūʾ. And whenever they would go out, he would make his istinjāʾ first, then he would use the water for wuḍūʾ. That's the point from the evidences.

لأن النبي صل الله عليه وسلم كان إذا استنجى توضأ , و إذا توضأ صلى.

He would make istinjāʾ and if he would istinjāʾ he would make wuḍūʾ, and if he would make wuḍūʾ then he would go and pray. And Ibn Ḥajr al-ʿAsqalāni in commentary to this ḥadīth, he said:

((هذا أظهر الأوجه)).

Out of all the all opinions, it is very clear what this ḥadīth is indicating and this is also the indication of Bukhāri himself. He also indicated from this ḥadīth the proof that by the action of the Prophet ﷺ, and here's the controversial point, that you have to make istinjāʾ before wuḍūʾ for it to be valid.

Here's the point: is it possible to say that just an action of the Prophet ﷺ indicates obligation? Just an action, nothing else? Is that possible?

Shaykh ʿUthaymīn says:

الراجح عند أهل العلم أن مجرد الفعل لا يقتضي الوجوب

The strongest opinion according to the people of knowledge is that just action in and of itself, even by the Prophet ﷺ does not indicate obligation. This is an important qāʿidah fiqhiyyah (principle of fiqh) that just an action of the Prophet ﷺ, just him doing an action, does not intrinsically indicate an obligation.

إلا إذا كان بياناً لمجمل من القول يدل على الوجوب؛ بناءً على النص المبين

The only time do we indicate an obligation is that if we have a statement that makes it so, a clear text, a naṣ – Qur'an or Sunnah text – that indicates it without any ambiguity.

أما مجرد الفعل: فالصحيح أنه دال على الاستحباب

The correct position is that an action in of itself, it indicates al-istiḥbāb, istiḥbāb meaning recommendation only. That's what an action indicates in of itself. And it can only be raised to the status of obligatory by supporting evidences. You have to use other statements and so on. And that's what the Ḥanbali fuqahāʾ did.

ولكن فقهاء الحنابلة استدلوا على الوجوب بقول النبي صل الله عليه وسلم لعلي رضي الله عنه

The Ḥanbali fuqahāʾ, they did exactly that. They found the statement that supported the action, therefore combined makes it an obligation. What was that statement? It was the statement by the Prophet ﷺ to Sayyidna ʿAli ibn Abi Ṭālib in the ḥadīth we just covered a minute ago. This ḥadīth which I told you about, about the washing of the penis from al-madhiy is on page 139 in the commentary and it's narrated by Bukhāri as I mentioned. It's reference number two.

Now here, what did he say to him in this narration? He said:

يغسل ذكره ويتوضأ

He commanded him to wash his penis and then make wuḍūʾ. Now in the Arabic it is: يغسل ذكره ويتوضأ– "to wash his private parts *and*..." In English, what do we say after 'and'? "Then", but that's not there in the Arabic right? We add "and then", in the letter و (wa) only means "and" in principle. But when we speak, when we read a sentence in Arabic, we add that "then", because we add tartīb.

The word "and" it combines two... I don't know, there is some grammatical term to it. It combines two injunctions? It combines two things. The point is that it either combines things or it indicates order. E.g. *"and this and then that, and then that..."* In English we put "then" to indicate that, but in Arabic the و itself can indicate it. So this is the point of controversy. Is it here indicating that he washed his private parts *and then* he made wuḍūʾ?

Well the word "and" is there in the narration of Bukhāri. And the ʿulamāʾ, the Ḥanbalis, they said that the washing of the private parts was clearly put before, and whatever comes before that is the aṣl.

والأصل أن ما قدم فهو أسبق

i.e. whatever comes first is first. He says the proof of this principle is the statement of Allah ﷻ when he says in Sūrat al-Baqarah:

﴿ إِنَّ الصَّفَا وَالْمَرْوَةَ مِن شَعَائِرِ اللَّهِ ﴾

Indeed, as-Ṣafa and al-Marwah are among the symbols of Allah. [Sūrat al-Baqarah, 2:158]

Ṣafa and Marwah, and Ṣafa is where you start when you do the Saʿī, and Marwah is where you end. Even though, if we didn't know this from the sunnah of the Prophet ﷺ, we would have been able to indicate that from the Qurʾān. The و has been given previously in the sentence, then added with the و this would indicate the...

أبدأ بما بداء الله به

And then he ﷺ said: I begin with that which Allah began with, al-Ṣafa. He actually said that, I begin with what Allah has begun with. What did Allah begin with in the ayah? Ṣafa. What did he do in his Saʿī? He started with al-Ṣafa. So it shows that in a sentence the first thing that is mentioned should be the first this in order.

Here's the problem, the Shaykh says:

((ولكن هذه الرواية في ((مسلم)) يعارضها رواية ((البخاري

It has been contradicted in the narration in Muslim where it says:

توضأ وأنضح فرجك

That he said to ʿAli ibn Abi Ṭālib: "Make wuḍūʾ and sprinkle water on your private parts." i.e. clean it but not have to clean it hardcore, sprinkle some water.

The word و has been mentioned there again. Now if we're going to say the principle for و is tartīb (order), then in this narration it says make wuḍūʾ first and then sprinkle water on it. If we assume that every time و is used, and و means tartīb. That's the problem, Shaykh ʿUthaymīn says. The riwāyah of Bukhāri has put it one way round and the riwāyah of Muslim has put it the other way round.

He goes, and here's another important principle, I think I've talked about it before. Essential principle that I talk about in the ḥadīth classes that I do on the weekend, but here you need to know this better than everyone else. Ahl'l-Sunnah wa'l-Jama'ah, we have a methodology, we never go and start making ḥadīth weak unless we have to. Meaning to look at ḥadīth and say this is weak, or trying to deny one or something like that, which is the methodology of liberals, modernist and so on and so forth.

What we go is al-jamʿ – reconciliation. That's the methodology of Ahl'l-Sunnah, always trying to reconcile. Killing ourselves, but we will reconcile, whatever happens. And if we can't reconcile, the problem is with us and not with the text.

Especially when one's in Ṣaḥīḥ Muslim and the ḥadīth is as clear as the day in terms of authenticity, and the other one in narrated in Bukhāri where it's an insult to question the chain when something is in Bukhāri. So we know that men are clean, the isnād is clean, the matn is clear so we know that *we* are not understanding the issue correctly.

To this point, one of the famous statements that comes to mind, and that is the statement of Imam ibn Khuzaymah (raḥimahu Allāh), one of the big imams in nuqat, one of the big imams of al-jarḥ wa'l-taʿdīl and he of course has his book, the Ṣaḥīḥ of Ibn Khuzaymah as well. His statement is a very famous statement. He says, I don't accept all this contradiction, you bring me any two authentic ḥadīth and I will make jamʿ . I will reconcile between them both.

This is our response to all of the attacks and the ignorance of modernists, who because of their ignorance and their lack of depth and their lack of understanding of Islamic sciences, etc. do not have the ability to understand that actually the Islamic fiqh has a huge amount of space with which to operate in its legal capacity, and so we don't have to restrict ourselves to problematic scenarios all the time.

So what is the jamʿ? The jamʿ here is that the و doesn't necessarily have to indicate tartīb. The و here in the Arabic, doesn't necessarily have to necessitate order. It can just be to combine things, al-jamʿ al-mutlaq you could say, which is just combining facts. Like I would say, "What do you need to do? You need to make wuḍūʾ and you need to wash your private parts." So if I say that statement, "You need to make wuḍūʾ and you need to wash your private parts." And then another time I say, "You need to wash your private parts and you need to make wuḍūʾ." Is that okay, are you happy with that? In Arabic, it's the same statement, but I've translated it a different way in English, have you noticed? If we read the Arabic:

يغسل ذكره ويتوضأ

By the way, in the Arabic text of Sharḥ 'l-Mumtiʿ, I think that that's a mistake in the ḥadīth, unless someone can a taḥqīq of the naṣ in Bukhāri, I don't think that it should be *yaghsulu*, it should be *yaghsilu*. You need to check that, at the bottom of page 141.

So it says there in Arabic, يغسل ذكره ويتوضأ I can either translate that as, "Wash your private parts and then make wuḍūʾ" or I can say, "Wash your private parts and

make wuḍūʾ", and that could mean that I'm just stating the two things. It's a very important lesson that you've just learnt. That a person will sometimes change the grammatical understanding of the و to suit the scenario.

Is that cheating? No because we know that the و itself contains all of that. What else does the و have? What other power does the و have? So we've seen two: one to combine things, the normal *"and... and...and.."*, then secondly, و showing order.

و is also used in a qasam (to swear), "wallahi". You can either say "tallahi" and "billahi". This wa, ta and ba is used in the same way. We're not cheating here, the letter و has many functions in the Arabic language. The skill of the scholars is to work out what is being indicated. And this is the point.

This is our response to the people of ignorance, they don't know the Qurʾān. Most of these people have never probably opened up the Qurʾān and read a page in their lives, when they make all these statements about deen and whatever. You notice that we learnt our religion by going back to the Qur'an. When we study the Qurʾān, we see different uses of the word و and it creates for us principles. So we say that the Qurʾān shows us that there's like five, ten different و's to be used so that's now in our armoury, that's what the scholar now has as principles and then he will apply those as and when necessary.

What's interesting, I'll tell you what makes this even more interesting. There is another narration that is collected by Imam al-Nasāʾi which it says in the Arabic:

يغسل ذكره ثم ليتوضأ

Now that's a problem, because there's no blagging that one. In the Arabic that says, "Then he washing his private parts <u>*and then*</u> he should make wuḍūʾ." ثم is clearly "and then", you can't blag that. So what are we going to do about this narration?

How are we going to do jamʿ now, we've done all the jamʿ between Muslim and Bukhāri, how are we going to make the jamʿ here? Shaykh says that this is very clear in order, but Imam, al-Ḥāfiẓ Ibn Ḥajr al-ʿAsqalāni (raḥimahu Allah) said that this narration is well known to be munqaṭiʿah (منقطعة). Meaning it has qaṭaʿ, meaning it has a break in the chain.

When a ḥadīth is munqaṭiʿah, it means that there is a narrator missing somewhere. So what's happened is that one narrator has missed out an entire generation and has just quoted the next generation. He's just basically connected the two, without naming the person who told him. Now we know in the ḥadīth science, when you

study the muṣṭalaḥ al-ḥadīth:

الانقطاع يضعف الحديث

Every incidence of al-inqiṭaʿ makes the ḥadīth ḍaʿīf (weak). And we know weak aḥādīth are not admissible intrinsically into matters of law. Of course, if we see such an obvious weakness in ḥadīth, we're not going to let it disturb us when we're trying to make a case here. So when someone says this one, we're going to say, mate bring a different one instead.

So Shaykh Uthaymin says:

فلا يحتج بها

But, even because of this narration we have the position in the fuqahāʾ where there shows some ease. And this is the surprising part, and for this reason we have two narrations from Imam Ahmad ibn Ḥanbal with respect to this scenario, with respect to this masʾalah. What are the two narrations, and they are both narrated al-Inṣāf:

The first position is:

الأولى: أنه يصح الوضوء والتيمم قبل الاستنجاء

Actually it is valid that a person who needs to clean hi private parts, to make wuḍūʾ and tayammum before he does istinjāʾ. This is the first narration that is taken from him.

The second one:

الثانية: أنه لا يصح وهي المذب

It's not acceptable, and that's what we just studied now and that's the position of the Ḥanbali madhab, meaning that the madhab itself has accepted this as the preponderant and correct and official position. Here's the interesting part as well:

والرواية الأولى اختارها الموفق وإبن أخيه شارح ((المقنع)) والمجد

Actually the first position was chosen by Ibn Qudāmah al-Maqdisi, who is the giant of the Ḥanbali madhab and the author of al-Mughni and so on and so forth. He actually chose the first riwāyah and that's the one he rules by.

What else? And also al-Majd. Who's al-Majd? Al-Majd ibn Taymiyyah. Who is al-Majd ibn Taymiyyah? He is the grandfather of Shaykh al-Islam Ibn Taymiyyah. He is an authority in Ḥanbali fiqh. He is called al-Majd, al-Jadd ibn Taymiyyah. He was also Ibn Taymiyyah, but he is al-Majd.

It is very important to differentiate between the two because even though Ibn Taymiyyah himself is a specialist in Ḥanbali fiqh, but his area is all over the schools, whereas al-Majd was much more the specialist in the Ḥanbali fiqh, an authority, very respected and he is known as al-Majd, the grandfather of Ibn Taymiyyah.

So in conclusion, what does Shaykh ʿUthaymīn say? He says, I want to conclude by saying this discussion of ḥadīth proves that fi'l-masʾalah siʿah (there is some ease in this matter). So let's not confuse the people. We tell them very clearly that you make istinjāʾ or istijmār and then make wuḍūʾ.

But if a person came to you and said, subḥānAllah shaykh, I just prayed, I made wuḍūʾ but I forgot to make istinjāʾ. Or, I did wuḍūʾ but then I did istinjāʾ afterwards and then I prayed, do I need to now repeat my wuḍūʾ again and repeat my ṣalāh again? Shaykh ʿUthaymīn said that he wouldn't say that to the person. He would say, don't worry it's okay, just make sure next time you do istinjāʾ beforehand.

Which is a very interesting statement, because he's not condemning it completely, but clearly condemning it by saying that he doesn't want it to happen next time. But because there's khilāf then he's showing some ease. And subḥānAllah he mentions this in a very off hand way at the end of this chapter, but I want to say to you that this is such a valuable statement!

Valuable statement for Muslims who are in difficult scenarios in the West and so on where sometimes they might be in a position where they might not have the ability to do their chosen fiqh opinion but they're stuck by circumstances and sometimes if there's good evidence and good scholars behind something and there is some position there then maybe... we won't promote it because we don't want this kind of system where we want people to do this one day and that the other day. That would be chaos.

But for example if a person was forced into a scenario and there is some space there, then we would say that there's no need to repeat your action or your prayer or whatever because al-ʾamr fi siʿah, because the issue is wide and there is some ease there because the evidences are not conclusive in one area only, there's a little bit to support.

That's the end of that entire chapter, so let's have a few questions.

[Brother] I can't remember now, Ali had a problem with this, where the Prophet said that the rukhsa was specifically for him as an answer to that ḥadīth.

[Ustadh] As an answer to the ḥadīth for the ruling for istinjāʾ but that's not this chapter

[Brother] No for the order, the tartīb... [inaudible]

[Ustadh] So you're saying that because Sayyidna ʿAli had the issue he was given the concession of to make wuḍūʾ first and then wash afterwards? There's no evidence for that. And more importantly, even if it was, let's say it was a concession, what will it do? It would only strengthen our position, agreed?

If we said that because Sayyidna ʿAli had a problem with madhiy and he happened so much and therefore for him to go out and make istinjāʾ each time before ṣalāh would be too difficult, and therefore make wuḍūʾ quickly and then make istinjāʾ afterwards or whatever. If we were to say that this is a concession for him, then this would only strengthen the position that you must make istinjāʾ before. Because this would say that he had the concession, which is the riwāyah of Muslim which suggests it's the other way round for him only.

But that would require evidence just for the statement and even if we had that evidence and we give the evidence, the result is what? It just makes our position stronger and that you do have to keep order.

What Shaykh ʿAbd al-Ghaffār is talking about – and we will discuss this ḥadīth in a lot more detail – is that this was obviously very difficult for Sayyidna ʿAli to say this directly to the Prophet ﷺ, being married to his daughter, etc. So, this was actually conveyed third party, which is why the use of the third party is used by the Prophet ﷺ. 'Yaghsil' in that he washes and 'wa yatawaḍaʾ'. That's just an indication of the ḥadīth.

Q: If Majd and ibn Qudāmah agree upon a masʾalah, then that is the madhab. How come this is not the case?

Ustādh AE: Whenever Majd ibn Taymiyyah (the grandfather) and ibn Qudāmah agree on a point in fiqh, this is considered to be the official madhab position. Yet, we know that it isn't. We know that other scholars, such as al-Ḥajjāwi and the earlier Ḥanābilah didn't accept this position as the official madhab position. Neither did the

contemporary scholars and the majority of the scholars. So, it's a technical question. We'll have to look into that.

Q: By doing istinjāʾ, you're touching your private parts, so does it not break the wuḍūʾ?

Ustādh AE: Shaykh Muḥammad Mukhtār ash-Shanqīṭi says you can always get around that point. First of all, washing the private parts means touching them. According to some scholars, touching the private parts means that it breaks your wuḍūʾ. You will see that to others, it needs to have sexual desire. Other than that, it doesn't break the wuḍūʾ. So, washing it doesn't necessitate the breaking of the wuḍūʾ. But regardless of that, a person could be using something. He could be holding his private parts using a cloth or a glove. So, that point wouldn't matter.

Usthādh AE: The brother is saying that there's another āyah of wuḍūʾ, which is clearly in Sūrat al-Māʾidah, the 'wa, wa' indicates that the order is obligated. You can't wash your hands before you wash your face, etc., because the 'waw' indicates obligation.

The 'waw' is of different types. Identifying which 'waw' is being used, is indicated either by the text itself, or supporting evidences. So, the supporting evidences make it very clear. If the āyah mentions 'wa' and we're thinking if this is an order or not, and then we see the Prophet ﷺ and he never does anything except in that order, that's a clear practical of the 'waw' and it makes it clear to us that it's tartīb (order). And there are more evidences, but that'll come.

Ustādh AE: The question was does this mean that because it's obligatory, that we need to make istinjāʾ all the time, before wuḍūʾ? No. Istinjāʾ has a purpose. It's to clean the private parts from najis. If there's nothing that's happened, then it's not part of the wuḍūʾ.

What is our position on the wuḍūʾ? The class position is the madhab. The class position is the position of Shaykh ʿUthaymīn. It's a position that a person has to make istinjāʾ or istijmār before wuḍūʾ. This is tartīb.

Q: Going back to the wiping three more times, does the wiping imply washing as well?

Ustādh AE: No, wiping does not necessitate the washing. The washing could be just one, because you could just be pouring. So, the water doesn't fall into that category per se, because the wiping is the stone or tissue. But, wiping is also the fingers if

you're using water. So, the wiping is still the wiping. It's not referring to the pouring of water three times. Allāhu aʿlam.

Q: In terms of using the left hand to wash your private parts, is it about the left hand per se or is it about using your non-dominant hand? So, for left handers, is the same rule applied?

Ustādh AE: We went through all of the evidences to show that the right hand is honoured and the left is dishonoured. But when a left-hand is dominant, is that not a western concept, because a dominant left-hand means you write better and is stronger? What does dominant mean? What does a left-handed person do? There's more skill in the left-hand.

If we argue that it's only about brain-wiring, then the ruling wouldn't change. The left-hand is still used for the dirty things. If you're left-handed, you have more skill on that left-hand. If I was going to use that argument, I would then proceed that those skills are very limited. Would there be any disadvantage in giving the right hand to shake hands? You know therefore, it wouldn't affect it. When you're eating food, would it be weaker in picking something up? So, when I think of left-hand, I think of skill and strength and that they write left-handed and play their shots left-handed and I associate it with power. My answer is that I think you should stick to left for cleaning. And Allāh knows best.

Let's start this chapter.

بابُ السواكِ و سُنَنِ الوُضوءِ

The Chapter of the Toothstick & the Sunan of Ablution

التَّسَوُّك بعُودٍ لَيِّنٍ مُنْقٍ غيرِ مُضِرٍّ لا يَتَفَتَّتُ، لا بأُصْبُعِه وخِرْقَةٍ: مَسنونٌ كلَّ وقتٍ لغيرِ صائمٍ بعدَ الزوالِ، مُتَأَكَّدٌ عندَ صلاةٍ وانتباهٍ وتَغَيُّرِ فَمٍ، ويَستاكُ عَرْضًا مُبْتَدِئًا بجانِبِ فمِه الأيمنِ. ويَدَّهِنُ غِبًّا ويَكْتَحِلُ وِتْرًا وتَجِبُ التسميةُ في الوضوءِ مع الذِّكْرِ. ويَجِبُ الْخِتانُ ما لم يَخَفْ على نفسِه، ويُكرَهُ الْقَزَعُ .

ومن سُننِ الوُضوءِ: السواكُ، وغَسْلُ الكَفَّيْنِ ثلاثًا، ويَجِبُ من نومِ ليلٍ ناقضٍ لوُضوءٍ والبَداءَةُ بمَضْمَضَةٍ ثم استِنشاقٍ والمبالَغَةُ فيهما لغيرِ صائمٍ وتَخليلُ اللحيةِ الكثيفةِ والأصابعِ، والتيامُنُ، وأَخْذُ ماءٍ جديدٍ للأُذُنَيْنِ، والغَسْلَةُ الثانيةُ والثالثةُ.

"Brushing the teeth using a soft twig which cleans the mouth, which does no damage, and does not splinter is a *Sunnah* at all times, except after the Sun's zenith for someone who is fasting. (The *Sunnah* is) not achieved by using the fingers or a polishing cloth.

It is more emphasised before prayer, when waking, and when the mouth has changed. One brushes length-wise, starting from the right side of the mouth. It is recommended to use oil every other day, and to use koḥl an odd number of times.

It is obligatory to say *"Bismillāh"* when making ablution if one remembers. Circumcision is obligatory as long as he does not fear for himself. It is disliked to shave part of the head and leave part.

The *Sunan* of ablution include: using a tooth-stick; washing the hands three times, although it is obligatory after rising from nocturnal sleep which invalidates ablution;

beginning by rinsing the mouth and then rinsing the nose; exaggerating in the two, except when fasting; running one's fingers through the beard; running one's fingers through the other set of fingers (and toes); beginning with the right; using new water for the ears, and washing a second and third time."

That is the entire text. It is very sharply translated. Let's jump into this. It's page 144 of Sharḥ Mumtiʿ.

Shaykh ʿUthaymīn says,

السِّواك: فِعَال من ساك يسُوك، أو مِنْ تسوَّك يتسوَّكُ، فهو على الثَّاني اسم مصدر يُتلق على الآلة التي هي العُود فيُقال: هذا سواكٌ من أراك

The word siwāk is referring to the process of the brushing of the teeth. But the word siwāk is actually the thing itself as opposed to the process, but it's one of those words where the thing itself is the process; like vacuum. Siwāk is the stick itself, and when you say, do siwāk, it's the action itself.

The word miswāk is more of a common word. It's in Arabic, but I don't know if miswāk has ever been used in the Sunnah.

Shaykh ʿUthaymīn says,
كما يقال: مِسْواك، و يُطلق غلى الفعل ويُقال: الشِّواك سُنَّةٌ، أي: التَّسوُّك الذي هو الفعل.

When we say siwāk is Sunnah, we mean using the miswāk to clean the teeth. You can call that thing the miswāk and the siwāk. And it's siwāk with a 'kāf' not a 'qāf'. Where does it come from? It comes from the arāk tree. That tree in English is called Salvadora Persica.

You might ask yourself why siwāk is mentioned in this chapter. We just finished istinjāʾ and now we're jumping into wuḍūʾ and the siwāk is being mentioned. Why is that? Shaykh ʿUthaymīn says that many of the scholars chuck this chapter in their books of fiqh and name it different things. Some of them said, 'Bāb al-Siwāk wa Sunan al-Fiṭra

(باب السِّواكِ و سُنَنِ الفِطْرَة)

So, this is normally the time and opportunity for people to talk about the various Sunnah that are applied to the body with respect to washing, cleaning, pubic hair, shaving and trimming the moustache.

This is normally the place and time where this is studied. So some of the scholars used to call it like that. And we might look at that and I need to have a think about that whether I want to introduce it here or wait for another opportunity because it doesn't have its own section per se so this is what some people used to do.

Why would the siwāk be considered from sunan al-fiṭrah? Fiṭrah, by the way, is your innate nature: the things that people should do. So when we are talking about trimming the moustache, it is because for the moustache to grow over your mouth will be disgusting and unnatural. When we say to trim the pubic hair, then we know that is disgusting and that should be clean and kept clean.

So the siwak enters into sunan al-fiṭrah because from the clean pure nature of a Muslim or a human being is to keep these aspects clean and to keep the mouth clean, which is always becoming dirty. This will be a common sense thing to add here.

Why is the sunan of wuḍūʾ mentioned before the arkān and wājibāt? This is a much better question. This is because the reason is that the siwāk is something which is done early on in the wuḍūʾ and it itself is a sunnah, and because the siwāk is not necessarily linked to the prayer only. Actually, the siwāk is used all the time, therefore there is no real rational reason why they mentioned siwāk here but there is some understandable reasons and we will just proceed with that.

So let's jump into his statement: التَّسَوُّك بعُودٍ

He is saying that these are all Sunnah actions, to use a ʿoud. Now the word ʿoud refers to a branch or twig and it can be any form of wood that comes from a tree. For example, he said

دخل فيه كل أجناس العيدان؛ سواء كانت من جريد النخل، أو من عراجينها، أو من أغصان العنب أو من غير ذلك، فهو جنس شامل لجميع الاوعاد، وما بعض ذلك من القيود فانه فصول تخرج بقية الاوعاد.

Every single species of wood can enter. You know a palm tree, it has a big palm leaf and when you strip the palm then the veins that is creating the palm leaf is as thick and strong as a twig might be. Is that called a twig? It is a stem isn't it? It is a stem exactly.

When I think of that, it is like a stem even though it is branching off a branch of a twig. Is that right? You have a tree, you have a branch, you have twigs, on the twigs are the leaves and the stems are feeding the leaves.

And he even mentioned grapevine and I am guessing that some grapevine can become very thick. They have got to be wooden or solid in nature. It can't be something like a leaf. So whatever it actually is, the point is whether it is a branch or a twig or a stem or a root, all of these are possible but it has to have that miswāk feature that you all know. It has to be solid, strong and you have to be able to handle it in your hand and in your mouth. Is that clear everybody? So it can be any of these parts.

When Imam al-Ḥajjāwi he says ʿoud, what does that mean? That means according to the Ḥanbali madhab, using anything other than the siwāk would not achieve the concept of cleaning with the siwāk. So what are the other options? Using a polishing cloth or using the fingers. So that is going to be according to the madhab. This is not Sunnah. It is not that it is not permissible, but you would not have achieved the Sunnah action. You might have done something nice and good - that's fine. But have you done the sunan of siwāk and be rewarded for doing siwāk in and of itself? That's not been established.

The next statement he says is 'layyin', soft (لَيِّنٍ). Anything which is hard is out, like a hard miswāk which is like a rock. So any dry branch is not going to be acceptable. Here he said something which will please all the dentists. He says the dry one is going to cause so many problems, it is going to take off all of the enamel off of the teeth if you are using a dry one. So that is probably true.

According to United Nations world study in 2003, there is clearly some kind of antiseptic or some kind of disinfectant quality to the fluid or whatever that is found in the Arāk tree (Salvadora Persica). The actual siwāk branch itself has something which is very similar to triclosan and chlorhexidine gluconate. Which is used as an antiseptic and it is actually used as a mouth wash. That siwāk twig itself has a substance which is very similar to that. It has antibacterial properties etc.

There are so many ḥadīth on this where he ﷺ was keeping on encouraging and recommending it. He was always doing it himself, and warning the people that this something that If he wanted to, he would have make obligatory upon the people because of how important this is. Clearly, it is obviously more than just the process of brushing. Obviously the nature of it being soft and brushy is cleaning the teeth.

Anyway to have this disinfectant quality is almost like saying having a mouthwash before your prayer. Now if you were to go around and say use a mouth freshener (spray) before every prayer, that would be quite undertaking. But if that is the kind of ethos that we would be pushing, that is what effectively the siwāk stick is bringing to the show. Every prayer, every time you wake up, freshen the mouth.

Layyin is that it has to be soft because if it is hard, then it is not doing anything, not cleaning, it is harming.

مُنْقٍ - munqin: It has to actually clean. You know you get some of these miswāk which the bristles are like literally 1mm high. They have to have some kind of bristles. At the same time, they can't be the bristle that looks like a woman's hair which is like that long. It is like flossing, it is not cleaning. So they have to have a good sized fibre thingy which is like you know a centimetre.

Also for it to clean (this is very interesting), a lot of siwāk themselves and especially people they put it underneath the water and they make it too soft. Too much water sorry. If it has too much water then it just slushes about, it doesn't also clean. So there has got to be some firmness in there as well. So this is what shaykh mentions there.

غيرِ مُضِرٍّ: it can't be harmful. Now what do we mean by harmful? Harmful, here, could mean physically harmful. He says some trees and those that are made from rayḥān meaning basil, and from aromatic plants could have some kind of compounds which will also cause some kind of harm.

He says something here which wallahi I don't understand and I never heard from my mashāyikh either, so I am just going to quote him verbatim and then leave you to work it out. He says

وكل ما له رائحة طيبة؛ لأنه يؤثر على رائحة ألفمئ لإن هذه الريح الطيبة تنقلب إلى ريح خبيثة.

This is what he said, and I don't know if this is true. He says, part and parcel of the statement not something which is harmful is to use something like basil. Basil, you

know, has a very nice aromatic smell. Very beautiful. He says you shouldn't be using anything which smells nice, because anything which smells nice transfers the smelling nice to the mouth which then turns into a bad smell.

Is that true? I don't know but that is his statement. He says anything which smells nice would turn into a bad smell. I don't know about that. I don't think that you should read too much into that. Allāhu aʿlam. Stick to the obvious about being harmful.

Then he says: لا يَتَفَتَّتُ

…which means that which doesn't splinter, because if it splinters, you are swallowing it and your mouth is becoming full of it.

Question: If this was a theory that products which smell nice are not good because it is going to smell bad afterwards will then render most toothpaste pointless.

Ustadh A.E: But then maybe toothpaste doesn't smell nice, it smells clean because of the cleaning products in it. I don't know what is happening there. Wallahi that part confuses me. I have misunderstood it. If someone understood that better we would have heard it from our ʿulamāʾ.

Question: What is miswāk?

Ustadh A.E: Miswāk is the name which is given to the thing which does the process of siwāk. This chapter is actually very interesting from a grammatical point of view because starting with siwāk and then coming to the word fingers. These are words which grammatically have a lot of space: they don't fit the normal rules. So siwāk is the process. Siwāk is the thing which does it as well. It doesn't make like ʿoud, as I just said. But miswāk is a word which shouldn't make sense either, but it has been given to the actual siwāk itself.

Question: (inaudible) is there any evidence from the Sunnah....

Ustadh A.E: yes absolutely. In fact what is very interesting is that is exactly that point that you are saying that there is so much evidence from the Prophet ﷺ for it to be ʿoud, for it to be a twig. This is a very interesting point here. Think about this folks. Why is it that fingers are not considered by others to get the job done? Why because some of the scholars said how many times did the Prophet ﷺ specify the siwāk every time all the time by name every time. So clearly his intention was the actual siwāk tree itself. This is why the scholars were so focused on siwāk.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

والعاقبة للمتقين ولا عدوان إلا على الظالمين

وصلى الله وسلم على نبينا محمد وعلى اله وصحبه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

Shaykh Kehlan

Jazākum Allāhu khayr for inviting me and I'm sorry for disturbing your lesson. I know you're expecting Abu Eesa to do this lesson, but he asked me to share some of my thoughts with you.

I'll be taking from the book of Ibn Taymiyyah (raḥimahullāh) Qawāʿid an-Nūrāniyyah.

We all know that in general, we have two main schools of fiqh in Ahl al-Sunnah wa al-Jamāʿah. One of them is the school of ʿIrāq or Kūfa, represented by Imam Abu Ḥanīfa (raḥimahullāh), and the other is the school of Madinah or of Imam Malik (raḥimahullāh). Then we have another school which we can say is the school of Ahl al-ḥadīth in general, which may be represented by Imam Aḥmad (raḥimahullāh) and Imam al-Shāfiʿi.

It's very good to have an idea of the way that they understood the general principles of sharīʿah. In your lessons, you've already covered the issues of ṭahāra (purification), so I'll just mention briefly the general guidelines of the main schools of thought.

For example, let's look at the issue of food or drink.

Imām Mālik said all kinds of drink that intoxicate are ḥarām, because of the authentic evidences from Muḥammadﷺ. There are so many aḥādīth; we don't need to go into that. As for the issue of eating, Imām Mālik is the opposite. He said that in general, everything is permissible to eat, including birds that have claws and animals which have fangs. Vultures are not ḥarām to eat according to Imām Mālik (raḥimahullāh). Even insects are not ḥarām to eat in his madhab. So in the issue of drinks he is very strict, and in the issues of eating he is very lenient. He says it is not ḥarām in general, but it is makrūh. Also, he is lenient when it comes to things like mules, donkeys, etc.

In the school of Kūfa, you will find Imām Abu Ḥanīfa to be the opposite. For example, the issue of khamr – they only consider the wine that is produced from grapes to be ḥarām, and they say that it is not ḥarām to have a small serving if it doesn't intoxicate. However, in the issue of eating, they are very strict. For example, they say it is ḥarām to eat horses, desert lizard, …

You'll see that there are two extreme views when it comes to the issue of food and drink.

Ahl al-ḥadīth or Imām Aḥmad (raḥimahullāh) is in the middle when it comes to these two issues. In the issue of drinks, they took the stance of Imām Mālik (raḥimahullāh) by saying that anything which intoxicates is ḥarām to consume. They even added something else to the school of Imām Mālik. They said dhanabīd (?) is ḥarām. Dhanabīd is when you throw some dry food in water to make it sweet. They said if this water stays more than three days, it might become an intoxicant, so you're not allowed to have it.

As for the issue of food, they are very close to the school of Imām Abu Ḥanīfa (raḥimahullāh) and they follow the ḥadīth of Muḥammad ﷺ when he said all kinds of vultures and birds of prey are ḥarām. They also say it's ḥarām to eat donkey according to the ḥadīth of Muḥammad ﷺ. If you look at the school's madhab (ahl al-ḥadīth), you will find that they are very close to Imām Abu Ḥanīfa (raḥimahullāh) in the issues of food, but they are very close to the school of Imām Mālik when it comes to the issues of drinks.

We know the stance of Imām Abu Ḥanīfa – he says we generally don't add something which is not in the Qurʾān, and many schools of thought follow the same principle.

Muḥammad ﷺ clearly said: وإنما حرم رسول الله مثل ما حرم الله

The thing that Muḥammad ﷺ prohibited is similar to what Allāh ﷻ has prohibited. This ḥadīth has been narrated from so many ways.

They know that when Muḥammad ﷺ prohibited certain things, it didn't abrogate what Allāh ﷻ has already mentioned because

Some scholars said Allāh ﷻ has mentioned certain things in the Qurʾān; for example, the dead animal, the swine, etc.

﴿ قُل لَّا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَىٰ طَاعِمٍ يَطْعَمُهُ إِلَّا أَن يَكُونَ مَيْتَةً أَوْ دَمًا مَّسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ رَبَّكَ غَفُورٌ رَّحِيمٌ ﴾

Say, "I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a dead animal or blood spilled out or the flesh of swine - for indeed, it is impure - or it be [that slaughtered in] disobedience, dedicated to other than Allah . But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], then indeed, your Lord is Forgiving and Merciful."

So if you add something, in a way you are abrogating the Qurʾān. The other scholars said that actually, when Allāh ﷻ mentioned these prohibitions, that doesn't mean that everything else is ḥalāl. Everything else remains as it was before the prohibitions were put in place. When Muḥammad ﷺ prohibited, it didn't abrogate the Qurʾān; it only added something which was not mentioned in detail in the Qurʾān.

The scholars of ḥadīth are not in agreement with the school of Imām Abu Ḥanīfa (raḥimahullāh) – they said eating horse meat is ḥalāl. Because of the ḥadīth, we slaughtered a horse and we ate the meat of that horse.

They also said that it is ḥalāl to eat the ẓabb (desert lizard) because it was eaten in front of Muḥammad ﷺ and he did not object. You can see that they are even more lenient in the issue of food than Imām Abu Ḥanīfa (raḥimahullāh).

Ahl al-Kūfa (the school of Kūfa) are more strict in the issues of food, but the school of Aḥmad ibn Ḥanbal (raḥimahullāh) is still more lenient in the issues of food. They are also close to the school of Madinah in drinking, but still they added some drinks that are not prohibited in the school of Imām Mālik (raḥimahullāh). That is the stance of Imām Aḥmad (raḥimahullāh).

We can see something else in the school of Imām Aḥmad (raḥimahullāh) which is not there in the other schools, like the schools of Imām Abu Ḥanīfa and Imām Mālik. For example, they said that if a person eats camel meat, he has to make wuḍūʾ. They said this ḥadīth is authentic and there is no abrogation for this ḥadīth. In fact, it is stronger

than the other aḥādīth that Muḥammad ﷺ has mentioned, such as the ḥadīth 'Whoever touches his private parts, he should make wuḍūʾ.' This ḥadīth is not recorded in Bukhāri and Muslim. Imām Aḥmad was surprised; he would say 'I can't understand why people ignore such a clear, authentic ḥadīth reported with a very strong chain (referring to the ḥadīth about making wuḍūʾ after eating camel meat), and yet they follow the ḥadīth of doing wuḍūʾ after touching your private parts'.

Imām Aḥmad (raḥimahullāh) said it's very clear from the sunnah of Muḥammad ﷺ that we should make wuḍūʾ. The reason why we have to make wuḍūʾ after eating camel meat is because there are some narrations (which some scholars graded as authentic, and others said they are not authentic) that the camel is created from jinn, or they are jinns themselves. The jinn are created from fire, and to put fire out, we need to use water.

Similar to this is the ḥadīth of Muḥammad ﷺ when he advised a person who had become very angry to perform wuḍūʾ, because he said anger is from Shayṭān, and the devil is created from fire. When you use water, that will put the fire out. This ḥadīth is very authentic, it is narrated by Jābir ibn Samurah and others.

رجلا سأل رسول الله صلى الله عليه وسلم أأتوضأ من لحوم الغنم قال إن شئت فتوضأ وإن شئت فلا توضأ قال أتوضأ من لحوم الإبل قال نعم فتوضأ من لحوم الإبل قال أصلي في مرابض الغنم قال نعم قال أصلي في مبارك الإبل قال لا

Muḥammad ﷺ said to make wuḍūʾ if you eat the meat of the camel, and he also said don't make wuḍūʾ if you eat lamb. Muhammad ﷺ also said you can pray in the places of the sheep, but you shouldn't pray in the places of the camels.

We know that if there is contact with something impure, we should make wuḍūʾ, but why should we make wuḍūʾ if we eat camel meat?

We believe that there are two kinds of impurity: physical (very clearly stated in aḥādīth) and spiritual. The issue of making wuḍūʾ after eating camel meat will remove the spiritual side effects of consuming that meat.

That's why Bedouin people in general have a kind of anger, arrogance, harshness, etc. and they said that that may be one of the effects of eating camel meat without making wuḍūʾ. By performing wuḍūʾ, that will remove the side effects of that kind of meat.

We know in the ḥadīth narrated in Bukhāri and Muslim, Muḥammad ﷺ said that you will find harshness, difficulty and arrogance in the people who own camels, and you will find easiness, humbleness, and tranquillity in the people who care for sheep. Again, this implies that a people who eats a certain type of food, that kind of food might affect their behaviour and character, and that's maybe one of the reasons why Allāh ﷻ has forbidden eating the swine.

This is the kind of spiritual effect that Muḥammad ﷺ has advised us about. You will not find it in the school of Imām Abu Ḥanīfa or Imām Mālik; you will find it in the madhab of Imām Aḥmad and the scholars of ḥadīth as well.

Also, if someone eats another kind of meat which is ḥarām, should they make wuḍūʾ or not? Is the reason for making wuḍūʾ because we are eating something ḥarām or impure, or is it just applicable when eating camel meat? This is another issue Imām Aḥmad has two narrations about. Many of the scholars of Imām ash-Shāfiʿi also are in agreement with Imām Aḥmad in this issue.

Another issue – should we make wuḍūʾ from cooked food, or not? There are so many aḥādīth of the Prophet ﷺ advising Muslims to make wuḍūʾ from cooked food (anything which touches the fire) and some scholars have said this ḥadīth is abrogated.

Another ḥadīth which is added which you will not find with Imām Abu Ḥanīfa or Imam Malik – the issue of when a person wakes up in the morning, Muḥammad ﷺ said they should clean his nose (snuff water with his nose), because the devil has spent the night in his nose. This is another kind of spiritual impurity. Another ḥadīth mentions that if a person wakes up in the night, he should wash his hand three times before putting his hands in the container, because he doesn't know where his hand has spent the night. Again, this is another kind of spiritual impurity that we don't know the reason.

Muḥammad ﷺ also said you should not pray in the places of the camel, and he also said every place in the land is ḥalāl to pray in, except in the graveyard and the bathroom. In one ḥadīth, Muḥammad ﷺ said the bathroom is the place of the devil.

Also we know that once the Prophet ﷺ missed the Fajr prayer with his companions and he said actually, maybe this is the place of devils, so we should leave this place. Avoiding the places or effects of devils – the scholars of ḥadīth follow all these evidences. They say don't pray in the bathrooms, graveyards, mosques which have a grave in it, you should not put your hand in the container before washing three times… all of these sunan you will find them amongst the scholars of ḥadīth but you will not find them in the schools of Imām Mālik and Imām Abu Ḥanīfa.

Reason for that – Muḥammad ﷺ has clearly mentioned to us the issue of the devils which exist in these kinds of places. A lot of scholars don't agree with these sunan. They say they are not valid because they did not see people in their towns/local areas following these evidences. They said this is not sunnah. A lot of times, when we don't see our people following a certain sunnah, we might say it is bidʿah, but when you study the sunnah of Muḥammad ﷺ, you might discover that it's actually sunnah.

Sometimes you'll find a lot of people saying narrations that are not according to the opinions of the khulafāʾ ar-rāshidīn or the companions. It's very hard to evaluate the narration to find out if it is authentic or not.

Another ḥadīth, for example, which some scholars do not accept is that Muḥammad ﷺ said that the ṣalāh can be invalidated if a black dog passes in front of you, or a woman, or a donkey. Muḥammad ﷺ was asked, why a black dog? Why not white, for example? Muḥammad ﷺ said the black dog is shayṭān.

In another ḥadīth, Muḥammad ﷺ said last night, I saw a shayṭān who came to me and tried to divert me from my prayer. I took it and wanted to tie it to one of the pillars of the mosque. This ḥadīth is narrated in Bukhāri and Muslim. The shayṭān also tried to divert or distract Muhammad ﷺ from his ṣalāh and that also shows that if a devil passes in front of you in ṣalāh, it might invalidate your ṣalāh.

Imām Aḥmad (raḥimahullāh) was hesitant about the issue of the woman passing in front, or the donkey. He had no problem with the black dog. He was hesitant about the woman and the donkey passing in front because we know ʿĀʾisha (raḍī Allāhu ʿanhā) used to sleep in front of Muḥammad ﷺ in the night when he would pray, and she was

in the way of the qiblah and it didn't invalidate his prayer. Also, ibn ʿAbbās ﵁ passed in front of Muḥammad ﷺ with his small donkey and that also didn't invalidate his ṣalāh. You can see that his school tries to follow the ḥadīth as much as they can. We have a lot of sunan, and if you look at each school of thought, they don't follow *every* single ḥadīth that came to Muḥammad ﷺ. Sometimes they follow a certain ḥadīth which they think is stronger, and sometimes they will say 'This ḥadīth, we'll accept because of the actions of the people of our cities according to our country'.

If we follow this principle, we will mess up the sunnah of the Prophet ﷺ. The best thing is to apply every single ḥadīth and ayah, and try to follow it at least once in your life.

By the mercy of Allah, we find every single ḥadīth has been applied or followed by certain scholars. Even Imam Tirmidhi (raḥimahullāh) said every single ḥadīth which he put in his book has been applied by some scholars of this nation except two ḥadīth. According to him, they weren't applied, but according to other scholars, they were. It would be a big loss if some of these sunnah are missing just because they don't exist in our towns. That's a very important principle that I don't know how to emphasize more.

There is no contradiction between the Qurʾān and Qurʾān, and there is no contradiction between sunnah and sunnah. For example, at the time of the Prophet ﷺ you will find that he mentioned three or four different ways to start your ṣalāh.

For example, سبحانك اللهم بحمدك ووجهت وجهي لله فاطر السماوات والأرض

or اللهم بعد بيني وبين خطاياي

It's good to not stick to one duʿāʾ. In one ṣalāh, start with one duʿāʾ; in the next ṣalāh, use another duʿāʾ, etc. so you will try to apply every narration from the Prophet ﷺ. Also, the qirāʾāt (recitations of the Qurʾān) – it's good to recite the Qurʾān in different ways so you wont miss any goodness that came from Allah ﷻ or from the sunnah of Muhammad ﷺ.

This is the issue with impurity, whether it is physical or spiritual.

Another principle is the issue of najāsa (the physical impurity itself). We know that most of the scholars divided impurities into two parts – one is al-mughallaẓa, the strong impurity; the other is a light impurity.

Imām Abu Ḥanīfa and his school said 'We will forgive if it's a very heavy impurity but it's small (like an inch… they call it al-dirham al-daghli). We will ignore it'. For light impurities, if it's a quarter of that object or less, we will also ignore it.

Imām ash-Shāfiʿi is the opposite in this issue of impurities. He's very harsh; he says 'No, every single impurity is an impurity and we have to avoid it completely.' …except for very simple things like a fly, a small spot on the private parts, blood from mosquitos, for example. These kinds of things he has no problem with. With these kinds of things he's a bit lenient. Otherwise, he's very strict.

Imām Mālik is in the middle between these two schools of thought – the school of Imām Abu Ḥanīfa who is a bit lenient in these issues, and the school of Shāfiʿi who is very strict in these issues. He said that the urine and dung of the eaten animal is not impure. He also said blood is not a heavy najis, but rather a light one. He said if there is blood coming from a person on a thobe or a dress, that doesn't make the thobe/dress najis.

Imām Aḥmad is between the two (the Ḥanafis and Shāfiʿis). He said the animals that people normally deal with and cannot avoid, like mules or donkeys are not najis. He is lenient in this issue. Also, he said if there is dung or urine of the eaten animal, that's also not a big issue. Also, if a person prays, and he forgot that there is some kind of impurity on his thobe, Imām Aḥmad said that is no problem because Muḥammad ﷺ discovered some impurity on his shoes and he removed them during the ṣalāh. Also, in another instance Muḥammad ﷺ discovered that there was impurity on his thobe after having prayed Fajr, and he did not repeat the ṣalāh.

Imām Aḥmad followed the sunnah although Imām Shāfiʿi and Imām Abu Ḥanīfa on the other hand said, 'No, you have to repeat the ṣalāh.'

The other principle is how to remove impurity. Imām Abu Ḥanīfa and his school of thought said you can remove impurity by any means, whether liquid or solid. Imām ash-Shāfiʿi on the other hand, said impurities can only be removed by water. Ahl al-ḥadīth (inclusive of Imām Aḥmad) said regarding shoes, if you wipe your shoes on the floor, that will purify it. Or if you wipe a knife with a piece of cloth, that will clean it.

He's similar to Imām Abu Ḥanīfa in this issue. Also, if a woman is wearing a long dress and her clothes drags and touches impurities, Imām Aḥmad (raḥimahullāh) says that's okay because the sun, wind, and dust will purify the dress.

As long as the physical impurity is removed, by any means, whether solid or liquid (or with the air, sun, wiping it, etc.) according to the school of Imām Aḥmad and the school of ḥadīth, it is okay. In this case, this is very similar to the school of Abu Ḥanīfa.

As we know, the main principle here is that the Jews are very extreme in impurities and the Christians are very lenient when it comes to impurities. Islam is in the middle. Even amongst the Muslims, you will find the two extremes and the correct is always found somewhere in the middle. Ahl al-sunnah is the middle, and the school of ḥadīth among ahl al-sunnah is also in the middle. So the school of ḥadīth is actually the middle of the middle.

The other principle is: when impurity falls into pure water/juice, for example. What do you do?

The school of Abu Ḥanīfa is very strict. They say that if impurity falls into pure water, throw it out. Why? Because if you drink water which has impurity in it, you will definitely drink from the impurity and so that makes it ḥarām.

Imam Mālik (raḥimahullāh) is the other extreme. He says everything is pure if najāsah falls in it, as long as the colour, taste, and/or smell doesn't change.

Imam Aḥmad and Shāfiʿi are in the middle. They say that if the water is of large quantity, it cannot become impure from a small impurity falling into it, and they mention the ḥadīth:

إذا بلغ الماء القلتين لم يحمل الخبث

Then there's also the issue of pure liquids other than water.

Another major issue is part of the dead animal that doesn't have moisture, like the fur, bones, nails – are they pure or impure? One example is ivory, elephant tusks. Are they pure or impure? There are three different opinions amongst the scholars:

1. Impure – Imam Shāfiʿi. When it comes to the issues of najāsah, he is very strict. He says *any* part of the dead animal is impure. That's also one narration of Imam Aḥmad (raḥimahullāh)
2. On the other extreme, Imam Aḥmad says they are absolutely pure.
3. This opinion is in the middle. They say that we will not deal with them in the same way. The bone is not like the fur. There is no feeling in the fur, whereas in the bone there is some kind of feeling in the senses. So the fur, which can be replaced and is similar to trees and plants is pure, while the other is impure.

Another principle is how to perform wuḍūʾ or take a bath/ghusl. If you look neutrally and study all the schools of thought, you will find that Imam Abu Ḥanīfa would follow a certain ḥadīth but would miss some other aḥādīth. You will also find that the same happened with Imam Mālik. In general, the school of ḥadīth applies all of the narrations that came from Muhammad ﷺ.

For example, in the issue of wiping over the socks: you will find so many narrations from Muhammad ﷺ that are impossible for you to ignore. They are very authentic, and there are so many narrations mentioning wiping on the turbans, scarves, shoes, sandals… so many aḥādīth that can't be ignored. Abu Musa رضي الله عنه used to wipe on his scarf. Anas رضي الله عنه as well. Umm Salamah used to wipe on her scarf as well. If you look at the school of ḥadīth, they followed all of these evidences.

Other scholars say no, Allah سبحانه وتعالى says that we have to wipe on top of your head, and these evidences that you see – Muhammad ﷺ wiped over his turban but he also touched his head. This makes the ḥadīth meaningless. So the school of ahl al-ḥadīth follow the ḥadīth of wiping over socks, scarves, etc.

In general, in looking at things neutrally, you will find that the scholars who follow the ḥadīth – their opinions are closer to the general principles of sharīʿah. Our sharīʿah is practical, easy, flexible. Whenever there is some kind of harshness, you will find ease. For a person to remove their turban or scarf, then wipe their hair, then rearrange it again is difficult. It is out of the mercy of Allah سبحانه وتعالى that He made it easy for us. This is similar to the principles of sharīʿah.

Tayammum – Abu Ḥanīfa and Shāfiʿi (raḥimahum Allāh) say that you have to hit the turāb two times (put your hand on the soil or dust twice), and you have to wipe up to the arms. There's a very authentic ḥadīth that Muhammad ﷺ only hit the soil once. And he didn't wipe up his arms, he only wiped his hands. You will find these evidences easy and supported by very authentic aḥādīth.

Another issue is menses, which is one of the most complicated issues of ṭahāra. We know from the aḥādīth of Muhammad ﷺ, if we look at all the evidences, that we will find three sunan:

1. The ḥadīth of the muʿtādah (the woman who has a regular period). If she has an irregular period after that, she can estimate the period time according to her period from before. This is narrated by Bukhāri and Muslim.
2. The other sunan: a mumayyizah (a woman who can't identify the nature of her blood from the colour or smell or nature of the blood). She should compare the blood she has now to the blood she used to have in her period. Again this ḥadīth is narrated by Bukhāri and Muslim, very authentic. Nobody can deny its authenticity.
3. The third sunnah is less authentic. It is narrated by Abu Dāwūd, Tirmidhi, and Ibn Mājah – a woman who never had a regular period before and also cannot identify the nature of her blood. What should she do in this case? She should estimate her timing according to women in her family, or women who are similar to her age and state.

If you look at the scholars of ḥadīth, they follow all three of these sunan. They did not neglect any narration from Muhammad ﷺ.

Imam Abu Ḥanīfa (raḥimahullāh) just accepted the ʿādah. He said if the woman had a regular period before, then it became irregular, she should estimate its time according to the regular period she had before. He doesn't rely on the tamīz or the nature of the blood.

Imam Malik (raḥimahullāh) accepted the tamīz. He said she should look at the nature of the blood, not at the regular time which she had from before. This is opposite to Imam Abu Ḥanīfa's opinion.

Imam ash-Shāfiʿi said use the tamīz (the nature of the blood) as a priority, then the ʿādah as the second. He said the identification of the blood is more important. He said if she cannot find out, she should pray continuously without stopping.

The schools of ḥadīth solve this problem by following all three sunan from Muhammad ﷺ.

In conclusion, what we say that one of the major lessons

Hopefully in the future whenever I come I can cover some other issues. This is ṭahāra only. There are also main differences in issues of ṣalāh, Ḥajj, and all the chapters of fiqh. These major schools of thought – the school of raʾi, the school of ḥadīth, the school of Ḥijāz – you can see how they build their fiqh.

The best way is to apply everything that came from Muhammad ﷺ - every single sunnah, not to neglect any sunnah. Otherwise our deen will become less and less, and we have to protect our deen and convey it to the next generation intact, without any naqs or taghīr.

We should not stick with one scholar and think that he is immune from making mistakes. They are human beings. They can forget, make mistakes. We will use their opinions, study their works, not starting from zero. But we will also keep our minds open.

Reading the ḥadīth of Muhammad ﷺ, apply his sunnah because that's what we will be asked about on the Day of Judgement – applying āyāt from the Quran and the sunnah of Muhammad ﷺ. We know for sure that there is no contradiction between the āyāt of the Quran, and there is no contradiction between the Quran and sunnah.

The issue is in how to apply them. For example, the issue of janāzah – we know the ḥadīth that Muhammad ﷺ prayed it with four takbīrāt, in other narrations five takbīrāt, in others seven, and in others nine. It's good to pray it in these different forms whenever possible.

Another example is the adhān. The adhān that we have nowadays is not like the adhān at the time of the Prophet ﷺ. The adhān we have has 15 words. At the time of the

Prophet ﷺ they had 17 words. It's good to try to do it the sunnah way, although if you try to do it that way they might kill you. But again, it's good to follow the sunnah and not to neglect it since Muhammad ﷺ had a different adhān with a few more words. The people might say that these people are bringing another religion, simply because they don't look at the sunnah of the Prophet ﷺ and they don't try to implement it.

My advice is to follow every single sunnah whenever possible. If you can't today, then some other time try to follow all the narrations. Whenever someone neglects any sunnah of Muhammad ﷺ, it will be seen in us, as a nation, in a form of weakness and division. Allāhu aʿlam.

This all can be found in the book by Imam Ibn Taymiyyah, Qawāʿid Nurāniyyah, in the first chapter. It's the best book that he wrote.

Q: I agree that one should try to educate themselves about the sunnah as much as possible. What about the case of the layperson or someone who is not educated, is it sufficient enough for them to look at the culture around them and take from that and practice from that?

A: Yes. We follow our culture as long as it does not contradict the Qurʾān and sunnah. At the same time, we need to read the Quran all the time, and understand it. We have to follow the sunnah all the time, and follow it. If we find any contradiction between the Quran and sunnah and our tradition, we will throw our tradition in the dust bin, and we don't care at all. Otherwise we will worship our tradition beside Allah ﷻ. We know in our society that there are a lot of traditions which go against the Quran and sunnah. We follow them just because we've inherited them. As long as they are not in contradiction with the Quran and sunnah, there is no problem. Throw them away if there is any contradiction.

This is what I say all the time when I am asked about studying any of the four schools. I say study any of them. If your local society is Ḥanafi, study Ḥanafi and teach Ḥanafi. But whenever you find an opinion which is not in agreement with the Quran and sunnah, avoid your madhab in that. They are just human beings and a school of thought. They have huge contributions to our understanding of Islam, but we cannot make them an idol beside Allah ﷻ.

Like the Christians and Jews, Allah ﷻ said:

They exaggerated. Some people exaggerate in their respect of the scholars. They say they are infallible. There's another extreme who say we are men and they are men, and we are at the same level. This is not correct. We respect them, study and appreciate their work, follow their opinions as long as they are in agreement with the Qurʾān and sunnah. The aṣl is that we should always read the Qurʾān and think about it, and read the sunnah, and think about it. Whenever we find anything which is not in agreement with this, we don't follow it or any person, just Allah and His messenger. You will find that it's difficult, but that's the way to Jannah. The way to Jannah is never easy. When a person wants to follow the ḥaqq, he will find hardship and difficulty. But if he is sincere, Allah will protect him, guide him, and look after him.

Q: Where can we become relaxed when taking opinions, and where is it better to stick to one madhab? For example, if a person was to pray according to one madhab, would sticking to that madhab apply to all the other acts of ʿibādah as well? What is the principle that one uses in his life? How does he keep a system?

He should stick with that madhab with all things in general. That is the school that he believes is good and practical. But with three conditions: (1) He shouldn't follow the madhab out of desire, (2) he should always read the Qurʾān and sunnah and try to follow them, (3) if you find anything which is not in agreement, leave that issue.

If a person only follows the Quran and sunnah directly, it will be a difficult task for him. It will not be easy for him. But again, it is open, because Allah ﷻ said to follow the Qurʾān and the sunnah of the Prophet ﷺ. May Allah ﷻ guide everyone who wants to follow the sunnah.

Q: What if a person doesn't have knowledge and cannot study?

A: The person should ask a scholar who he thinks follows the Qurʾān and sunnah. For example, if a person wants to take his child to a doctor. He will ask and he will have some indications that this is the best doctor he can get. Similarly, you will not choose a scholar because he is lenient and easy. You choose him because he has knowledge and fears Allah ﷻ more than anyone else. He should ask a scholar that he trusts will give him the best answer. Allah ﷻ said *fasʾalu ahl al-dhikr*. They said one of the beautiful

meanings of this ayah is that Allah said *ahl al-dhikr*. Dhikr is the Quran, so we are to ask those people who have knowledge of the text.

Q: In the Jāmiʿ of Tirmidhi, he specifically mentioned that every ḥadīth in this collection is acted upon except two. If you could just repeat the principle that you were emphasizing there…

A: I said that one of the beautiful principles that these scholars and imams of ḥadīth have done – every single ḥadīth they have put in their books… these are not simple people, they are major scholars of ḥadīth. Once they quote a ḥadīth in their book, the ḥadīth has a great value. One of the values is that has been acted on by a scholar, or a few, or many scholars. That's why Imam Tirmidhi (raḥimahullāh) says every single ḥadīth that he has put in his book has been applied, and has been followed by certain scholars, except two hadith:

1. the ḥadīth of jamʿ which is authentic in Ṣaḥīḥ Muslim. Muhammad ﷺ combined Ẓuhr and Aṣr in Madinah, and Maghrib and ʿIshāʾ, without travelling and without bad weather. In another narration, without fear and without sickness. They said how can Muhammad ﷺ combine the two ṣalāh while he is not travelling, there is no rain, fear or sickness? They said all the nation has not done that. They asked the narrator why Muhammad ﷺ has done that, and they said he did not want to make things difficult for his nation. Sometimes a person is in a lecture, or an operation, sometimes if a person leaves his work it will spoil, or the times during the winter is short… it's difficult. If there is a difficulty, you can join them. According to Tirmidhi, he did not encounter any scholar who applied this, but according to other scholars, it was applied.
2. The other ḥadīth is Muhammad ﷺ said if somebody drinks alcohol, lash him. If he drinks a second time, lash him. If he drinks a third time, lash him. If he drinks a fourth time, kill him. They said there is no scholar who acted on this ḥadīth. They don't know of anyone who was killed because he drank alcohol a fourth time. We know of another ḥadīth of the Prophet ﷺ that a man used to be brought to Muhammad ﷺ and every time, he was drunk. Muhammad ﷺ used to lash him, and one time the ṣaḥāba said 'May Allah curse him. How many times he was brought to Muhammad ﷺ'. Muhammad ﷺ said 'Don't curse him.

> He loves Allah and His messenger'. Repeatedly, this man was brought to Muhammad ﷺ and yet he was not killed. So this is a sign of it not being an obligation. Some scholars said no, when a person has been punished three times, on the fourth time, that means he doesn't get killed. Some scholars took a third kind of opinion which is my opinion. Some people said it's abrogated, some people said you have to apply it, and some people said it's up to the imam. If he sees the interest, a lot of people drinking alcohol and they don't stop, -- and we know drinking alcohol is the mother of evil, as ʿUthmān رضي الله عنه said. The imam can apply capital punishment for that. Allāhu aʿlam.

This is a very important issue. These aḥādīth which we have thousands of them, every single sunnah has been applied by a scholar. It's not a theoretical kind of knowledge; it's all practical. And the best of us is the one who applies every single sunnah at least once in his life. Allāhu aʿlam. Otherwise we will miss some of the sunnah of Muhammad ﷺ and we will not convey the message completely to the next generation.

Q: We find people complain when people combine the Maghrib and ʿIshāʾ in the summer time…

A: I'm one of the people who doesn't like the idea of combining. It's not a problem; if a person is tired and working and cannot pray ʿIshāʾ, he can join them. But to make it a system in a mosque, where every year, for 3-4 months this happens continuously, it becomes like a system. I think this is changing our religion. This is bidʿah, in my opinion. If you keep it on the individual basis, that's fine. But don't create a second jamāʿah in the mosque. We believe that in every single mosque there should be one jamāʿah, and one imam. When you make two jamāʿah, it will divide the jamāʿah of the mosque. One of the benefits of ṣalāt al-jamāʿah is that it creates a sense of unity in the society. So if you have two ʿIshāʾ, and two Maghrib, and two imams, where is the jamāʿah? You will create division in that mosque, and division in society. If you can't pray Maghrib or ʿIshāʾ because you're busy, or you can't stay awake until eleven o'clock, no problem. Pray on your own. But don't create a second jamāʿah in the mosque. Even the three imams (Abu Ḥanīfa, Mālik and Shāfiʿi) said one jamāʿah in every mosque. Even when a person comes late, he shouldn't make another jamāʿah. He should pray on his own or go back home and pray. This is to keep one imam and one jamāʿah at a certain time. Allāhu aʿlam. That's why I believe it's bidʿah. Not because the

jamʿ itself, but because of the systematic jamʿ that gets created, which in a way, changes our religion. We want to preserve our religion, not change it. Muhammad ﷺ said that on the Day of Judgement, people will come and will try to fall into the Fire, and I will try to keep them away and they will be thrown into Jahannam. I'll ask 'Why? These are my people, my companions, my friends' and it will be said that they altered and changed. I think "altered and changed" has a deep kind of meaning.

You will keep the prayer, but you will change it in a way, in its timing, its location, etc. Alternation – you will say 'No, I will sit on a chair like a Christian and sing.' They changed their religion and made it into sitting on chairs and singing. Then they kept it one hour per week, then they left it completely.

That will happen if we don't look after our religion. The religion will be diluted, then people will think this is all a joke and they will leave it. It's not a proper religion. But if you preserve your religion completely and try to implement it completely, you will be protected.

Q: How do we let our little children who are seven years old get used to ṣalāh with the timing? Can we allow them to pray before or after the ṣalāh times, and which do we then give them flexibility for?

A: As long as they are still reaching the age of puberty, we are flexible. We cannot be very harsh with them. They will be rewarded if they do it, and they will not be punished if they don't. We train them as much as we can, but they are not like the adults.

Q: In terms of a woman invalidating a man's prayer by passing in front of him, what are the rulings about this during Ḥajj and ʿUmrah?

A: Most of the scholars said that passing in front of a man will not invalidate it completely. He doesn't need to make it up. It will reduce the ajr, but he can continue with his ṣalāh. I think this is the opinion of the four imams.

The other issue - they said all the mosques are the same, no exceptions. Others said all the mosques are the same except Mecca. The problem in Mecca is that there is ṭawāf. There's millions of people around the Kaʿbah, and you cannot protect people from that,

so they said with one exception only, and that is the opinion of some of the scholars. It's so difficult in Mecca because of the ṭawāf.

Q: In regards to menses, how does one know when it's finished?

A: That's a woman's question, Allāhu aʿlam. The only thing we know is the ḥadīth of the Prophet ﷺ that when a woman sees the white clot, that is the sign, Allāhu aʿlam.

Q: Are there any limits in what is a good reasons is to combine Maghrib and ʿIshāʾ?

A: Whenever there is hardship and difficulty. I personally believe if a person prays one hour and twenty minutes after Maghrib, that should be okay. I think most of the people nowadays stay until eleven o'clock. That's okay. There's no need for them to combine the ṣalāh. There is no reason for them to do so, at all. Most of the people do stay until eleven. I saw some people join Maghrib and ʿIshāʾ, then they stand outside the mosque until eleven o'clock! I don't know why they don't just pray on time.

I think this is because of the love for bidʿah. The Shayṭān loves bidʿah, and he will create a certain love in the people who change the religion, and they will love it. I think if we fight with them, they will not stop. They love it and they think they are doing something right. In fact, they may be doing great bidʿah and that will take them to Jahannam. Allāhu aʿlam. This is our deen. It has to be protected. May Allah ﷻ guide us all.

Q: What are the parameters of difficulty for a person when it comes to jamʿ?

A: One example is a person who is a doctor who is operating and if he leaves, the patient will die, or a baker who can't leave because the food might spoil, or you are in a machine trying to do something, or you're in a lecture or exam. Certain situations like that where you cannot leave because there are consequences. Muhammad ﷺ did not want to make life difficult for the Muslims. In general, you pray on time but if there is hardship or difficulty, you can join them.

<u>Ustādh Abu Eesa:</u>

I can summarize Shaykh Kehlan's talk. I think it was very good. It probably was very deep for many of you, for those who are not usually exposed to that kind of fiqh on the conceptual level. That was a deep, conceptual discussion. What Shaykh al-Islam ibn

Taymiyyah was trying to convey is that there is a defined difference in the approach to fiqh between the people of…

And this wasn't even a discussion into ahl al-raʾi and ahl al-ḥadīth. This is a much more nuanced differentiation between the people of ḥadīth and the people of fiqh.

The funny thing is that he just summarized our entire seven months, and probably our next three years of study as well. If I'm to summarize his hour into one minute, I would say that being a slightly bit more fair to the people of fiqh, their (the imams of the madhāhib) concern is very much focused towards the laity. That's very clear in their rulings and their discussions. Effectively, what they're thinking is that if we don't give absolute clarity, then that's going to leave them to go to the sources themselves, which is what they're terrified of, and in many cases, rightly so.

Because they're effectively doing that service of giving final rulings and points, closing doors, writing off a number of aḥādīth under the guise of abrogated, weak, etc. with the noble aim of keeping the mind focused on the layperson.

When you do it like that and you make it structured, it becomes very easy to teach. That's why these schools are dominant in the world. You have to understand that. The most dominant school was the school which made it most restrictive, which is the Ḥanafi school. The history has borne testimony to that.

I remember the statement of Ibn al-Athīr (Shāfiʿi scholar from 600 years back); he said that the fact that the world is dominated by Ḥanafis is a proof of Abu Ḥanīfa and his fiqh itself. That was 600 years ago. He didn't see what the Paks have done today. Hey took it to the next level – economic migration, building communities, shipping out, producing, etc. That was before the Ḥanafis had any political power or any real substance. Then in the last 300-400 years, especially in the last 200 years and then ending 100 years ago with the ʿUthmāni caliphate really taking the Hanafi madhab to the next level, and militarily being able to push it out. It was successful back then, so what about now?

Again, that's because the madhāhib want to help the people keep things easy and simple, and don't worry too much about that fear.

Ahl al-ḥadīth back then were a revivalist movement, and throughout history were a revivalist movement. When you think of its imams and Ibn Taymiyyah, he's seen the

‘revival of deen’. Now, the ahl al-ḥadīth movement is also seen as a revivalist/reformist movement. Whenever you see the words associated with ahl al-ḥadīth and modern day daʿwah, when you see “the Islamic Awakening”, it’s like someone getting up and reviving someone.

That’s why the scholars of ahl al-ḥadīth and the modern day contemporary kind of style is always considered to be in this kind of way, slightly a bit separate from the people of fiqh, even though they’re not different. But they do have a different principle.

I mentioned this two weeks ago. What was the key word that I mentioned that denotes the approach of ahl al-ḥadīth when it comes to fiqh? Reconciliation. Ahl al-ḥadīth always reconcile. They don’t like abrogating. They don’t like writing things off. They take that to an extreme sometimes. They don’t like you re-interpreting, they don’t like you making taʾwīl, which is to interpret it in a different way than it obviously is. They don’t like you pushing it away, or abrogating, or saying it’s metaphorical.

Ibn Taymiyyah is known when it comes to tafsīr – in one narration he said there are no metaphorical references in the Qurʾān. Everything has a reality. It’s not important for us whether he’s right or not. What’s important for us is to understand his mentality.

Ahl al-ḥadīth *hate* to devalue something which Allah has said or the messenger has said. If Allah speaks something and it’s in the Qurʾān, it has to be given maximum value. It has to be read, it should be understood, it should be applied, whether you like it, whether you don’t like it, whether you understand it, whether you don’t, but really interact with the Qurʾān.

People don’t see it much with the Qurʾān. Where the sunnah is, that’s where we see it as the laity. Don’t be abrogating something which the Prophet said, unless it is absolutely obvious. Do not say something is weak if there’s a chance of it being authentic. Do not say that we will leave this when there’s a possibility of reconciliation. That’s why I narrated the statement of Ibn Khuzaymah to you. He said ‘The problem with the people is that they don’t know how to reconcile. Bring me any two authentic ḥadīth and I will reconcile them for you’. That is what Shaykh ʿUthaymīn is trying to say.

Obviously, we follow the methodology of ahl al-ḥadīth, even though we restrict it into madhāhib for control and for education, but we *are* easy. We don’t trap ourselves by madhāhib.

بسم الله الرحمن الرحيم

الحمد لله رب العالمين

اللهم صلي وسلم وبارك على نبينا محمد وعلى اله وأصحابه أجمعين

اللهم لا سهل إلا ما جعلته سهلا وأنت تجعل الحزن إذا شئت سهلا

اللهم أعنا على ذكرك وشكرك وحسن عبادتك يا رب الكريم

What we're going to do today is try and finish the section on siwāk, which is the first part of the sunan of wuḍūʾ, in the way that al-Ḥajjāwi has organized it. The whole issue of siwāk shouldn't even come under the sunan of wuḍūʾ because is it really part of wuḍūʾ per se? Is it an independent action? Yes, it can be used in wuḍūʾ, and yes, it's a separate action as well. When you're making wuḍūʾ, it's less obvious because you're cleaning your mouth anyway. For ṣalāh, it's not so obvious. That's not the kind of thing that you would think to do when you're about to stand for prayer, unless the Prophet ﷺ told you (and he did). It doesn't really have a natural home, so al-Ḥajjāwi put it in this specific section.

التَّسَوُّك بعُودٍ لَيِّنٍ مُنْقٍ غيرِ مُضِرٍّ لا يَتَفَتَّتُ، لا بأُصْبُعِه وخِرْقَةٍ: مَسنونٌ كلَّ وقتٍ لغيرِ صائمٍ بعدَ الزوالِ،

Brushing the teeth using a soft twig which cleans the mouth, which does no damage, and does not splinter is a *Sunnah* at all times, except after the Sun's zenith for someone who is fasting.

(The *Sunnah* is) not achieved by using the fingers or a polishing cloth.

Basically in the afternoon. In actual fact, if zenith means noon, *baʿd al-zawāl* is the exact translation of 'afternoon'.

This is a rendering into English. I only ever render into English; I don't translate. I'm not a fan of translating, either, especially from the Arabic language. They ave fundamentally different sentence structures. If you translate so faithfully that you try to keep the same sentence structure, you lose the flow.

Here, right in the middle of that first line, it says "لا بأُصْبُعِه وخِرْقَةٍ:". Yet you will see that in our English translation, there's nothing there. We actually created a whole separate sentence for it right at the end because it makes more sense and it flows. So in English we've written at the bottom: (The *Sunnah* is) not achieved by using the fingers or a polishing cloth. That's just an important style application there, and that's what we call *rendering* into English. We rendered it into English; we didn't translate it.

Last time, we stopped at the statement in the commentary of Shaykh al-ʿUthaymīn

on the bottom of page 145: لا بأُصْبُعِه

The Shaykh says (and this is a difficult, controversial point) that al-Ḥajjāwi is saying that it's not sunnah if you do your siwāk using your finger. You won't achieve having done the sunnah act. That's basically what the Shaykh wants to say. He says this is regardless of whether this is done during wuḍūʾ or outside of wuḍūʾ, and this is according to what the muʾallif has stated here.

Shaykh ʿUthaymīn goes on to say that some scholars (amongst them al-Muwaffaq ibn Qudāmah al-Maqdisi and also his nephew, who is also called ibn Qudāmah al-Maqdisi, but he has a different title [Shams ad-Dīn]. Al-Muwaffaq was a title given to him by other scholars because they respected him so much – it means someone who has been given tawfīq, or divine special ability from Allah ﷻ. It's like a person has said "I want to do this," and Allah has agreed. There's a wafāq. Wafāq means to agree with someone. It's such a high praise for ibn Qudāmah. His nephew wrote a commentary to this Muqniʿ called al-Sharḥ al-Kabīr, *The Mighty Commentary*, which was the number one commentary to al-Muqniʿ. What's important to note about ibn Qudāmah is that his statement is considered to be the muʿtamad [the relied upon position in the madhab].) said:

إنه يحصُل من السُّنِّيَّة بقدر ما حصل من الإنقاء

Actually, you do achieve a sunnah, depending upon how much you clean your mouth.

I just want to remind you of the point that we're trying to establish. We're doing it slowly because we're doing it in detail. I can give you a quick summary within ten seconds.

The author is trying to say that you're only going to get the reward of doing siwāk if you use the physical siwāk. Of course, there's the other argument that is made these days that you can simply use a toothbrush. If you can use a toothbrush, the job's done. It's the same thing, isn't it? What's the difference? Back in those days there weren't many toothbrushes. The bristles are made of nylon. I don't think they had access to nylon in that kind of manner. Obviously, the nylon in its original form would have been used, in its cloth form, but not the ability to create it and put it at that level and understand the lengths etc.

So at that time, their debate at that time is that can you achieve the sunnah using a cloth or your finger? The 21st century version of the same debate which is 600 years old is: can you achieve the sunnah using a toothbrush or a siwāk? That's actually the 20th century debate, the 21st century debate is can you achieve the same using

mouthwash? Because that wouldn't even have entered into the discussion that you would actually do that from a cleansing point of view.

So this is the debate now which is going to be played out over the next one of two pages, and it's an important debate and a delicate one. The point is that al-Ḥajjāwi seems to have closed the door. He's kind of said 'Listen, sunnah is sunnah. Siwāk, and that's it'. Whereas Ibn Qudāmah has opened it a bit, as well as his nephew. He has said, it's a nice word that he says:

إنه يحصُل من السُّنِّيَّة بقدر ما حصل من الإنقاء

Depending on how much cleansing of the mouth occurs by whatever means, it's the level of cleansing that will achieve the reward of sunnah. So what Ibn Qudāmah is effectively trying to say is that miswāk is the most cleansing thing. For him, in his opinion, that the siwāk is so a good a sunnah is because it's so good at cleaning.

How can we guess that? We can guess that because he's trying to say that you get the reward of sunnah if the thing cleans it more, which is very interesting, because you would not have expected a traditionalist to go down that line. That's the kind of line that a modernist would have gone down, that's the kind of argument that I would have put forward. My teeth can be cleaned better with mouthwash, I don't even need to use siwāk or a toothbrush or whatever.

So as long as I can clean my mouth better then what you can with a siwāk, I get the full reward of sunnah. That's effectively what premise Ibn Qudāmah is using, which I find fascinating.

And then turning over the page,

وقد رُوي عن عليٍّ بن أبي طالب رضي الله عنه في صفة الوُضُوء أن النبيَّ صلّى الله عليه وسلّم: «أدخل بعضَ أصابعه في فيه...» وهذا يدلُّ على أن التَّسوُّك بالأصبع كافٍ، ولكنَّه ليس كالعُود؛ لأن العود أشدُّ إنقاءً.

That the Prophet ﷺ has been narrated according to ʿAli ibn Abi Ṭālib that he put some of his fingers in his mouth. So we don't know what that means. We don't know whether that means two fingers in his mouth, or three fingers in his mouth but 'some of his fingers'. This indicates, Shaykh ʿUthaymīn says, that the cleaning of the teeth using your fingers is sufficient, but it is not like wood. Wood cleans much more because obviously you have the bristles. Fingers are soft; they doesn't have bristles.

لكن قد لا يكون عند الإنسان في حال الوُضُوء شيء من العيدان يَستاكُ به، فنقول له: يجزئ بالأصبع .

But unfortunately, it's quite possible that a man might not have at his disposal a siwāk when he's making wuḍūʾ. Therefore, we will say (and this is now Shaykh ʿUthaymīn) that it is sufficient to use the fingers.

So that's the fingers. He said that the fingers have been narrated to have been used in the mouth during the wuḍūʾ, so therefore we're allowing the fingers to be used. And now he talks about the khirqah. The khirqah is just referring to any cloth. I think they something called a polishing cloth? Have I heard that from old Victorian times, that they used cloth to use to clean their teeth, no? I've heard a phrase of a polish cloth being used on teeth. I mean this seems to support this because why are they referring specifically to a polishing cloth on the teeth?

Shaykh ʿUthaymīn says that according to al-Ḥajjāwi, it is not sunnah to use a polishing cloth and even if you do use it, you don't get the reward of the sunnah. Now what does it even mean? He says that you get the khirqah and you put it around your finger and then you clean it with your finger. He says that the reason that this was done was because of the nature of the cloth. It was cleaning greater than cleaning with the finger by itself. Shaykh ʿUthaymīn says:

ولهذا قال بعضُ العلماء: إن كان الإصبع خشناً أجزأ التَّسوُّك به، وإن كان غير خشنٍ لم يجزئ

It is for this reason that some of the scholars said that if a finger is rough enough, then it's ok to use the finger and you get the reward, but if the finger is smooth then you won't get the reward. The narration is in al-Majmūʿ, the Sharḥ of al-Muhadhab.

Tell me which madhab that's from? Who's the author of al-Majmūʿ? Imam al-Nawawi. This is the book of Imam al-Nawawi, so Shaykh ʿUthaymīn is referring to the Shāfiʿi scholars there, who are partners of the Ḥanābilah really, in fiqh. So he's just referring to a statement by Imam al-Nawawi, that he's saying that in our madhab some of our scholars say that if the finger is rough enough then we can achieve it.

Now Shaykh ʿUthaymīn says that we've already made clear that the cloth around the finger is better than the finger at cleaning the mouth. So if anyone is going to claim that it's sufficient to use the finger to clean the mouth then certainly the cloth can be used as well because it is more cleansing.

[Brother] I think at least the way you've translated it, he said that if a person is to make wuḍūʾ and they don't have siwāk, then he can use his finger. So he's bringing it in as a concession, not as establishing a point in and of itself. Like for example, he said that if you go to make wuḍūʾ and you don't have siwāk, you can use a toothbrush. He didn't say that you can use a toothbrush and it's the same as siwāk.

[Ustādh] Correct, but this is Shaykh ʿUthaymīn himself, not referring to al-Ḥajjāwi. Shaykh ʿUthaymīn has no problem using the finger, outside, inside. What he's trying to do is to create himself an extra precedent that even during the wuḍūʾ, especially during wuḍūʾ, as this ḥadīth has mentioned, as the narration of ʿAli ibn Abi Ṭālib has shown that when the Prophet ﷺ was making wuḍūʾ, he entered his fingers into his mouth. So he's saying there's an evidence there, if you don't have a siwāk, then use it.

Yet we know that the practice of the Prophet ﷺ was siwāk during wuḍūʾ. So he's able to use that narration to box off wuḍūʾ and he is using taʿlīl, meaning trying to understand what the ʿillah is. What's the ʿillah? Cleaning, correct. So he's using the ʿillah to try and establish the use of a finger and a cloth outside.

[Brother] Isn't that hard from like one random narration that the Prophet ﷺ didn't have siwāk, so he goes 'Okay, I can't use my siwāk so I'll just try and clean my mouth'...

[Ustādh] There's no evidence that he didn't have his siwāk. Remember a very important principle: the lack of mention in a narration doesn't necessitate the lack of ruling in the ḥukm. Let me try and explain that. If a ḥadīth like this one mentions that the Prophet ﷺ put his fingers in his mouth, how can we establish that against the siwāk? The point is that the fact that the Prophet's ﷺ fingers are mentioned does not mean that siwāk was not there. There's a principle in uṣūl al-fiqh. Just because the siwāk was not mentioned in the ḥadīth, doesn't mean that it wasn't in his pocket. We can't make that certain call.

Remember what we mentioned last week or the week before: when it comes to the principles of ahl al-ḥadīth is that they always try to bring together and combine everything. So this would be a classic ahl al-ḥadīth approach. We only see the Prophet ﷺ talk about siwāk. There's so many aḥādīth about it, like if it wasn't about making difficulty upon my ummah I would make them use it all the time, I would have made it obligatory upon them, the rewards and this and that about siwāk. And then he used his fingers.

So what would happen is that you have two approaches. Either you're a very hard-core, traditionalist, ahl al-fiqh approach, which would be like al-Ḥajjāwi, apparently. Which is that you can only use siwāk and that's the only way that sunnah is going to established. They would say that in this ḥadīth, maybe he didn't have his siwāk with him. Yes, so that's how we explain that away.

Ahl al-ḥadīth would say clearly it's sunnah to use the siwāk, that's what we should

do, it's okay if you don't have one, use your fingers as well. Because there's a narration there that showed that he ﷺ used the fingers and therefore we don't write any ḥadīth off, we've combined everything and we've allowed for some kind of reconciliation.

There would even be a further position, again those more with an ahl al-ḥadīth methodology that would say that the existence of the fingers actually does more than just allow the use of fingers in the absence of siwāk. In actual fact, the siwāk must have been with him because he was never going to be seen without it. We don't ever see him not using a siwāk. His using the fingers is a message that what it's really actually about is to keep the mouth clean.

This is of course where Ibn Qudāmah is moving to. This is where his nephew Shams ad-Dīn Ibn Qudāmah al-Maqdisi is moving to. This is my position as well. My position is that a person who uses a toothbrush has achieved the sunnah. I myself when I was young used to use miswāk day and night, I wouldn't go anywhere without it. But then I lost all the enamel on my teeth and now it really hurts to use siwāk, so I use a toothbrush a lot. So I am of that opinion and there are a number of contemporary scholars (I think Shaykh Kehlan is of this opinion as well, Allāhu aʿlam) that say the ʿillah is not in the siwāk itself, but rather the ʿillah is in the cleaning.

Now I recognise even myself that that is a position which is a bit difficult to stomach for traditionalists and some scholars. It's like the bit of a troublemaking opinion that we should eat with knives and forks because if the Prophet was here, this is what he would eat with. This is troublemaking, this is someone who's taking things a bit too far and just making an assumption and trying to assume that there was definitely was no knives and folks at the time of the Prophet ﷺ etc. We understand his argument but we don't want to take it that far.

I think that the balanced position, and this is my taught position of the class, regardless of personal practice, regardless of what you're reading here, you've now seen enough discussion surrounding it to be able to form your own opinion, but the official position of the class is that the process of cleaning the teeth and it's going to become clearer now, when we talking about masnūn, the section that he's got for masnūn, for it being a sunnah.

I think there's two rewards for cleaning the mouth. There's one for cleaning the mouth and the mouth itself for it to be clean is something which fits every Islamic principle and ḥadīth and āyah that we know. Walking with honour, being beautiful, Allah loves the beautiful, Allah loves beauty so be beautiful, the fact that the Prophet was always emphasising cleanliness and hygiene and appearance etc. That people

who smell bad don't come to the masjid, garlic eaters, onion eaters etc. It's very clear that people should look after personal body odour, bad breath and all this kind of thing and as a priority.

So there's no doubt about it, that regardless of whether the siwāk was there or not, there is a reward to be a achieved when a person says that for the sake of me being a Muslim and for the sake of that I don't ever was to put a bad impression upon anyone, I will keep my mouth clean. That's something that you do as humans anyway, non-Muslims do as well, but if you have it that intention you get rewarded by Allah for it.

I think there's a second level reward if you use siwāk. I honestly believe and I follow that traditionalist opinion, that the emphasis of the Prophet ﷺ so much so on the siwāk means that the siwāk has to be given some kind of status. It's just difficult for me to swallow that the Prophet ﷺ has kept repeating siwāk, siwāk, siwāk, siwāk, when there would have been other trees, there would have been other manners, and some of the ʿulamāʾ said that the Prophet ﷺ has rinsed his mouth before and spat it out and yet we don't see that action emphasised as much as the physical brushing. Also, the preparation of ʿĀʾishah رضي الله عنها all the time of the siwāk. Actually you can write much about the siwāk and it's place in the sīrah and it's use and other people using it and the salaf and so on and so forth. There just seems to be too much emphasis.

So I'm saying if you brush your teeth using a brush and you don't ever touch a siwāk, you will have achieved the sunnah of maintaining your clean health. Will you have hit the higher stage of a second level of reward of emulating the Prophet ﷺ with a specific stick, which itself seems to be blessed in one way or another? I don't think so, you won't achieve it unless you use it. That's my summary. I summarised that because I might get caught into side discussions here and there and I do want to make sure I finish this chapter and there are quite a few pages left.

I just want to mention something that Shaykh ʿUthaymīn states about the language. He says that this is a fāʾidah. Whenever you see in the commentators... this actually explains why you should never complain about the tangents of your teacher. Shaykh ʿUthaymīn is not going to go onto a complete right angle here now. He says that there's a side benefit in the language about the word *uṣbuʿ*:

في الأصبع عَشْرُ لُغَاتٍ لذلك يُقال: لا يُغلَّطُ فيها أحدٌ في الصَّرف؛ لأن الصَّاد ساكنة، والهمزة والباء مثلثتان، يعني يجوز فيها فتح الهمزة، وكسرها، وضمُّها، مع فتح الباء، وكسرها، وضمِّها

There are ten ways of saying the word 'fingers'. And he says that it is for that reason when it comes to writing this word properly in a sentence, in its right place with its

right spelling and punctuation you can't make a mistake with it, because all of the variations are acceptable.

Let see if we can try that. Give me the various ways that we can say uṣbuʿ?

لأن الصَّاد ساكنة - So make it sākin, - والهمزة والباء مثلثتان

What does muthalathtān mean? In Arabic when something is muthālathah, it means it can take all the all three signs, i.e. fatḥah, kassrah, ḍammah all apply to that letter,. The hamzah and the bāʾ can all be bi'l-ḍammah, bi'l-fatḥah wa bi'l-kassrah.

When the ṣād is sākin (it's got the sukūn on it), then the hamzah and the bāʾ can all take three different forms. So, let's start off with the hamzah as a ḍammah. It would be uṣbuʿ (أُصْبُع), uṣbiʿ (أُصْبِع), uṣbaʿ (أُصْبَع).

Now, change the hamzah as a fatḥah. It would be aṣbuʿ (أَصْبُع), aṣbiʿ (أَصْبِع), aṣbaʿ (أَصْبَع).

Now, we change the hamzah to a kasrah. It would be iṣbuʿ (إِصْبُع), iṣbiʿ (إِصْبِع), iṣbaʿ (إِصْبَع).

There's nine there and adding it to the original which is uṣbuʿ (أُصْبُع), that's ten. That's a rare occurrence in the Arabic language and Shaykh ʿUthaymīn wanted to mention this point.

This is important by the way, and what you've just read there and what you've learned hopefully, for the advanced students of knowledge, when you're reading the books of sīrah and especially when you're reading the books of ḥadīth, you always come across names that don't have the tashkīl on it. This is a really important point for the real students of knowledge amongst you.

In the earlier books they didn't write the words like you see it with all the tashkīl on it; they described it. They say that the ṣād is muthallathah, so it takes three forms, and you have to know the terminology to know to say the name correctly. They don't write it all for you. They will write the name without any tashkīl and follow it up with two sentences describing what you have to do with it. It's really difficult and it can be confusing.

The word 'muthallathah' is a really useful phrase to know in ʿilm. It means that the letter itself can take all three forms of varied ḥarakah (vowel) sounds.

Now Shaykh ʿ Uthaymīn wants to discuss and debate the issue of masnūn and it's very common word in the modern Asian literature and not so much in the classical Arabic.

Masnūn is referring to siwāk or tasawwuk. Imām al-Ḥajjāwi has actually called it masnūn. What's the definition of masnūn?

كلُّ عبادة أُمِرَ بها لا على سبيل الإلزام.

Every act of worship which has been commanded to perform, but not in an obligatory fashion, so one is not going to be punished, but you are commanded to do it. And the Prophet ﷺ has told the nation many times to 'do it'. But, we know that it's not an obligation, because in the same sentence where he told us to do it is because that he doesn't want things to become difficult upon his Ummah, and so he's not making it an obligatory upon us. So, we have the category called masnūn. It means that this action is going to be required, but you're not going to be punished.

فقولنا: لا على سبيل الإلزام، لأنَّه إن كان على سبيل الإلزام فهو الواجب.

Obviously, it can't be upon the obligatory way, because if it was we would call it wājib, not masnūn. What is the evidence that is it? The evidence is the authentic ḥadīth which is narrated in al-Bukhāri, in the Book of Jumuʿah. The reference is at the bottom of page 147 in Sharḥ Mumtiʿ.

لولا أن أشقَّ على أمتي لأمرتهم بالسِّواك عند كلِّ صلاة.

"If it wasn't that I caused difficulty upon my nation, I would have commanded them to do the siwāk before every single prayer."

Shaykh ʿUthaymīn says, so therefore his statement that "if it wasn't that I caused difficulty…" proves that it is not wājib, and I think that's pretty straight forward.

و لا يدلُّ على أنه ليس بمسنون، أو ليس مأموراً به، بل لولا المشقَّة لكان واجباً لأهميَّته.

The statement of the Prophet ﷺ shows its importance and that it's a recommended action, but it's not wājib.

Now, we move on to the next point,

كُلُّ وقْتٍ

"...is a *Sunnah* at all times..."

Is it really a sunnah at all times, because the author then adds his own little exception? He said, "…except after the Sun's zenith for someone who is fasting."

Let's look at the issue of 'all times'. Shaykh ʿUthaymīn says that night or day, this is at all times. Why is it at all times? And why do we need to say at all times? So far, the scene has been set for the prayer times, and it's only been mentioned in relation to the prayer times. If he's going to say 'at all times' we need further evidence and we do have that.

The Prophet ﷺ said,

السِّواك مطهرة للفم؛ مرضاة للرَّبِّ

This ḥadīth is also narrated by al-Bukhāri, but in taʿlīq form.

تعليقاً بصيغة الجزم

Imām al-Bukhāri has Ṣaḥīḥ al-Bukhāri and this has many aḥādīth in it which are all authentic, but he also includes narrations in there where he doesn't include the chain of narrators. When you do not mention the name of the narrators of a ḥadīth, it's a fatal mistake and it makes the narration automatically weak, because if we allowed people just to quote, then people would just make up whatever they want to make up. For the conditions of ḥadīth, you must have continuity and each narrator mentioned.

The narrators are the ruwāh which is called the isnād and it must be continuous all the way. And Imam al-Bukhāri's book is the super-high quality that it is, because he added an extra condition. He said that not only does each person need to be connected, but they have to have met each other and that has to be proven, historically and practically, which is not a condition that has been established by the other books of ḥadīth or the other muḥaddithīn.

Because of this extra condition, you cancel out hundreds and thousands of aḥādīth and are literally left with a couple of thousands and that's why Imām al-Bukhāri's standard is the highest and so many don't get it and because so many don't get it in, what does get in is supreme quality and perfect. That's why his book is the most authentic.

The word muʿallaq is derived from the word ʿalaqa which is the leech as you know and it means a hook. The shape is defined by the word muʿallaq and the idea is that

it's hanging. And what's hanging? The ḥadīth is literally hanging to the statement of this person who is quoting it with no solid chain in between, because he's missed out the entire 200 years of narrators. Now, why would someone do that? There are a number of reasons that muḥaddithīn would do that, but in essence when al-Bukhāri does it, he's already got an established chain for that statement, but somewhere else; either in his existing book or in other of his books or other scholars know of that chain and he just doesn't bother quoting it. That's one explanation.

Another explanation is that maybe he doesn't even care whether you consider it to be authentic or not. He's using it as supplementary evidence and not primary evidence. So, he's making a supplementary point, and just quoting a statement as opposed to making you want to believe that that this a really strong ḥadīth.

There are a number of other reasons as to why he would do that, but you need to know that it exists. And you need to know that when any scholar does this action, it's not really given too much weight. But when Imām al-Bukhāri narrates a ḥadīth in muʿallaq form (taʿlīqan, which is when he cuts out the entire chain of narrators or a large number of narrators) then this is a weak ḥadīth, except when it's narrated by Imām al-Bukhāri. Most of the time, it is authentic.

So, in this ḥadīth of ʿĀʾishah, narrated by Imām al-Bukhāri in muʿallaq form in the Chapter of Fasting, the Prophet ﷺ said,

"The siwāk is purificatory to the mouth and pleasing to the Lord."

What's the proof that's been established in this ḥadīth? That this is nothing to do with time and that's what the Prophet ﷺ has established. By the wording in this narration, we can move out of every prayer and wuḍūʾ and see that this is something for all times, every personal interaction with friends, even non-interaction.

And of course, when we go further we know a number of narrations. For example, the Prophet ﷺ when he was in his illness stage, he was having his siwāk made ready for him by ʿĀʾishah, consistently throughout his illness. When he would wake up, ʿĀʾishah would have already got his siwāk ready for him ﷺ and that's the first thing that he would do when he'd wake up. This narration is well established.

Shaykh ʿUthaymīn says that there are two major benefits from this ḥadīth; one which is in the dunya and one which is in the ākhirah.

١ – دُنيويَّة، كونُه مطهرةً للفم.

٢ – أُخرويَّة، كونُه مرضاةً للرَّبِّ،

When you use the siwāk, you actually clean your mouth. That's the dunya benefit and the ākhirah benefit is that Allāh ﷻ is pleased with you. And Shaykh says that this is a very small action and you get a huge reward and some people go for two or three months without brushing their teeth.

إما جهلاً، أو تهاوناً.

And this is regardless of whether it's done in ignorance or because they're lazy.

Every time is established now. Let's look at the claim by al-Ḥajjāwi, "…except after the Sun's zenith for someone who is fasting."

This claim is referring to fasting whether it's obligatory or a nafl. What is zawāl? Zawāl is when the sun hits the zenith. What's the zenith? The zenith is the highest point in the sky that the sun will hit. The sun rises in the east and that's when Fajr finishes and then it starts getting higher and higher. 20 minutes after sunrise is when you're allowed to pray if you haven't prayed already.

Now, that it's clear, you can start to pray ishrāq/ushrūq and ḍuḥā and it's better to delay it and that's why it's called the forenoon, because the sun gets higher and warmer. And around 9/10 o'clock in a warm country, it's quite uncomfortably hot. And when it gets to 1 o'clock, it's very high, and it's white and directly above you and burning you.

It's like that ride of the pirate ship. It swings left to right and it gets right to the top and it hangs there and then it falls. That's exactly what happens to the sun in my little model. The sun goes all the way to the top and hangs and then it starts to go. When it gets to the top and it pauses and then it goes, this is defined at the sun setting towards the west. And this is called zawāl. It has now left the previous position and it's now starting to set.

At that stage when it's at that stationary point, the sun is very expressive and magnificent moment. The sun doesn't move and this is one of the prohibited times for prayer, because the pagans would take that as a huge sign, because it's so bright, hot and still.

So, those 10-15 minutes of it being stationary is when you're not allowed to pray. When it goes is when Ẓuhr kicks in. This is called zawāl. The meridian is the line that goes up all the way and the zenith is the highest point, the point it passes the zenith, Ẓuhr kicks in. We'll cover that in detail when it comes to ṣalāh.

Shaykh ʿUthaymīn says,

و يكون زوالُها أِذا مالت إلى جهة المغرب

The zawāl starts to set and lean towards the west. He now wants to clarify the point even further. The people of knowledge have said if you want to see this and time it and observe this properly, you're not going to be able to do it by looking up. So, what you do is get a stick and stick it in the ground.

شيئاً مرتفعاً، و تَنْظُرَ إِليه فما دام ظِلُّه ينقص فالشمس لم تَزُلْ

This is how it used to be done before and this is a good thing to do with your kids in the garden. What's going to happen is that you're going to stick the stick in and watch its shadow. You will see around 11-12 o'clock, the shadow is reducing, because the sun is getting further above. You will always still have a shadow, because of the angle.

As soon as that shadow starts to get bigger from the other side, then you know that the sun is setting. As soon as the shadow stops and it doesn't move for a period of time, that is the zawāl period that you are not allowed to pray during. That is how it used to be calculated back in the day.

So now that everyone understands what we are talking about in terms of the time i.e. the beginning time of Ẓuhr is what al-Ḥajjāwi is talking about. He doesn't want people to do siwāk. Shaykh ʿUthaymīn says it is well known from the Ḥanbali madhab that it is makrūh (hated) to do the siwāk after zawāl for the one who is fasting. What is the evidence for the Ḥanbalis? The Prophet ﷺ said:

إذا صمتم فاستاكو بالغداة، ولا تستاكو بالعشي

If you going to fast, then do your siwāk in the morning and don't do your siwāk in the afternoon.

The word *ʿashiy* here, means the time after zawāl. This ḥadīth is narrated by ad-Dāraquṭni and also Imam al-Bayhaqi on the authority if Ali رضي الله عنه and it weak and it was considered ḍaʿīf (weak) by Imam al-Bayhaqi himself and by Ibn Ḥajar al-ʿAsqalāni as narrated at the bottom in the footnotes. So they use that ḥadīth but we consider that ḥadīth to be weak. That's the first point.

The second point: the Prophet ﷺ said

لخلوف فم الصائم أطيب عند الله يوم القيامة من ريح المسك

In a ḥadīth which is narrated in Bukhāri and is authentic as the sun itself, that the smell that emanates from the mouth of the fasting one is more beautiful with Allah on the Day of Resurrection than the smell of musk itself. This ḥadīth narrated by Bukhāri in the Chapter of Fasting.

The word khuluf is the unpleasant smell that comes from the guts or stomach. He says that when it is empty, it is emanating a smell. The smell is called khalūf.

Shaykh ʿUthaymīn says: I don't know about the mechanics of this. He says that the majority of the time, this seems to appear at the end of the day or later on in the day. And it seems to be associated with a lack of food as opposed to a full stomach.

He says: but because this is a smell which is indicating something which you are doing for the sake of Allah and is associated with an act of worship, then it is not right that it should go. This is him just sounding out the argument. We shouldn`t try to get rid of something which is indicating something which Allah values.

He says that the evidence that is given by the Ḥanbalis for this statement of theirs is the blood of the shahīd. He says when the shahīd passes away; you are not to take the blood off the body. So when the shahīd is martyred, we don't cleanse the shahīd from his blood.

بل يجب أن يبقى عليه وأن يدفن في ثيابه وبدمائه،

In fact, it is obligatory to bury him in his very same clothes and with that same blood that has been spilled in achieving his martyrdom, as the Prophet ﷺ commanded in the battle of Uḥud. This narrated by Bukhāri in the book of funerals. The Ḥanbalis continued.

He says: anything which happens which is a result of the worship of Allah ﷻ and it is a proof of that worship, it should not be removed. This is the Ḥanbalis speaking. Therefore, we do not like for the fasting one to use the siwāk after zawāl, because that is the time when the smell is going to kick in and you are now trying to get rid of it.

He said but actually, the Ḥanbalis carried on and they said: as for in the morning, it is mustaḥabb (recommended) for him to use something which is dry i.e. to use a dry stick and it is acceptable meaning mubāḥ (permissible) for him to use something

which is wet (moist) because of course the moist stick cleanses better than a completely dry one.

I hope you understood the caveat. They said it is hated to do it in the afternoon. In the morning, he is allowed to do it with a moist one and it is recommended to do it with a dry one. So that is the three rulings.

So therefore, they have put three scenarios for the use of siwāk for the one who is fasting.

1. Permissible (mubāḥ) to use a moist one in the morning.

2. Recommended to use a dry one in the morning before zawāl.

3. Hated to use a dry or wet one after zawāl.

Those are the three positions of the Ḥanbalis when it comes to the use of siwāk for the fasting person with relation to zawāl time.

That is pretty intense for one small part. I can't believe that they went into three positions but that is what they did. This is found in al-Mughni (and you would expect it to be found in al-Mughni to be honest) and you might say, "What is the evidence that they said that it is masnūn qabla zawāl?"

They say by the general evidences i.e. it is pleasing to the Lord, if I could command my Ummah to do it. So the generality of all the evidences for siwāk is what has made them consider it to be a recommended action in the morning.

What made them say that it is permissible to use the wet one in the morning?

The Prophet ﷺ said in the authentic ḥadīth which is narrated from Laqīṭ ibn Ṣabirah رضي الله عنه. He told him:

وبالغ في الاستنشاق إلا أن تكون صائما

Exaggerate the gargling and the rinsing of the mouth, when you are making wuḍūʾ, except when you are fasting. Now the reason he said unless you are fasting is because the more you play around with water in your mouth, the more likelihood that you are going to swallow it.

Therefore what Shaykh ʿUthaymīn is saying is that they use that ḥadīth saying that we are not going to recommend you using the wet stick. You are allowed to use it,

but we are not going to recommend it just in case you start getting carried away and you also put yourself in the same position as the one who is rinsing and gargling.

He says as for it being hated after zawāl, what is the evidence? The ḥadīth that he mentioned and the idea that it is going to mess up your fast etc. Shaykh ʿUthaymīn says some scholars say that actually it is not hated at all and the fasting one should use it like the non-fasting one - whenever, however, whatever. This is narrated in al-Iqnāʿ, what is al-Iqnāʿ? Al-Iqnāʿ is also another book written by al-Ḥajjāwi himself. He wrote it as a bigger kind of commentary piece on Muqniʿ. He said in it:

وهو أظهار دليلا

This is the ironic part. He says that according to some of the scholars, this seems to be the most apparent position. This is also what Shaykh al-Islam Ibn Taymiyyah chose as his position – the one who is fasting is to use his siwāk just like everyone else (at all times, every time). There's no difference whatsoever.

What are their evidences? They said

واستدلو : بعموم الأدلة الدالة على سنية السواك

Frankly, all of the aḥādīth which mention the siwāk don't seem to make any exception to the siwāk, so why are you making the exception for the fasting person? He said the Prophet ﷺ never made any exception whatsoever.

والعام يجب إبقاؤه على عمومه، إلا أن يرد مخصص له، وليس لهذا العموم مخصص قائم.

This is a golden statement in uṣūl al-fiqh. Shaykh ʿUthaymīn says that from the principles of fiqh, if something has a general ruling, the ruling remains upon its generality until something comes to make it specific. In the absence of something coming to make it specific, we keep to the general ruling.

All of the ḥadīth say "You should do it. It's good. Do it all the time. I wish I could obligate it but it would be hard upon my nation. Do it. It's pleasing to your Lord. It's cleaning your mouth." Those are all evidences. Where's the authentic evidence that says the fasting one is not to do it? There's no evidence. Until the evidence comes, we go back to the original principle which is that it is to be done by all people at all times.

As for that ḥadīth that they mentioned, that is a ḥadīth which is weak, and we cannot use it at all.

Q: In the first session, you mentioned that the siwāk benefit is both physical and chemical (physical in the brushing, and the chemicals in the siwāk itself). For the modernist, is the equivalent the toothbrush *and* the toothpaste?

A: Correct. Astaghfirullāh, I also want to make sure that I don't leave that impression in your mind that anyone who uses a toothbrush and toothpaste is a modern*ist.* We've proven chemically that the arāk tree has more than just a physical nature to it. There's clearly something antiseptic in its juice/fluid. So yes, you would have to include toothpaste to combine it.

Q: Is it just the arāk tree (inaudible)?

A: We mentioned it last week that Shaykh ʿUthaymīn believes we are allowed to use all trees. That's okay for him to say because he follows the position of Shaykh al-Islam ibn Taymiyyah (you can use anything which cleans the mouth as long as it's good and better than the previous thing). So he's naturally going to have no problem with that. As for the traditionalists, of course they restrict it to just siwāk from the arāk tree. There are some of them that even said that the ʿ illah is actually the ʿ oud itself which is actually why there is such big emphasis on the wood.