janāzah have gone everywhere. She was definitely well prayed over and it is not the system of the Muslims that they just pray *janāzah* over someone for the sake of praying over them. I understand that it is an issue of *fiqh* and there is a difference of opinion [on it].

What is disliked is how an act of *ʿibādah* was being used more for public relations [than for its essence]. Its instigation was to show that we are not going to accept this as a community. You know what, we will not accept any *ẓulm* as a community and we will protest whenever there is something to protest about, so do that. But to use the act of the funeral prayer as a toy almost, is unacceptable. I am not supporting this. I don't know who sanctioned this, and if they did, then it is of course a matter of *ijtihād*, I wish that they didn't play with the prayer like that. Its conditions are specific, and even if you were to argue for the most lenient position, because there are many opinions with respect to whether it is allowed to pray for other people, whether it's allowed to be repeated, whether it's something. And you know people have said that it's only allowed to happen if it has been confirmed that it has never been done for them, or if a person is really important or really big and we need to show respect and so on. If that last opinion is being applied here, that this sister is being seen as really, really important, and we should show respect, then that might be an acceptable excuse.

But to instigate this for public relations is something that is a problem. You are going to set a precedent, which is going to stop where? Let us say for example that one of us in Manchester gets killed in this manner, and half of Manchester pray over this person. But there were people in London who could not make it to Manchester, so they want to do a protest in London and they want to do a *janāzah* prayer for him in London as well. Where does it end?

That that is the kind of precedent that the scholars need to speak out against. This is not the right way of dealing with the *sharīʿah*. The final thing I want to say about this situation. This is a Saudi student, and I wish that the *Saudiyyah* authorities, the embassy staff, and Royal Family recognize that their own people, and the members of their own families are key members in the system that allowed this woman, if she has been killed in an Islamophobic attack, and even if it weren't her, a lot of the vitriol that is happening - they are at the root of that.

People like Walīd ibn al-Talāl, he is someone who has a controlling stake in Fox News and News International I think and whatever and what not. These are the people who fund them and support them and they are the ones who are ramping up that rhetoric which allows for people to be attacked. I am not saying that this attack is an example of that but if you look at the three Emirate sisters, and other crimes that have happened where they are seen as a soft touch. That is something which of course our sisters are at a threat of and people who are at that level.

I also know that this class is being broadcast and is being supported by an organization that is involved with the Royal Family. That is why I wanted to mention

this, because they will see this and they will hear this - that they also need to do their own part which is to put pressure on their own people who are investing in these kinds sources, which are leading to more difficult situations. Anyway, so those are a few points that I wanted to state and Allāh ﷻ knows best.

I hope and pray that we all benefited in this year, that our intentions were made purely for His sake, and that we act upon this knowledge in the correct way. We ask Allāh ﷻ to forgive us for any mistakes we made along the way, and I am sure there were many and that is the nature of *fiqh*. *Alḥamdulillāh*, it was not *ʿaqidah*. We ask Allāh ﷻ to make *Ramaḍān* an easy one for us. This is not even difficult man, all the times are decreasing. Next year though there will be some increasing times then in the next couple of years they will just be increasing. So next three years, five years it is time to make to *Hijra*, you know where? You know where we are making *Hijra* to?

Student: Nigeria.

Ustādh: Argentina. Argentina has the shortest daily fasts in the summertime, 9 hours or something like that. I like the idea of that.

Student: Wow. They make good steak as well.

Ustādh: They make good beef as well, *qasam*. They got good meat, Argentinian beef and Argentinian steak. So we hope *in shā Allāh* that you guys have a good *Ramaḍān* and, *in shā Allāh*, all the best, and all the *duʿāʾs* from the LP team. A request for all of you watching online to make *duʿāʾ* for these *miskīn* guys, mostly *miskīn* Naẓīf and Widad, who both run the whole program. Shazād seems to have retired, I don't know where he is these days, enjoying himself these days, *Allāhu ʿalam*. Hopefully, everyone will take part in the reviews. The forums will also come back to life in a week's time, when I sort my life out *in shā Allāh*, make *duʿāʾ.*

1. The Invalidators of Ablution I

Introduction to the Class

Logical Progression is technically a *fiqh* class where we study a text - a small essay that was written by a classical Ḥanbali scholar that belonged to the school of *fiqh* that was founded by Imām Aḥmad ibn Ḥanbal. This text is called *Zād'l-Mustaqniʿ*. These classical texts are often difficult to read because they are short and they require extensive commentary. What we decided to do was to create a class called Logical Progression. Shaykh al-ʿUthaymīn (who has passed away now and is one of the best jurists of the last hundred years in my opinion) wrote a long commentary to this small essay. He called the commentary *al-Sharḥ al-Mumtiʿ*, which means 'the nice enjoyable or pleasurable commentary' to *Zād'l-Mustaqniʿ*.

When he wrote this book in a manner where, at the very beginning, he basically explained the text that we are studying in a logical way. All Islamic texts start in a logical fashion by praising Allāh, reminding us who we are and why we are here and then moving straight into the most essential aspects that we would require for our worship.

Most people would recognise that there are certain aspects in life that they would sometimes do and sometimes not do, such as certain types of businesses and contracts. If people get into trouble, [they look to] issues of law and retaliation; people get married or divorced [among others]. These are things which should not necessarily happen. Some happen to some, and some don't happen to others. These are therefore not as immediately important (I don't want to say not as important because they are) as the individual acts of worship that we have to do every single day. Of course, at the head of those acts of worship is *ṣalāh* and before prayer can be done, there's purification.

This [chapter of] purification is where the scholars start and that is why we start with purification, but the reason this class is more than a *fiqh* class is because Shaykh al-ʿUthaymīn doesn't hesitate to make a number of points about our creed, belief, *īmān*, purification of the heart, our priorities and various issues, controversies and so on whilst we are actually moving forward with the text. *Māshā'Allāh,* this makes it a wonderful experience for a student and even better for a teacher to be able to use as a guide. Basically, Logical Progression is a class which is loosely based on the commentary. I will mention some points, leave others out, and we'll move forward.

This week, I wanted to summarize all that we've learned in Year 1 and Year 2. For those that have missed some lessons, for those who were here but need a

reminder, for those who have never studied *fiqh* before or have never studied the chapter of purification (*ṭahārah*) before, this will act as a good summary.

Year 1 and Year 2 students already have this in the resources at the top, [and it's] called Logical Progression Tabulated Summaries. These are the taught positions from *Zād'l-Mustaqniʿ*. This is going to be super quick and summarized.

Review of the Types of Water and Purification

We start off with the chapter of water. Water is essential because it is the basic thing that we use to purify ourselves. Purification has to be done before we do any of our acts of worship.

What is purification in principle? I want you to understand that we are in states of impurity from time to time. This impurity is a state of being and not a physical thing. We have two types of concepts of impurity. First, something which might land on you like feces or urine, and those are impure by themselves. Second, we also can become impure, but not physically (you can touch a person and they wouldn't get impure). We are in what's called a ritual state of impurity (*ḥadath*). You are impure because of an action, such as going to the toilet. [We need water] to lift that state of impurity so that we can be pure again, pray, and also do other things that need purification. Water can be divided into two types:

> Quick note - we are studying a Ḥanbali text. The reason this class is so popular is because it's very detailed. We will have the Ḥanbali position and we will also compare the opinions of the other schools (Ḥanafi, Shāfiʿi, etc.), the status of the Companions (which came before the schools), the positions of the *salaf*, the statements and the positions before the *imāms*, and also the contemporary opinions on the same issues. We will not restrict ourselves to just the Ḥanbali position. We will also determine what our class position is based upon our own study and based upon my permission as a teacher (teaching you *fiqh*). All of these options are open to you with no restrictions.
>
> When we now mention points, these are the summarised points of our class for the last two years. We say that there are two types of water - others will say three, yet others will say four. We are now going to move forward and say this is our class position.

We believe that there are two types of water. First, water that is pure and purifying, meaning that it is pure itself to drink and also that it can be used to actually clean as well. We also believe that there is a second type of water that is *najis;* meaning that it is impure. It is filthy and filthy water cannot be used to purify.

As long as water is considered water by the people; as long as people recognise it as water, we will consider that to be pure and purifying. It is a very simple opinion. It doesn't require a lot of the enquiry and analysis that other *madhāhib* want. As

long as you see water and you consider it to be water, then it will be assumed to be pure.

That state of impurity (*ḥadath*) is lifted by water and lifted by dirt. When we say 'by dirt', it means that in the absence of water, [we can perform] the action of *tayammum*. In the absence of water, we have the ability to use fresh dirt, fresh earth, or dust to purify ourselves (which we will talk about later).

Filth (*najāsah*), by the way, whether it is on our clothes or whether it is in our area [of prayer], then we believe that the place will become clean if you remove that filth by any means. It doesn't need certain types of material, nor a certain number of times; we just require that it be completely removed by whatever means you have at your disposal.

Water itself is considered to be pure as long as something is not mixed with it. If something is mixed with it and it dominated its characteristics (e.g. if grease or camphor or something like rose mixed in it and becomes so intense, [that the liquid] is now more identifiable as the secondary component), then it loses its title as water. Anything which mixes with that which is soluble, such as salt or has growth in it (such as plants) does not affect the purifying nature of water. Even some salt which is dissolved in it and even those things like mud, plants, etc. - it will not be a problem to use that as well.

Likewise, water will never become impure just because it is a small amount, unless the taste of that water changes, the smell of that water changes, or the colour of that water changes significantly, [to the point] where we see that we cannot recognise [it as] water anymore.

What do we know about impure water? We will say that impure water is impure regardless of its quantity, as long as it, itself, has lost its state or its description of being clean. Once it becomes *najis* and it appears *najis* to us, that is it. That filthy water, if we are able to remove the *najāsah* from it, becomes purifying once again.

That is all I want to say about water and the key things about water.

Review of the Chapter of Implements and Utensils

Things, utensils, implements - these are all pure and clean as long as they are pure and clean. What I mean by that is: us Paks especially have this thing about not touching that which is owned by Hindus, by *kuffār,* especially now when we just had Diwali and a lot of Paks get stuff from their neighbours. My father will not touch a single thing that has come from the house of a Hindu. I don't know why. Some of their sweets are so nice, but my dad is not interested.

What we need to avoid are implements which are made of gold and silver. We want to say that one can purify themselves from it, but should not use them for eating and drinking. However, using gold and silver in other items that are used by

men and women is something which is allowed. Those implements of the non-Muslims (like clothes and so forth) are allowed.

You might think, 'Where is this discussion coming from?' This discussion is coming from the fact that most of their stuff might be in contact with filth and things which are impermissible. For example, it is made out of pigskin or maybe because they have a different type of *najāsah* on it, we can't use it until it is clean. Some people say that even if you wash it a hundred time, it would never become clean. That is obviously a Pak exaggeration. It will be clean. If they used gold and silver, then I would want to avoid that as well.

Then we come to the issue of the skin and we have an important thing to say about skins. Skin can be purified by a process called tanning, which is a long process but you can look into it yourself. Tanning the skin of an animal which was *ḥarām* to eat will not actually be purified in our position. If an animal is *ḥarām* in itself to eat, then regardless what you do to it, its skin will not become pure. There is so much difference of opinion on the issue of tanning. You could choose so many different opinions; from the extreme that nothing is tan-able and to the other extreme that even a pigskin can be tanned.

The milk and the other parts of dead un-slaughtered animals are also considered *najis* as well.

Review of Chapter of Cleaning the Genitals

The next chapter is the one of cleaning the private parts - what we call *istinjāʾ.* [It precludes the] first part of the *wuḍūʾ* process, the cleaning of the private parts before you clean the rest of yourself (arms and face, etc.) We believe it is recommended to say a number of *duʿāʾ* and you can see those through the notes as you go into it.

There are a number of actions which I think are easy for you to read as opposed to me explaining it now, because they are very simple to read and they do not require any *fiqh*. I just wanted to mention what is *ḥarām.* It is *ḥarām* to be urinating outside in the way of the people or on paths that people use or near trees and so on which people benefit from. It is also *ḥarām* to urinate whilst facing the *qiblah*, and this is inside or outside a building. Now there are a number of differences of opinion on this, but this is the one we chose for our class.

The concept of *istinjāʾ* and *istijmār*:
You have all heard of *istinjāʾ. Istinjāʾ* is when you clean your private parts with water but there is something else which is called *istijmār. Istijmār* is when you use anything other than water to clean the private parts. Now classically, that would be clods of earth, pieces of mud, etc. That is what we would use back in the day. Nowadays, it is basically toilet paper. When you clean yourself with toilet paper, it is called *istijmār*. We taught everyone that *istijmār* (the cleaning of yourself or your private parts with something hard, not using water)… not only was that quite fine, but that actually was the basic principle according to the Companions.

The way of cleaning oneself for the Companions was to use clods of earth and to use anything other than water. Water was a luxury; [actually] even now water is a luxury there. Water was a luxury back then and water was seen as an additional aspect [which only] those who had it would use.

Istijmār (the cleaning of one's private parts) is something which is very good. That thing which you clean yourself with (that stone, clod of earth, or paper) has to be pure. You have to make sure that it cleans the entire area. It is not allowed to be animal dung, it cannot be bones, and it cannot be food either. It cannot be something that which has some kind of sanctity which has some respect or honour intrinsically, and it cannot be a piece or part of animal.

It is a must that you wipe three times, if you are going to use something. If you are going to use toilet paper, for example, you better make sure you have at least three pieces of toilet paper. If you have only got one part, then divide that into three parts and be incredibly surgical in your cleaning.

Water does not need a certain number of pouring or anything - just a constant pouring or spraying. The main condition is to clean the area.

REVIEW OF THE *SUNAN* OF ABLUTION

Then we move on to the chapter of ablution, *wuḍūʾ*.

We believe it is *Sunnah* to say *bismillāh*, the *basmalah*. Know that when you study with us, we will give very accurate terms. The statement '*basmalah*' means to say *bismillāh*. When we say, "Say *bismillāh,*" that means before you eat or before you do this, say '*bismillāh'*. When we say "Say the *basmalah*," (*bas,* with a *fatḥah* or *zabar)* then that is to say "*Bismillāhiʾl-Raḥmāniʾl-Raḥīm"* - the complete statement.

The *siwāk* is the toothstick which we all know. The *miswāk* is called *as-siwāk*. We believe that to use the actual twig from the Arak tree is the one that gets the most reward. However, the function of *siwāk* and reward for using the *siwāk* is *Sunnah* especially at times when you wake up, when you go to sleep, before and after prayer, during *wuḍūʾ*, and any other time when the mouths taste changes. If you use something else like your toothbrush because you might be carrying a toothbrush around with you, [that is fine as well].

Then we talk about *wuḍūʾ*. In terms of *wuḍūʾ*, we will quickly now show how the *wuḍūʾ* is done. Washing the hands three times at the very beginning is an act of *Sunnah*. It is not obligatory to wash the hands straight up; the only time it is obligatory to wash the hands is if you have just woken up from sleep, because you don't know where your hands have been or because you know that your hands are dirty.

You will then rinse the mouth and the nose. The rinsing of the mouth and the nose can be done individually or in one go. So either into the mouth, clean and spit and then the nose separately then clean with a little finger etc.; or you do it all in one go, which is the *Sunnah* of the Prophet ﷺ (water into the mouth and into the nostrils, then squirt out from the nose and mouth at the same time, using your finger as well). Then it would be the washing of the face, and then running of the fingers through your beard, which is a requirement.

Wash the right arm and then the left arm, one turn minimum.

[Before you wash the arms,] the face [must be washed] completely and entirely, from top of the head all the way to the side, then all the way down, running fingers through the beard. That's one [pass] as a minimum and three as recommended.

[This is followed by] the arms to the fingers. If you didn't wash your hands the first time, then this is the first time you are washing your hands. Three times is a *Sunnah*. [Wash the right arm,] then the left [arm], then you wipe the head.

Wiping the head has a number of levels of excellence. It is sufficient to [wipe from the front to the back of the head] for the obligation to be covered. But if you want to do the *Sunnah,* then it is from the front to the back and then the back to the front. If you have long hair, it's permissible for you to do it in [a single wipe from the front to back].

The obligation to clean the ears is just to do the inside, which is called the *thaqab*. The *Sunnah* is for you to use your fingers to go around and in and out. You will find all the details of this in [previous] videos of making *wuḍūʾ*, in the *wuḍūʾ* section as well.

You will [then] wash the feet, starting from the right [foot before doing] the left, up and to including the ankles. It is *Sunnah* for you to go through the toes.

We talked about circumcision. Circumcision is something which we said is obligatory for males as long as one does not fear dying as a result of it. These days *inshāʾAllāh,* that's not a problem. For the males, this is the removal of the foreskin. We believe that it is something that is permissible for females; my position is that we do not consider it something to be recommended and I don't consider it to be a S*unnah* for the females, but we believe it has benefits.

What is female circumcision? It is the cutting of surplus skin on top of the labia, which is what we actually call hooding. It is effectively the trimming of the clitoral hood and *not* what we clearly know as genital mutilation, which is the practice of some people and some cultures. This is something which is *ḥarām* in the *sharīʿah*, and what has been designated as illegal, whereas the one which we know to be *Sunnah* is a cosmetic procedure which is done in the West. If you just say, "I want a clitoral hooding," they will do it and celebrate it and put you on the cover of US Today and Vogue. Whereas if you do it and say "I am a woman and I want to be circumcised," then you might be shipped to Guantanamo.

Shaving the head, a practice called *qazaʿ* (which is impermissible), is to cut part of the hair and leave others. We went into a lot of detail and I gave a load of photos [in that particular lesson]. I went through each photo showing you which is *qazaʿ* and which is not, which is impermissible and which is not. Basically, it is clear - you would see when a person has got delineation between shaving and not shaving.

I can tell you now that it was pretty much under control for the last few years among Muslims, but it has exploded after this [last] World Cup and after Sergio Aguero came back and made that line [in his hair]. Now, we see everyone doing it. Obviously, these are things which follow popular sports stars. They have started that trend where they designated the clean shaven line and then there's [the style where it's] clearly shaven along the sides and that has become very common. A number of scholars have said that it is impermissible, and the *ḥadīth* seems to indicate that. However, our class position and [the position of the] majority of the scholars is that it is a *makrūh* action, not a *ḥarām* one.

We talked about what is actually *ḥarām* when it comes to imitating non-Muslims. Is everything *ḥarām* when it comes to imitating them?

So we said that the imitation of the disbelievers is of two types:

1. In the religious matters
2. In the non-religious matters

In religious matters, it is impermissible and in the non-religious matters, it is permissible. However, there is a type of *ḥarām* imitation and that is even in the non-religious matters. That is those non-religious matters in which the copying is being done with a deep desire and love to be like them, as part of that system that they are producing or whatever. You want it to be part of your identity and by that identity, you are replacing something which is already Islamic or is already established by Allāh and His Messenger ﷺ. That is an impermissible aspect, and we went to a lot of detail about that.

Review of the Obligations of Ablution

For *wuḍūʾ,* [we'll do] just a quick reminder of what the obligations are. So I gave the detail version of *wuḍūʾ,* but these are musts - you must do the following things.

Number one, you must have an intention that you are about to make *wuḍūʾ*. The statement of saying *bismillāh*, as I said for the Ḥanbali school, is an obligation; but for us, it's just a S*unnah*.

According to Ḥanbali school, one needs to do the *maḍmaḍah* and *istinshāq* (meaning the cleaning of the mouth and nose). But I want to say to you that according to our class, this is not the first obligation - this is a *Sunnah* act. So then washing the face once is the first obligation, then the hands up to and including the elbows is also an obligation. Then [wash] the hands, and then the head and the feet.

Maintaining the actions in that order is an obligation. Finally, making sure there is no big break in between so that it's all one continuous act is the last obligation.

Review of the Chapter of Wiping Over Footwear

Finally, we said that wiping over the socks is something permissible. It's permissible to wipe over the socks for a person at home normally for 24 hours, and for 72 hours if you are a traveller.

First of all, when we say 'wiping over the socks', we are talking about the *khuff* which is the leather sock, which has no problem about it. We also believe that it is permissible to wipe over every other type of sock, as long as it's not like one of those gay socks. You know those lycra socks? They are not lycra, but you know what I mean? Those socks that looks like women's tights. When I see that behaviour I think to myself, 'Son, I hope you're making *mas-ḥ* over those socks because those socks are not socks.'

We believe that it is okay as long as it is not something which is impure by itself. When we say 'impure by itself', what do we mean by that? The two conditions to wipe over something are:

1. It has to be ritually pure. It cannot be *ḥarām li ʿaynihi,* meaning intrinsically *ḥarām*. What would that be? It cannot be something made from pigskin for example - that would be *ḥarām* by itself.
2. The sock has to cover the majority of your foot. It can be cut up, it can have holes, it can be a Pak sock - that is no problem, but it cannot be so ripped and patched that it does not even cover half of the foot. It has to cover most of the foot.

We not only allow a person to wipe over their sock, but also his turban as long as it is covering the head mostly and it is difficult to take off. We also as a bonus allow our sisters to make *mas-ḥ* over their *ḥijāb,* as long as they do not make a habit out of it – that is no problem *inshāʾAllāh*.

Now what did we say was the time period for the socks? When does the actual time period start? From the first time that you actually wipe. Not from the moment that you put them on, not from the time that you broke your *wuḍūʾ*, but from the time that you actually have to make *wuḍūʾ* and you wipe, which therefore actually extends this 24 hour period which is actually very convenient. You could make 30-40 hours of it, especially if you are, you know, chillin' like a villain, as they say. What else?

You can wipe over a splint, you can do this and that. What else? I think we have covered everything. I think we are done, folks.
That is a summary of two years of *fiqh*!

Introduction to the Chapter of Invalidators of Ablution

We start a major chapter, *Bāb Nawāqiḍ al-Wuḍūʾ* - the Invalidators of Wuḍūʾ. It's the chapter of those things that break our *wuḍūʾ*. Ablution is the phrase that we use and *wuḍūʾ* is obviously in Arabic and we have talked about its origins [in past lessons]. Ablution is a very good translation because ablution is something which other religions do. The Catholics and [some of] the Christians usually have their type of washing they do before their worship. Therefore, ablution is the perfect translation of the word *wuḍūʾ*.

يَنْقُضُ ما خَرَجَ من سَبِيلٍ وخَارِجٌ مِنْ بَقِيَّةِ البَدَنِ إِنْ كَان بَوْلاً، أو غَائِطاً، أو كثيراً نَجساً غَيْرَهُما
وَزَوَالُ العَقْلِ إِلاَّ يَسِيرَ نَوْمٍ مِنْ قَاعِدٍ أوْ قَائِمٍ

Ablution is invalidated by:

1. Anything that exits from the urethra or anus
2. Any amount of urine or faeces, or large amounts of filth, which exits from other parts of the body
3. Losing consciousness, except for a slight amount of sleep whilst sitting or standing

That's the text. That is the first three of nine [invalidators]. We look at the first page of the Arabic text, which is on page 268 [of *al-Sharḥ al-Mumtiʿ*].

Nawāqiḍ is plural of *nāqiḍ,* which means invalidator. If you want to pluralise an Arabic word that is inanimate, it will take the form structure or the weight of the Arabic verb *fawāʿil*. *Fawāʿil* is the root form of verb, and you put in *nūn* (ن) *qāf* (ق) and *ḍād* (ض) and *fawāʿil* becomes *nawāqiḍ* - this is a basic rule.

Wuḍūʾ is the purification that one does to lift the state of ritual impurity. You do this action (*wuḍūʾ*) and your state of ritual impurity disappears.

If there is anything that you learn from today it's this, and it is a beautiful benefit to go home with: All of these words have a different meaning if you change the *ḍammah* on the first letter of the word. When you change the *ḍammah* on the first letter of *wuḍūʾ* to a *fatḥah (waḍūʾ),* what happens?

Student: It changes its meaning.

Ustadh: What does it change its meaning to?

Student: It's the water you use.

Ustadh: Excellent, very good. Once you make it a *fatḥah,* then it becomes that thing that is actually used to do the action you are describing. *Waḍūʾ* (with a *fatḥah)* is the water that allows you to make *wuḍūʾ*.

Some examples are: *ṭuhūr* [with a *ḍammah*] is the process of purification, but *ṭahūr* [with a *fatḥah*] is the water that you use to do that purification. This would be the water for *ghusl*, so it could be a lot of water. You could say, "I would like to do *ṭuhūr*. If you don't mind, can you please bring me some *ṭahūr?*" You would bring a whole load of water to have a bath with and everything. You would say, "I want to make *wuḍūʾ*, can you please bring me some *waḍūʾ*?" which is the water to make ablution with.

This is across the Arabic language. For example, when you wake up early, as we did in the last couple of days for fasting… When you wake up for your s*ehri* – because we're Paks, we've butchered that word hard core. The word *sehri* comes from the word *suḥūr. W*hat is *suhūr*?

Let's change the *fatḥa.* If we make it *saḥūr. W*e've got *suḥūr*. Now that I've told you that there's a system when you change the *fatḥa/ḍammah* on the first letter of the word, you get different meanings, I will let you work it out. What is *saḥūr*? What is *suḥūr*?

Student: The *saḥūr* is the food.

Ustadh: *Suḥūr* would be?

Student: The eating of the food

Ustadh: Good! Excellent!

Saḥūr is the food itself and *suḥūr* is the act of eating the food. We know of course that the act is the one which is blessed, not necessarily the *saḥūr*. This is a benefit actually - if you look at the *ḥadīth*, you can identify what the Prophet ﷺ made blessed. If it were *saḥūr* that was blessed, we'd have to have certain types of food.

We know that the Prophet ﷺ ate very little and we also know that he used to have dates. Now if he had made the *ṣaḥūr* blessed, then we would have to eat the food to get the reward. By the mercy of Allāh, it is the *ṣuḥūr* which is blessed or the process and the time. This means that if you want to do the Pak version of the glass at the bedside (that has never been done, of course), then this is fine and you can take part in the blessings of *ṣuḥūr*. This is because it (the water glass) is part of the process and time of *ṣuḥūr*.

It is a part of the process because we know that the time (before *Fajr*) is already blessed. How do we know that? Because the people of *taqwa* and *iḥsān* are up at this time. What are they doing?

Student: *Istighfār*.

Ustadh: Right. Allāh *subḥānahu wa taʿālā* says in *Surat Adh-Dhāriyāt* (verse 18),

﴿وَبِالْأَسْحَارِ هُمْ يَسْتَغْفِرُونَ ١٨﴾

"..praying at dawn for God's forgiveness,"

It is a special time to be up anyway and we know it is the *suḥūr* that is blessed. Anyway, that is an interesting point (to keep in mind).

Now when we talk about the invalidators of *wuḍūʾ,* there are two types of things that break the *wuḍūʾ*. There are the clear things about which there is no doubt. These would be the things on which there is a clear *naṣ*, or a statement of a *ḥadīth* or *ijmāʿ* or consensus of the scholars. Examples would be urination or defecation.

The other group of invalidators are those which are not clear and are based on *ijtihād* of the scholars, which we will cover in the next few weeks. Some examples of these are vaginal flatulence or vaginal discharge.

Contemporary Issues Q & A

Q: Can one pray *ṣalāh* if they are really sweaty after or whilst working out at the gym? Please don't laugh, but this is my logic; urine is *najis* and [so] when you sweat, you sweat amino acids and urea as well as excess water. Urea equals urine?

A: Honestly, if this was true, we would be in big trouble. No this is not the case, but we will cover this though. It is actually a serious question. Is sweat considered filthy or not? You've actually just preceded the next few week's lessons. So it is permissible to pray in the gym.

Q: If the bride and groom have the *nikāḥ* but do not have their *walīmah* until months or years later, are they allowed to consummate their marriage or do they have to wait for the *walīmah*? The reason they have to wait for their *walīmah* is because the bride's two older sisters aren't married yet and her parents will not allow her to get married until at least the eldest is.

A: So let me just make something clear: marriage in the *sharīʿah* is the *nikāḥ*; it's nothing to do with the *walīmah*. The *walīmah* itself, some differed over its obligatory nature or not.

There's three things here that we don't want to confuse. The *nikāḥ*, which is technically speaking (not just [its] practical meaning) the contract of marriage. Once that is done, once the *walī* of the girl accepts the offer which is given by the boy, in front of the *imām* and two witnesses:

Groom: “I would like to marry your daughter.”

Walī: “Ok, I accept.”

Walī: “On what basis?”

Groom: “On this *mahr*.”

Walī: “Are you going to pay it now?”

Groom: “No, I’m going to be a Pak and pay it in 20 years time.”

Walī: “Fine, no problem”

If witnesses and everyone is happy, it’s signed. This person is now married and that’s it. It doesn’t need to be told to the world. There doesn’t need to be a party, there doesn’t need to be food. Done.

What does that make you do? The boy and girl have probably been in contact already, they’ve been speaking to each other and whatever. What was impermissible before was obviously any physical contact and also being alone, by themselves.

That's the *nikāḥ*. That's done. And as a result of the *nikāḥ*, what can happen now? Everything can happen. So we are talking consummation of the marriage, being alone, going out, dates, everything can happen because the *nikāḥ* is done. The rest is now cultural nonsense. Once the marriage has been consummated, after that it is *Sunnah* to then have a party. A large gathering which is called a *walīmah*.

To answer this question, the marriage can be consummated and everything can happen because the *nikāḥ* is done, and the *walīmah* can happen publicly later on. The whole reason the *nikāḥ* was done early was to make sure that there's no *ḥarām* between. It's no problem with them delaying the *walīmah* or public nature of the marriage, as long as the witnesses and we know the marriage has been done, that's the key thing.

Q: A non-Muslim in our university community passed away a few days ago from meningitis. Is it permissible for men and women to attend his funeral and is it okay to send his family flowers?

A: Yes, it is permissible to give condolences to the family and it is good to do that. Sending flowers is no problem at all, that's the general understanding of respect. They should be visited and nice words should be said. You should say general things without saying anything that is *ḥarām* (e.g. saying "He is in a better place") - these kind of natural things that we say which are not allowed.

There is an article that I've written called *Is it permissible to attend a non-Muslim funeral?*

The question is about attending the funeral. The funeral can be attended as a mark of respect as long as it does not have any religious connotations.

The reality is that most of them do. If there is a service in the church, it's impermissible to be a part of that. If you feel that it's difficult to avoid that, you'll attend early and meet the family to let them know that you are there and then leave. Sit outside and come back once everyone is coming back out. They know that you were there. To be part of that gathering is to do something which is *ḥarām*. If it's a cremation or something like that, then one should not witness the cremation as its *ḥarām* to cremate. It's okay to be in a wake, as it's all rubbish.

2. The Invalidators of Ablution II

The text is:

Ablution is invalidated by:

1. Anything that exists from the urethra or the anus
2. Any amount of urine or faeces or large amounts of filth which exists from other parts of the body
3. Losing consciousness, except for a slight amount of sleep whilst sitting or standing

Our focus today will be on numbers 1 and 2. The last thing we said last week was that the invalidators can be put into two categories: that which there is consensus over and where there's a difference of opinion. We will cover the issues where there is no doubt with evidence from the Qurʾān and Sunnah and that is to do with faeces and urine. Then we'll start talking about where the difference of opinion is.

Anything Which Exits From the Two Passages

The first statement is that which exits from the urethra or the anus.

يَنْقُضُ ما خَرَجَ من سَبِيلِ

The *sabīl* means 'the path'. The reason it's called 'the path' is because that is the route that they are taking. The technical term is the urethra or urinary tube. The male and female urethra is where the urine comes out, so we're talking about the front and about the anus which is where one defecates from – the back passage. These are the two passages which are considered when we are talking about *fiqh*.

What is essential is that we talk about the non-obvious things; these are the obvious things. We are going to get frank. I feel it is obligatory upon me that the elderly and the youth understand their anatomy - especially their private parts - because that is where we are so ignorant. For example, the urethra for the man is a single tube and the female has two tubes. The male would ejaculate and urinate through the same tube and that is significant, that would become clearer later on when it comes to the issue of *fiqh*. As for the woman, she has two separate tubes and she only urinates through one of them. Those are the basic anatomy points that we need to have.

We start with *'min sabīl'* (this is referring to either the front or the back), and 'that which comes out' (*mā kharaja,* meaning that which exits). According to the Ḥanbali *madh-hab*, that which exits is referring to that which is *muᶜtād* (normal) and that which is not normal. What is normal? Urine and feces. We say that the *sabīl* (meaning

the path or route) is referring to the back and the front, or the urethra and the anus. What comes out (*mā kharaja)* according to the Ḥanbalis is referring to everything that comes out, ordinary and non-ordinary. Ordinary is of course urine and feces.

المعتاد كالبول، والغائط، والرِّيح من الدُّبر

Listen carefully. That is referring to the urine from the front, feces and wind (passing flatulence) from the back. These are the three normative things which come out from the two passages and they break the *wuḍū'* and that is because Allāh ⋂ says in *Sūrat'l-Mā'idah* (verse 6),

(أَوْ جَاءَ أَحَدٌ مِّنكُم مِّنَ الْغَائِطِ٦)

"...or has just relieved himself,"

This is the reason for you to make *wuḍū'*. The other evidence is in the *ḥadīth* of Ṣafwān ibn ʿAssāl (on page 241 of the *Sharḥ*) when the Prophet ﷺ said,

ولكن من بول، وغائط، ونوم

[Meaning] *wuḍū'* should be made from when you urinate, defecate and when you go sleep, and we will cover that later[1].

The other evidence (back to the topic at hand on page 269) is the hadith of Abu Hurayrah and ʿAbdullāh ibn Zayd. They said,

لا ينصرف حتى يسمع صوتاً، أو يجد ريحاً

It is a very nice *ḥadīth* which has many benefits which we will cover later on. A basic translation of the *ḥadīth* is that he should not leave the prayer line until he hears a sound or smells something. This is referring to the ruling of a person who is in prayer

[1] 'When we were with the Messenger of Allah ﷺ on a journey, he told us not to take them off for three days except in the case of *janābah*, but not in the case of defecation, urinating, or sleep.'"

This *ḥadīth* is narrated by Imām Aḥmad and al-Nasā'i. *Sunan al-Nasā'i*, Book of Purification, Chapter: Wuḍū' After Defecating And Urinating, *ḥadīth* no. 158

and the *waswās* comes to him or her and then they feel that they have passed wind. That is not just for the prayer, it is for every scenario where you are not sure and you think you felt something but it could residual wetness or it could be your underpants. The point is that the Prophet ﷺ said that a person does not need to leave to make *wuḍū'* until he hears a sound confirming the fact or smells an unpleasant smell which also confirms the fact.

Feeling by itself confirms nothing, and this is a very important principle in our lives because we are always thinking *'Did something happen? I am not sure.'* In this *dīn*, there are many indications that certainty is never removed by doubt and doubt is everywhere all the time. That's how it should be dealt with.

It is common for you to be thinking, '*Did you go to sleep or not? Did you break your wuḍū' or not? Did you pray three or four or not?*' The majority of the time, the *waswās* is *Shayṭān* playing you because that's how he destroys a person. The most important thing you have to do when you get *waswās* is to take control, and do not panic because a lot of people then panic and that increases the *waswās*. When the *waswās* comes you, say, "I'm in a situation of doubt but I'm not going to let *Shayṭān* play me. I'm going to stay in control".

I'm not sure if I prayed three or four, so I'm just going to pray three. I'm going to assume that I've done three and then I'm going to do another one to make it four. In *wuḍū',* you have to be even more hardcore. You obviously can't be reckless and just chuck things in the air and assume nothing. You can't just be completely irresponsible, but you'll see with this *ḥadīth* - and it's such a frank *ḥadīth* - unless you smell an unpleasant smell or you hear a sound, it doesn't matter what you feel, and that's very interesting.

We've got two scenarios. You have a person who definitely knows that they have passed wind, and if they definitely know that they passed wind, then it doesn't matter whether they smell anything or hear anything. The scenario we're talking about is when there is uncertainty and you listen for the sound or you smell it, and that's it. Those are the agreed upon points there's no doubt about it.

In *wuḍū'* it will be a bit different, because the only time you will apply it in *wuḍū'* is 'where' you washed it, not the number. Once you've washed it once, you fulfilled the obligatory. Washing three times is a *Sunnah* anyway. It doesn't matter whether you mess up the numbering, as long as you washed it once. If you're washing yourself and thinking, '*Did I wash this part or not*?' and you run your hands over it and your hands are wet… It's based upon one's knowledge and on one's norms.

Those are the *al-muʿtād* (the normative things that come out), these three things that come out of these two passages.

What about *ghayr al muʿtād* (the abnormal)? The first and the most common is vaginal flatulence. Passing of wind from the front (for the women). On this issue, there is a difference of opinion between the scholars. You have those that said that it breaks *wuḍūʾ*, [and this is the] position of the Ḥanbali school. The other *ʿulamāʾ* said that it doesn't break *wuḍūʾ*. We've got no text for this from the Qurʾān and *Sunnah* that says that this definitively breaks the *wuḍūʾ*. Now we need to use *ijtihād* (an analogy to something else).

The Ḥanbalis made a straightforward *qiyās* and said that what comes from the back is flatulence that breaks the *wuḍūʾ,* and what comes out as a waste product from the back also breaks the *wuḍūʾ*. We also have a front part. The waste product is the urine and flatulence is the same. This is something which is very common. It's very rare in a man (phallic/penile flatulence).

Shaykh al-ʿUthaymīn says,

ولا أظنُّها تخرج من الرِّجَال، اللهم إلا نادراً جدا

It does not come out of a man, except for very little.

I'm going to carry out the same argument that it doesn't break *wuḍūʾ*. They give some more examples of what else can come out. Stones can come out from the front and the back. There are two types of stones - kidney stones are very common from the front (urethra), but then there might be other stones (something that you might swallow and has to be defecated). What if a person swallows a seed? Does that break *wuḍūʾ*? In *al-Mumtiʿ*, Shaykh al-ʿUthaymīn leaves that open-ended and doesn't give a position. I know that his position is that anything other than *al-muʿtād* that comes out of the front or back does not break *wuḍūʾ*. We will see his argument later on.

The *wuḍūʾ* is a state. Once you enter into that state, you are now pure. If you are going to break someone's state, you are going to have to do it with clear evidence from the Qurʾān and *Sunnah*. You entered into that state with the Qurʾān and *Sunnah*. *Wuḍūʾ* is something you enter into using a *dalīl sharʿi* because *wuḍūʾ* is not normal. You don't walk around and be in *wuḍūʾ*. You have to do things, and those things have been obligated by the *sharīʿah* in a very specific way (called *dalīl sharʿi*) and evidence from the Qurʾān and *Sunnah* in a very specific way.

You enter into that state. To break you from that state, you also need to have *dalīl sharʿi* and in the absence of a clear *dalīl sharʿi* (a clear text), then you remain in that state. So this is the basic argument and he is going to continue that all the way through. So just remember that, it's going to keep on going.

Now, listen also, what we're talking about are those things which come out both from the front and the back; we can divide them into two categories:

1. Those which are impure (such as faeces, urine and so on)
2. Those which are pure

What would be [something that could come out that is pure], for example? Stones are pure. What else? Seeds, yes. What else? Use your imagination. There is something which is super obvious . Something which you are not thinking of because *māshāʾAllāh* you are all nice *shareef banday*. There's something, you need to let your imagination go a little bit. Sperm.

What's sperm, *najis* or not? Is sperm impure or pure? Is it *najis* or *ṭāhir*? The majority of the scholars say that of course it is *ṭāhir*. It's *ṭāhir* (pure). Therefore, that raises the question: does something which comes out which is pure invalidate the *wuḍū*ʾ?

What are the impure things? Let's do the impure things. Faeces, urine… what else? From the front and the back passages. Blood could come out. Is blood impure? There is a difference of opinion, which we will be coming to it in a couple of weeks' time. Blood is pure *in shāʾ Allāh*. Blood is pure. Otherwise we would be in big trouble. The *mujāhidīn* [wouldn't be able to do anything and] there would be no *jihad*, no nothing. We would be a pacifist religion. But this is the most practical *dīn* on the planet.

There are actually so many evidences for the purity of blood that it's a very good discussion and it's a scholarly principle of opinion… we'll come to it [in its own time]. So let's not include blood for the sake of argument for now. What else?

Yes… wind. I don't even know actually. Is it pure? I mean I don't expect anyone to want to try and find out if it's pure or not and you do beat your brother up when he does it like that, because there's always big brothers who do it to the younger ones. But I don't know whether that's pure. I don't even know. Can you get purity in gas?

Student: [inaudible]

Ustādh: Yeah that makes most sense to me. It's closer to impure because it does have particles. It is not complete, dissolved, whatever the word is. And the smell is the result of bile and X and Y in a gaseous form. It's not gaseous, isn't it? It's vapour. You know why it's vapour? It's vapour because it has taste. You can taste it in your mouth if you burp. Can you taste a gas?

It's interesting, *wallahi* I don't know. Shaykh did not include it here. But what he did include was prostatic fluid, and that's something that we're going to be looking at - *wadhi*, and *al-madhīy* and *al-manīy*.

These are the three types of fluid that are emitted in men and women just before sexual activity, or [as a result of having] wet dreams, etc. The two of them are impure, and the sperm is pure. We will be covering that in detail, so don't worry.

So the point here is that there is more than just one thing. We know that there is more than just one thing in the issue of what comes out. There's a consensus of the scholars on the three, and a difference of opinion on the others. The **class position** is that the others do not [break your *wuḍū'*], because they do not have a clear evidence from the Qur'ān and *Sunnah*.

So if a kidney stone came through your urethra, it would not break your *wuḍū',* and if there is vaginal flatulence (as women have regularly), it would not break your *wuḍū'*. Why? Because of the lack of evidence.

Large Amounts of Filth Exiting Other Orifices

The next point is: any amount of urine or faeces or large amounts of filth which exits from other parts of the body. Now what's this part? This is a *fiqh* text that was written a long time ago, but it is predicting and talking about stoma and ostomies. It is referring to vomiting as well.

An ostomy and a stoma, for those who don't know, is when for example, you have some kind of problem or you might have cancer. Say your urethra is gone or your anal canal is gone. We now need to now keep you alive and we need to get the waste products out. So we basically need to create a forced exit, and therefore we make a hole in the body and we will try to directly connect it to the large intestine or small intestine. Then we will try to make that the exit, and you will defecate and urinate out of this opening.

Now, obviously this is a very well-advanced area of medicine today. And you won't know that until you are unable to go. There are times, for example, when you have temporary illness such as a urinary blockage for some reason, [or you are] taking some kind of medication, or you have constipation (and you know just how much painful that can be) and you appreciate [that process]. If you go to the ostomy, you will make *tawbah.* You will; it's a real trial.

Depending on where it is, the ostomy might be an ileostomy or colostomy, which is on the colon. The word 'ostomy' refers to a hole on the external surface. It's basically the exit. Even though people use [both words] interchangeably (e.g. 'my uncle has a stoma' or 'my uncle has an ostomy'), the word stoma actually refers to the cutoff point of the actual organ (where it is coming from). So whether that is the anal canal or whether that is the urethra itself, that is the internal part, and the ostomy is the external part with bags connected [to them].

This happened back then and it happens now. So the question that is being asked is that when a person has one of these on and defecate through it, are they defecating?

Because you are not going through the back and the front passages. That is the question at hand.

The majority of the scholars (and there is very little doubt about it) [say that] if faeces or urine comes out of any part of the body in a small or large amount, it breaks the *wuḍūʾ*, because the actual issue is the coming out of the actual *najāsah*. This is the position of the majority of the scholars.

There are some of the *ʿulamāʾ,* as Shaykh al-ʿUthaymīn : says, who say that if the exit point (the ostomy) is above the stomach, then it does not break the *wuḍūʾ*. If it is below or including the stomach then it does break the *wuḍūʾ*. You might think, what is the practical point of that? Why are they making that point? They are making that point for vomiting. They are basically saying that we divide the body into two parts:

1) Everything which is near the stomach and below the stomach is waste product based, and therefore it will be treated as if it is coming out of the front and back and breaks the *wuḍūʾ*.
2) Anything which is coming from above the stomach does not break the *wuḍūʾ*.

Now this [second part] needs to be discussed, because it's [referring to] vomiting. There are a number of scholars that have discussed that vomit breaks the *wuḍūʾ*. Vomit can be classified into a number of things and is also a waste product. Of course the problem is that when you vomit, it's [considered] a waste product to the layman. When you look at it, it stinks and is horrible, but there is actual a lot of goodness left in there that the body still needs to take away. Am I right?

Student: It is not technically waste.

Ustādh: The body has not finished with it, has it? It will still take a lot of fluid from it. It will still take a lot of glucose from it and then it goes further down the intestine [before] becoming waste.

When you vomit, it is not actual waste. Is it *al-ziyādah* (something extra, above and beyond what you would need at that time)? Well, technically it could be, because when it comes out, it does not cause any problem or any kind of deficiency.

Let's look at what Shaykh al-ʿUthaymīn : says. He says that this statement and position of the scholars that says that everything above the stomach does not break the *wuḍūʾ* is the position of Ibn ʿAqīl. Ibn ʿAqīl is the name that you all would have heard before and will hear many times. Ibn ʿAqīl passed away in the year 513H. He is one of the major scholars of the Ḥanbali *madh-hab*.

He is one of the big *imāms*, one of the sources, one of the references that you go back to. This man is *ajeeb,* by the way. He is Iraqi, he is Baghdadi and he was the teacher of Ibn al-Jawzi. Not Ibn al-Qayyim al-Jawziyyah, but Abu Faljah ibn al-Jawzi. He is a Ḥanbali scholar, he is a *ḥadīth* scholar, and he is a great, great, great scholar.

They used to say about him that he was really time-conscious. He wouldn't waste any time on anything. I remember reading about him, and when it comes to eating, he would choose food specifically that have less things [that one would] require around it. For example, he would avoid messy food because you would have to wash your fingers more, he would avoid dry foods because you would have to keep sipping water in between. So he would choose food that was eaten very quickly because of time, and you know where that time went. He produced a book called al-Funūn. Funūn basically translates into the Arts, so basically writing about everything, and he did write about everything. 800 volumes - can you believe that?

Ibn Rajab al-Ḥanbali : (the student of Shaykh al-Islām ibn Taymiyyah) said, 'I myself have seen 400 of them'. Ibn Rajab said years later, 'I myself have seen 400 of these 800 volumes, and I don't know where the rest are'. It's here and there, you will often hear him quoted, and he is an authority in the *madh-hab*.

So in the *madh-hab,* there is this position, that above [the stomach is] no problem and does not break *wuḍū*ʾ, and below it does. Shaykh al-ʿUthaymīn : himself is happy with this - 'This statement is good,' he says, 'I like this position.' Shaykh al-ʿUthaymīn says 'The reason I like this position is because if a person is sick, then according to the majority of the scholars, we don't consider him to have broken his *wuḍū*ʾ anyway. So we know that from the basic opinion of the scholars and **this is the strongest position**,' and it is.

It is the position of Imām Abu Ḥanīfah :, it is the position of Imām al-Shāfiʿi, and this is the position of Imām Aḥmad ibn Ḥanbal as well. So that is the position of the three *imāms* out of the four: that a person who vomits does not break his *wuḍū*ʾ. Imām Mālik famously [states that] a person who vomits has to make his *wuḍū*ʾ again. But according to the majority of scholars, you don't.

The Ḥanbali *madh-hab* has a little position on vomiting. They said that if the vomiting is a large amount, then it does break the *wuḍū*ʾ. We are going to come back to this point in a minute. Small amounts do not [break the *wuḍū*ʾ] and large amounts are [break the *wuḍū*ʾ]. So now you are going to obviously ask, 'What is small and what is large?' We are going to talk about that in a second.

Obviously Shaykh al-ʿUthaymīn : makes a point here. He says that what is exempted from this discussion is that which is continuous, i.e. incontinence. We are talking about normative movements, we are talking about, 'I need to go to the toilet, it will come out via this, and I am in control'. So I don't want you to think that just because you have an ostomy that you are in complete control of your ostomy.

Student: If you have a mild ostomy, it is continuous. If you have a colostomy, you have some control.

Ustādh: So therefore, we know that there are certain times where you will have control. If you have control, then it is just like going to the toilet. That is fine. If you

have incontinence and it is happening all the time and you do not have control, then this has a complete different ruling altogether. I have written a detailed article about this, you can find that on Google. Just type "incontinence Abu Eesa."

Anyway, we are going to cover that later on in the *fiqh* book. The point here is that if you are (in a state of) incontinence, then it does not break *wuḍū'*. Incontinence does not break *wuḍū'* and that is my position, and I am glad to see Shaykh al-'Uthaymīn support that, although he is supporting it in a different way - let me just make that clear.

You may have to make *wuḍū'* in a different manner, but we are asking: does being in incontinence break *wuḍū'*? The answer is no. Anyway, listen carefully. Shaykh al-'Uthaymīn says "any amount of urine or feces". He only mentioned urine or feces. If you follow this position clearly, then it means that if wind came from the ostomy, then it will not break *wuḍū'*.

This is an interesting point - Shaykh al-'Uthaymīn says, "Even if it has a bad smell, then it will not break the *wuḍū'*." That is the position of the Ḥanbali *madh-hab*. The position of the Ḥanbali *madh-hab* is that wind that comes from the ostomy does not break the *wuḍū'*.

Other scholars say that it does break *wuḍū'*. The reason they said that is because of a simple *qiyās* (analogy): the opening of the stomach or the ostomy is to be treated like the back passage - anything that comes through it then breaks the *wuḍū'*. Of course the reality is that we require more evidence than that. Actually, it becomes interesting. Shaykh al-'Uthaymīn says that even those people who said they're the same see a difference.

Can anyone think of a difference? Remember we studied in Year 2 that if we want to make a legal analogy, you have to make sure there are some parameters. They have to share the same reason, characteristics, '*illah*, the *far'*, the *ḥukm*, everything. You need to go back and revise these points. You need to compare these points and if they're there and you can match them exactly, then we can go ahead and make the analogy and *fatwa*. If this person says that the wind through the ostomy breaks *wuḍū'* because the ostomy is like the back passage, to challenge that, we need to say 'No it is not.' So who can challenge it? Is it true that it's impossible to control wind?

The answer is that [the anus] it is the same [as the front passage] in regards to touching it. There is a discussion [amongst the scholars] whether it [touching the back part] breaks your *wuḍū'* or not.

We talked about this before and we will come back to it. [We will discuss] whether [it breaks your *wuḍū'* if] there is a glove or if there is a barrier [on your private parts when you touch] or if [you touch it with] the front of your hand or the back of your hand. We will come to that now and it will become clear. The main thing, of course

[which we will discuss is] whether [one breaks *wuḍū'* if] one touches with or without desire.

You will see that the **taught position** is that the touching of the private parts without desire does not break your *wuḍū'*. What we need to ask is: if we were to assume that touching without desire breaks the *wuḍū'*, then does touching your ostomy break your *wuḍū'*? I am talking about a clean ostomy and not a dirty one with *najāsah*.

By the way, just so that we are clear - if you touch *najāsah*, does it break your *wuḍū'* or not? No, it does not, and we talked about that a long time [ago]. Touching *najāsah* does not necessarily break your *wuḍū'*. You obviously have to clean your hands, but it does not break your *wuḍū'*. It does not ruin your ritual state of ablution.

All you need to know for now is that touching your private parts without desire does not break your *wuḍū'*. This is the **class position** and the position of Imām Abu Ḥanīfah, but we will come to that later. There is a lot of detail involved [in that issue]. I want you to know that Shaykh al-ʿUthaymīn is leaning towards [the position] that the wind that comes out of your ostomy does not break your *wuḍū'*, and I am very happy to support that position.

The next statement is "or large amounts of filth which exit from other parts of the body." So what does that mean? What is the *mafhūm al-mukhālafah* (divergent or opposite meaning] of the text? It is basically looking at whatever is missing. It is just reading it in a different way. What we are talking about is anything that is *najis* that comes from the body and is a large amount. Let us try and understand this statement.

What does large amount mean? Whenever we have a concept in *sharīʿah* that has no evidence to define it's quantity, we have a principle. Shaykh al-ʿUthaymīn has put a poem in which he says:

وكل ما أتى ولم يحدد بالشرع كالحرز فبالعرف احدد

This means that anything which presents itself and has not been specified in *sharīʿah* like *ḥirz* or *tawīz* or the manner in which the *Qur'ān* is carried (an example in *fiqh*), is [determined by] the *ʿurf* of the people that specifies it. So what is the basic summary of the poem? Anything which the *sharīʿah* does not specify, the custom of the people (*ʿurf*) specifies.

Our customs and traditions are very powerful in *sharīʿah*. In the absence of *sharīʿah,* it becomes the law. It is very important to say that [things are not defined by] the individual person but the people - it's the general societal norm. So when we say *kathīr*, we mean *kathīr* according to the people - not the extreme in that group of people, but the controlled group of normal people.

For example, if we assume that blood is *najis* (and we will for the sake of argument), what will break *wuḍūʾ*? A large amount. Now if we say, 'Sir, can you tell us what a large amount is?' and Sir is a surgeon who is used to seeing himself and the whole theatre caked in blood, when he looks at this guy who has his arm chopped off, he's thinking 'It's alright, I think we can do something there, yeah'. You are not going to ask him. You go, 'Madam, have a look at this'. Obviously I don't want to play to any sexist stereotype or anything like that, but she goes 'Euhhh'. And we are talking about a little pimple that's been popped, a little blood comes out and she faints. We aren't going to use her either, are we? Because that would be crazy. You don't use the extremes.

You are using a normal person, normal guy, normal woman. She looks at a scenario and says, "You know what? We can get that cleaned up. That's not a major issue; just hold it under the tap." There is a point, and everyone knows it. There's a point where you see that much blood and you think, '*You know what? I think we had better just go to A & E. That might need a couple of stitches*.' It's a normative scenario.

You are going to say to me that people are going to differ, and I say that I know the people are going to differ, which is why you take a general average of what people [think]. People are generally reliable like that. People generally agree that something's doable and something's okay and something's not okay.

That's what we are talking about when we say *kathīr* (a large amount), and that can also mean something small as well. When we say 'small', we mean 'small according to the people'. Whenever we use this phrase 'according to the people,' it's the generality of the people.

So what does he say? He says that it means to be *najis* other than those two substances i.e. urine and faeces, so any *najis* other than that. What are we talking about then? We are talking about every other thing which is *najis.* Therefore, every other thing which is pure that comes from the body is not a problem, such as sweat. Sweat is pure. What else is not a problem? Spit, for example. That's going to be no problem. Tears and snot are the same. So these, in whatever quantity, do not break the *wuḍūʾ* at all.

What, then, are we looking at? According to a number of scholars, this will include blood, vomit, pus and serum/plasma. There are a number of *ʿulamāʾ* that consider these four/five products to be impure and therefore, when they come out, they take that ruling.

If they come out in a large amount, this is a Ḥanbali position: large amount and impure, it breaks the *wuḍūʾ*.

Student: So let us just say you have got an ear infection…?

Ustādh: That's pus, isn't it? But it's large amounts, remember - not small amounts. And when you say "What is large and what is small?" [It goes] back down to the *ʿurf* of the people.

If you want to know why they say that, I'll just mention the quick evidences why the people say that everything that comes out breaks *wuḍūʾ*, such as vomit and blood and this and that.

Firstly, because in *ḥadīth* number one, the Prophet ﷺ vomited and broke his fast and made *wuḍūʾ*.[2] This *ḥadīth* is narrated by Imām Abu Dāwūd in the Chapter of *Ṣawm*, *ḥadīth* no. 2381. Narrated by Imam al-Tirmidhi and Imam al-Nasāʾi as well, and Ibn Khuzaymah and Ibn Ḥanbal.

Ibn Mandah said that this *ḥadīth* has a continuous authentic chain – it is a statement of a *ʿālim.* He did not say the *ḥadīth* itself is authentic, and he is not wanting to put a stamp on the *ḥadīth*. Remember, *ḥadīth* has two parts: 1) the chain, and 2) the text itself. Sometimes when they are not sure about what the text is trying to say, they just look at the *sanad* and deal with the *sanad* and say we leave that text for the *fuqahāʾ* to deal with. But the chain itself, we are good what that.

Ibn Ḥajr… *subḥān Allāh*, this is *fiqh*. Ibn Ḥajr said that this is a narration that has a strong chain. You can see straight away when a person is moving away from the text, and he (Ibn Ḥajr) wants to [avoid] putting himself in a responsible position of having to deal with the text. [He's] happy to deal with the chain because that is easy. I can see the people, I can make the connection, yeah I am happy with that. But again, going further and trying to explain the *ḥadīth* is hard work. Then later on in a different place, he said "This is an authentic *ḥadīth*." Therefore, he has thrown his hat in the ring and said that this *ḥadīth* is to be acted upon.

The second evidence that they use is that these are extras from the body - they are *al-fadhalāt*, meaning they are excess products and that is why it came out and the analogy is to be made with waste products. Excess products are being analogised to waste products. Which is why they consider that the one who is sick is like someone who is defecating or urinating, according to their position, and therefore it takes the ruling that it comes out.

Student: There has to be large amounts?

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[2] عَنْ أَبِي الدَّرْدَاءِ، أَنَّ رَسُولَ اللَّهِ صلى الله عليه وسلم قَاءَ فَأَفْطَرَ فَتَوَضَّأَ

Narrated Ma'dan b. Talhah:
That Abu al-Dardāʾ narrated to him: The Messenger of Allah ﷺ vomited, so he broke his fast and made *wuḍūʾ*.

Jāmiʿ at-Tirmidhi, Book on Purification, Chapter: *Wuḍūʾ* For Vomit And Nosebleeds, *ḥadīth* no. 87. Also *Sunan Abi Dāwūd*, *ḥadīth* no. 2381.

Ustādh: Exactly, that is what I was just making sure. Shaykh al-ʿUthaymīn says that we have to say that the analogy is an incomplete one. They are making the analogy that it is like urine and faeces, but they are saying that a small amount of vomit is not going to break the *wuḍūʾ*, only a large amount [will]. You can see where Shaykh al-ʿUthaymīn himself is moving towards; he is moving to the position which is the opposite - the position which said that it does not [break the *wuḍūʾ*]. This is the **class position**. This is also the position of Imam al-Shāfiʿi, and the position of *al-fuqahāʾ al-sabʿah* (meaning the seven *fuqahāʾ*).

Who knows who the seven *fuqahāʾ* are? I have always called these "The Magnificent Seven".

Who can tell me even a little bit about the *al-fuqahāʾ al-sabʿah*? Can you believe we have that phrase, "The Magnificent Seven"? Isn't that amazing? And of course the *ajeeb* thing is that our seven are real people, real heroes, and wallāhi when you look at the life around us and the type of world we live in, they have to create this type of fake nonsense. The movie people could not make this stuff up themselves. They pay screenwriters to sit there and come up with a great trailer and a great storyline and we watch it, and it's like, "Oh my God, it's so amazing." And *subḥān Allāh*, we have hundreds upon thousands of real life heroes that are doing it every day.

Al-fuqahāʾ al-sabʿāh – who can tell me something about them?

Student: They were all based in Madinah.

Ustadh: They were, very good.

I'm going to tell you a little poem, make sure that you don't forget it.

إذا قيل مَنْ في العلم سبعة أبْحُرٍ
روايتهم ليست عن العلم خَارِجَه
فقل: هم عُبَيدُ الله، عروة، قاسمٌ
سعيدٌ، أبو بكرٍ، سليمانُ، خارجه

This is a poem, a famous couplet [mentioning the seven *fuqahāʾ*]:

"If it said, in knowledge who are the seven oceans?
That their narrations on anything, never come out of the knowledge (i.e. whatever they say is Islām)
Then say, they are; ʿUbaydullāh, ʿUrwah, Qāsim,
Saʿīd, Abu Bakr, Sulaymān and Khārijah."

For your benefit, write these names down. These are names that you should know. They are all *tabiʿīn*. What is a *tabiʿī*? A *tabiʿī* is someone who met and sat with the Companions ▭ and they died upon Islām. They have high status and these are people that the Prophet ∩ told us are the best of people, so they need to be followed. They are the precursors of the Māliki *madh-hab* - actually all of the *madhāhib* – but the Māliki *madh-hab* really took a lot from these seven. For example, Imām al-Zuhri and al-Rabīʿah studied underneath them.

These seven took all of their knowledge from people like Sayyidnā ʿUmar ⌐, Sayyidnā ʿAbdullāh ibn Masʿūd ⌐, ʿAbdullāh ibn ʿUmar ⌐, from the major Companions ▭. They are the top scholars that we have in our religion.

So,

1. ʿUbaydullāh ibn ʿAbdillāh ibn ʿUtbah ibn Masʿūd [d.98H]
2. ʿUrwah ibn al-Zubayr ibn al-ʿAwwām – He is the son of the great Companion al-Zubayr ibn al-ʿAwwām ⌐ (d.94H)
3. Qāsim ibn Muḥammad ibn Abu Bakr al-Ṣadīq – He is the grandson of Sayyidnā Abu Bakr ⌐ and the nephew of ʿĀʾishah ⌐
4. Saʿīd ibn al-Musayyib - the Imām of al-Tabiʿīn and the most famous of them in terms of scholarship. (d. 93H)
5. Abu Bakr ibn ʿAbdʾl-Raḥmān ibn al-Ḥārith [d.94H]
6. Sulaymān ibn Yasār [d. 94/104/107H]
7. Khārijah ibn Zayd ibn Thābit – He is the son of Zayd ibn Thābit ⌐, the scribe of the Prophet ⌐.

They are all passing away between 90-105H, all seven were living at the same time and they passed away roughly in that time.
We're talking major, big players.

So I just want to say the seven fuqahāʾ and of course al-Shāfiʿi and a number of other scholars say that it does not break the wuḍūʾ, but we'll discuss that in detail next week.

3. The Invalidators of Ablution III

Any amount of urine or faeces, or large amounts of filth, which exits from other parts of the body.

Losing consciousness, except for a slight amount of sleep whilst sitting or standing

From the invalidators of *wuḍū'* are any large amount of filth which exits from any other parts of the body.

Last week, we saw from the Ḥanbali *madh-hab* that they said, "Only that which is a lot will invalidate the *wuḍū'*." Basically, they're saying that a small amount here and there is not a problem. We're not talking about faeces and urine. We're talking about any other type of *najāsah* - whatever it is, like vomit for example, or bleeding (if you consider blood to be a *najis,* which we are going to come to later). They are [referring to] a large amount that comes out from any other part of the body, whether you have a huge nose-bleed, you vomit blood or food or anything that happens like that.

What did they base this upon? They gave two evidences. The first one mentioned in a *ḥadīth* narrated by Imam Abu Dāwūd, which is not a bad chain according to Ibn Mandah and Ibn Ḥajr which we talked about last week. In this *hadith*, the Prophet ﷺ was sick and he vomited, and so he stopped and broke his fast and then he made *wuḍū'*.[1] Allah ﷻ says in *Sūrat'l-Aḥzāb,* verse 21:

﴿لَّقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ ﴿٢١﴾﴾

"*The Messenger of God is an excellent model...*"

Therefore, the idea here is if the Prophet ﷺ does something, it is the most perfect example for you to emulate. That's the evidence, and without even starting, you should know it is very weak, which we are going to discuss in a second. [It is] not weak evidence for following the *Sunnah,* but a weak evidence for insisting that an action of Prophet ﷺ becomes an obligation upon the people.

The second reason they [mentioned] is anything which comes out from the rest of the body, because anything which comes out from the body is coming out because it is

[1] *Jāmiʿ al-Tirmidhi*, Book on Purification, Chapter: *Wuḍū'* For Vomit And Nosebleeds, *ḥadīth* no. 87. Also *Sunan Abī Dāwūd* 2381.

seen as an excess. The body basically needs to get rid of it. If he was sick, then it is only because he ate too much, or the food messed up, there's dirt anyway and it is coming out. There's a logical kind of argument being used. That's what we said last week - this is the Ḥanbali *madh-hab*. We then said that according to Imam al-Shāfiʿi ﷺ, it was the seven *fuqahāʾ* or magnificent superstars of Madinah. First of all, let us remind ourselves of who the seven *fuqahāʾ* are. They are:

1) ʿUbaydullāh ibn ʿUtbah ibn Masʿūd
2) ʿUrwah ibn al-Zubayr ibn al-ʿAwwām
3) Al-Qāsim ibn Muḥammad ibn Abī Bakr
4) Saʿīd ibn al-Muṣayyib
5) Abū Bakr ibn ʿAbdʾl-Raḥmān ibn Ḥārith
6) Sulaymān ibn Yasār
7) Khārijah ibn Zayd ibn Thābit.

They agreed that anything that comes out of the body, other than from the two [private] orifices, does not break your *wuḍūʾ*, whether it is a small amount or a large amount, unless it is faeces or urine. If there is something [released] from an ostomy or a colostomy and faeces comes out of another opening, it breaks your *wuḍūʾ*.

Let us give some examples and we will make them up as we go along. Someone is vomiting really hard and it is all over and even comes through his nose. I have vomited through my nose, *aʿūdhu billāhi minash shayṭān ir-rajīm*. That is a *fitnah*.

If a person is sick and vomits through his mouth or nose, then it will not break his *wuḍūʾ*. Why? Because it is not faeces [or urine], and that is the simple rule. Someone has an ostomy and out of that [ostomy] bag comes bile or vomit or food. What is the ruling? It does not break the *wuḍūʾ*. Yes, it is out of the other tube but it is not faeces or urine. If a person has faeces come out of the bag, then it breaks their *wuḍūʾ*.

Now if they are incontinent, then this is a whole different ballgame. It breaks one's *wuḍūʾ,* but we have to deal with it in a different [case scenario]. I think those of you who are part of the Prophetic Guidance Facebook would have seen this week that the PG team posted the article that I was talking about. You know the article about incontinence and the ruling of incontinence and how we deal with that? I think you should review that; it's a lot of detail, but we will come to it later *inshāʾAllāh.*

The opinion that I just mentioned, I think, is very clear. This position is a second statement within the *madh-hab* as well, so it's not the chosen position of the Ḥanbali *madh-hab* but it's what we will call a *riwāyah* (a found opinion in the *madh-hab).* Regardless, it's also the opinion of Shaykh al-Islām ibn Taymiyyah ﷺ, and he chose this position based on two basic principles which are very similar, a very small difference between them.

The first evidence is that the basic status quo (the *aṣl)* is that one does not break the *wuḍūʾ*. One is in a normative state when one enters into the *wuḍūʾ* and that's how he is remaining, the *wuḍūʾ* remains, it's not being broken by something, it needs to be

proven [that its broken]. You need to understand what that actually means. If I am inside the house, I am inside the house until someone proves to me that I am outside the house. Until someone can actually define that I have gone outside the house, then I would remain inside. This is what it means that something remains upon its *aṣl* until we have proper evidence that I am not on the status quo anymore. That's the first evidence.

The second evidence is that purity, or state of purity, is established with a legal evidence. Once we have actually gone and now become pure, we've made *wuḍūʾ*, we have entered into the state - the only thing that can take us out is another legal evidence.

What does the Shaykh say? He says all of us are worshipping Allah according to the Book of Allah and His Messenger. We do an action according to the rules, and we enter into the *wuḍūʾ* according to the rules. Just because we think something is wrong or because it doesn't sound right, we cannot just make a person leave his state of *wuḍūʾ* without something clear from Allāh and His Messenger ﷺ. If you go back to where we started this chapter off three weeks ago, we said that the invalidators of *wuḍūʾ* are in two categories - that which is absolutely clear from the Book of Allah and His Messenger, and then that which is an area of *ijtihād* (people making some kind of analogies).

As for the *ḥadīth* that was mentioned, they said that the Prophet ﷺ was sick and he vomited, so he broke his fast and then he made *wuḍūʾ* again. First of all, we said this *ḥadīth* was considered authentic by some scholars. Shaykh al-ʻUthaymīn رحمه الله is making a point: a number of scholars consider this *ḥadīth* weak. Once you make this *ḥadīth* weak, you take this evidence out of it. That is the first response to that *ḥadīth*, because that is the big thing in the way.

The *ḥadīth* makes it clear - he vomited and he made *wuḍūʾ* again. Hold on, that seems to suggest that vomiting breaks *wuḍūʾ*. That is the argument.

Our argument is: well hold on, first of all that evidence is not authentic. There is a good argument for that. The second point or second argument against this *ḥadīth* is that this *ḥadīth* is an action. Listen very carefully, we had this discussion last year in the *fiqh*. A person themselves can look at the *Sunnah* and determine very clearly a priority. When the Prophet ﷺ does an action and when the Prophet ﷺ makes a statement, they are two different values. When the Prophet ﷺ makes a statement and tells us to do something, it is very difficult to deny because it is a command. If the Prophet ﷺ does an action, there is always the space there for us to consider whether this is something that he wants us to do or is it something which he himself is doing. Therefore, a statement is definitely going to indicate obligation, whereas an action itself is not going to necessarily indicate obligation; which is why Shaykh said it is,

مجرد فعل، ومجرد الفعل لا يدلُّ على الوجوب

Only action never indicates obligation. Even if we said that the *ḥadīth* is authentic, that action itself does not necessarily say that it is an obligation upon us. He ﷺ was sick, he wanted to make *wuḍūʾ*, and he wanted to do it. This does not mean that if I am sick, I have to make *wuḍūʾ*. That is the second point.

The third point, he says, that if we are going to use this *ḥadīth* (and it is weak), then we can also oppose it with a *ḥadīth* of our own which is also weak. Which is what? That the Prophet ﷺ did *ḥijāmah* (we talked about that in the class, *ḥijāmah* means cupping). He did cupping and he prayed and he did not make *wuḍūʾ*.[2] Now, why is this an issue? Why would that be an evidence?

Student: Because when you cup, you bleed.

Ustādh: Yep, because you bleed and in significant amounts. Cupping, just to remind everyone, is the ancient pre-Islamic art of getting rid of the toxins from the body via the blood, and it is a very developed art. We are able to determine different conditions that require blood to be taken from different parts of the body. I have done it a number of times to others, and I have had it done to myself a number of times; in my personal opinion, its two strength areas are memory and pain. For pain relief, it seems to help a lot, in my personal opinion – especially with back pain.

I have my own theory; no matter where it is done on the body, it is going to help the memory because whatever happens, you feel lighter. The normative state of a human being is that when they are sleepy, tired, lazy, etc. then everything starts to shut down. You start to slow down and you don't want to think. You would never say that a lazy person or a tired person doesn't have a good memory. What you would say is that a lazy person doesn't want to think so much or stress his brain so much. The converse is if a person is feeling fresh, energetic, light – it's a lot easier to reflect or to think of something.

One thing that happens when you do cupping, especially on your head, is like a weight has been taken off, because you have had blood sucked out. You will feel a little bit dizzy and lightheaded if you stand up. Just like when you give a lot of blood, you feel lightheaded. That kind of thing almost makes you feel like you are more energetic and can think better. Certainly whenever I have had it on my neck or on my head, it has had that impact.

What actually happens? You take a very sharp scalpel with which you make a number of very tiny, shallow incisions in the skin. Then you apply a cup to it that is normally linked to a suction system, if you are doing it proper Chinese style. If you are doing it Pak style, then you just get a tea cup, get a little piece of paper, light the paper, throw

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[2] *Sunan al-Kubrā al-Bayhaqi*, Book of Purification, Chapter 158: *Wuḍūʾ* When Blood Exits From an Exit Other Than the Waste Exits, *ḥadīth* no. 649 (1/141).

the paper in, the paper will then start to burn in the cup. As it is burning it starts to use the surrounding oxygen, then just as it is about to burn out, you attach it to the skin. What happens is, because there is still a little bit of paper in the cup burning inside, as it finishes burning it uses up the oxygen so now you create a vacuum in the cup. In the cup itself, there is no oxygen in there and so it is desperately trying to bring oxygen in. What will happen is that it will suddenly stick to your arm like a leech and you will see your skin just go straight into the cup. Then those little nicks that were only tiny little holes, all the blood starts coming out. It is all black and congealed and it is dirty. You take it off, pull it out, and it is a big blob. Then you stick it back on again and do it all again.

Ḥijāmah is good and we've talked about *ḥijāmah* before in another session. It's a Sunnah to do; the Prophet ﷺ used to do it and there are days and times of the month that it is preferred. That's something, which, as I've said, is a good thing. The Prophet ﷺ did *ḥijāmah,* a significant amount of blood came out, and he didn't make *wuḍūʾ*. Which proves - even though the *ḥadīth* is weak - that you don't necessarily have to make *wuḍūʾ* when a large amount of *something* comes out.

You'll remember that we gave the example of Sayyidinā ʿUmar ibn al-Khaṭṭāb رضي الله عنه as well. When he was assassinated, he was praying *Ṣalātʾl-Fajr*, he was still in the first *rakʿah,* and when he got stabbed, he didn't just get stabbed - he got ripped to shreds. You know the *majūsi* (Zoroastrian) criminal, this murderer, his dagger was double sided. It was like you hold it in the middle and it [had blades on both sides of the handle that were] very sharp and he shredded Sayyidina ʿUmar's intestines completely. In the *ḥadīth* we see that when he was being treated, everything and all the medicine was pouring out of his intestines. Obviously he died later, but what I'm saying is that the amount of blood loss was huge. But what do we know? We know that he completed the prayer.[3] We know that he put ʿAbdʾl-Raḥmān ibn ʿAwf رضي الله عنه (who was behind him) forward. He then quickly did two *rakʿāt* and Sayyidina ʿUmar finished the prayer with them. Some of the scholars said that this is proof that a loss of substance from the body (in this case, blood) does not break the *wuḍūʾ*. It's like another side argument. I hope that's all clear.

Shaykh al-ʿUthaymīn رحمه الله very clearly follows the second opinion; he considers that only faeces and urine break the *wuḍūʾ* and anything else from anywhere else doesn't break *wuḍūʾ*. Wind and anything else would not break the *wuḍūʾ*. We are not talking about front and back passages; we are talking of other parts of the body. I have never heard of someone passing wind [from their mouth]. Wind coming out from an ostomy (if it happens)? Scholars differed over that as well. Our **taught position** of the class is that even wind coming out of an ostomy would not break the *wuḍūʾ*. You can see why they said it. They said that if you consider the faeces coming out, then why wouldn't you consider the air coming out? However, we mentioned that the text does not

[3] *Ṣaḥīḥ al-Bukhāri*, Book of the Companions of the Prophet, Chapter 8: The Pledge of Allegiance to ʿUthmān. *ḥadīth* no. 3700

suggest that. The summary of today's lesson and last week's lesson is that anything which comes out from the front and the back passages break the *wuḍūʾ.* That's standard, passing wind and so forth. If faeces or urine were to come out from any other part of the body, they would also break the *wuḍūʾ.* Anything else that comes out from any other part of the body does not break *wuḍūʾ*. That's the conclusion.

Student: What if someone is wearing Foley catheter [inaudible]?

[A question has been put forward about] someone who is wearing a Foley catheter. A Foley catheter is a urinary device which is connected to the urethra and is allowing the person to constantly pass urine. This is normal breaking of *wuḍūʾ,* but because this person is incontinent, we have a different ruling for that person, and the article [addressing the issue of incontinence] can be found here. The conclusion of the article is very simple.

The majority of the scholars like Imām Al-Shāfiʿi, Imām Aḥmad and Abu Ḥanīfah, old and new, hold a simple opinion. Passing faeces and urine breaks the *wuḍūʾ* but [if] a person has a difficulty due to their incontinence, we need to help them out. Otherwise they would have to be making *wuḍūʾ* every second, which is not possible because it's going out every second. Therefore, these scholars said that at the beginning of every prayer time, you would make *wuḍūʾ* once and then you forget about what's happening to the rest of your body, you ignore it.

For instance, once you have made *wuḍūʾ* at 12 o'clock and *Ẓuhr* time is from 12 until 2, and then you start praying your *Sunnah*, reading your Qurʾān, doing your *ʿibādah* (everything and anything that you want to do as worship that you need *wuḍūʾ* for), [the] first *wuḍūʾ* has covered that time period. It doesn't matter what is happening to the rest of the body. Then at the beginning of *ʿAṣr* time, you would make another *wuḍūʾ* then use that period of time for your *ʿibādāt.* Then you do it again for *Maghrib,* and so on. You would make these *wuḍūʾ* regardless of what's happening in your body. That's the opinion of the majority of the scholars. I wrote a detailed paper [about that], which you will find in the resources right now.

Incontinence does not break *wuḍūʾ.* Incontinence is an irregular state of the body which cannot be accounted for and it's not like the voluntary, wilful act of defecation and urination. Urination [and defecation] is an intention - 'I'm going to go to the toilet and I'm going to urinate', 'I'm going to go to the toilet and defecate, I'm going to break my *wuḍūʾ*". It's an intention and a process that happens. So, there's an intention, a will, a control, and then you do the act. And after that (because it's a wilful act), you can control when to do it when not to do it. You would determine when you break your *wuḍūʾ* or not. After that, we want you to make *wuḍūʾ*, we want you to purify yourself, clean your private parts, and do your ablution.

Here, you are not in control. It's like what we call irregular vaginal bleeding. Vaginal bleeding is of the exact same type. It is not the period, it is not the menses, it is something else. [There] is just some kind of reason why there is a constant flow of

blood, and that is something which we cannot control. Now the scholars, likewise, gave the same ruling for that; they said the same thing. They said that this person has to make *wuḍūʾ* for every single prayer [time]. In my position, I treat that person in the same position as the incontinent person. This is blood which is continuing. You will make your *wuḍūʾ* once and that's it. Therefore you will not need to make *wuḍūʾ* again, except for when you wilfully want to do something.

Now, it might be that a person turns around and says 'the one who is incontinent can't actually wilfully defecate because they are constantly defecating,' - does that make sense? Or, 'they can't urinate because they are constantly urinating.' I think that is the case. I will need to check that with doctors, but I think that is the case. I can't have a wilful situation, so we'll say that that's fine then; the *wuḍūʾ* will not ever be broken by you defecation [or] urination, but it will be when you go to sleep (or for example, marital relations). For example, if you say, 'Okay, I'm going to go to bed now', you have chosen to go to sleep and those are the kind of things that will break the *wuḍūʾ.* Anyway, when you now choose to do that, you will break the *wuḍūʾ*. You now need to make *wuḍūʾ* or *ghusl* again. That is our position. That's my **taught position** and it will come later on, but that's something which you can use now.

Let's finish off this other part now,

وَزَوَالُ العَقْلِ إِلاَّ يَسِيرَ نَوْمٍ مِنْ قَاعِدٍ أَوْ قَائِمٍ

Ustādh: What's the translation?

Student: Losing of consciousness, except for a slight amount of sleep whilst sitting or standing.

The Ḥanbalis are saying, "If you lose consciousness, you've lost your *wuḍūʾ*, but hey a little bit of sleep whilst your sitting or standing? We let that go. That's not going to break your *wuḍūʾ*."

Shaykh al-ʿUthaymīn ﷺ is saying that this is the third of the invalidators of *wuḍūʾ*. He says that there are two types of losing one's consciousness. The first type is completely losing your mind (literally becoming crazy). The one who is crazy has no ability to think. That's a whole different category that we are not talking about. The second one is when the mind has been closed down for a specific reason such as, a) sleep, b) fainting, c) intoxication (being so drunk that you become unconscious). This is different from fainting after seeing something shocking or sleeping. There are many other examples as well such as, a diabetic coma, car crash, brain injury, being knocked out, etc. These are very specific reasons.

Shaykh al-ʿUthaymīn says that we also need to understand everything we just said in a different way as well. If we lose consciousness by becoming crazy or by losing our

minds or fainting or drunkenness, then this is the complete loss of your mind. You can't be a little drunk or a whole lot drunk. When you are drunk, you are drunk. You are not in control of your mind anymore. If you become medically crazy, then you are crazy. If you faint, there is no such thing as half faint or full faint. That's why you don't find the books of *fiqh* saying small amount or large amount. If any of these things happen, you have lost your *wuḍūʾ*. There is no measure [as to how much or how long].

Shaykh says that it's different for sleep,

اختلف العلماء . رحمهم الله . في النَّوم هل هو ناقضٌ، أو مظنَّة النَّقض

The scholars differed over sleep: A) does sleep itself intrinsically break your *wuḍūʾ*?, or, B) is it that when you're asleep, something happens which breaks your *wuḍūʾ*? It's the place where *wuḍūʾ* is broken. Whenever you hear this phrase, they are talking about passing wind.

Right, so that's the point. Shaykh is saying that you're either thinking that going to sleep itself breaks *wuḍūʾ*, or it's when you sleep [that] something happens. The first position is that sleep breaks *wuḍūʾ*; whether [a] small amount or a large amount, it just breaks the *wuḍūʾ*. Whatever way you go to sleep, however type of sleep you go to, it breaks *wuḍūʾ*. Why? Because of the *ḥadīth* of Ṣafwān ibn ʿAssāl, which has already been mentioned before.

If you look at that in Arabic, it says *wa qad sabaq* (footnote number 2). If you look at footnote number 2, it says go back to page 241. I will read to you from page 241: Ṣafwān ibn ʿAssāl ﵁ said that the Messenger of Allāh ﷺ told us that basically the only time that we needed to make *wuḍūʾ* '*illā min janābah'*, meaning that the only time you make *wuḍūʾ* is if you defecate, if you urinate or if you sleep. So three things are mentioned in this *ḥadīth*: defecation, urination, and sleeping.[4]

And this *ḥadīth* is a *ḥadīth* narrated by Imām Aḥmad and al-Nasāʾi and it is a *ḥadīth* which is authentic *in shāʾ Allāh*. So this is the first evidence why those people said that all sleep [breaks *wuḍūʾ*]. Bang, it's covered in a *ḥadīth*, how are you going to respond to it? They said, 'does the *ḥadīth* say small amount of urine, large amount of urine? Does the *ḥadīth* say small amount of faeces, large amount of faeces? No. So why are we saying small amount of sleep [or] large amount of sleep?' That is their evidence [that any amount of sleep breaks the *wuḍūʾ*].

The second position, which we said is actually that sleep itself is not the problem, it's what might happen when you're sleeping. This is the position of--well we're going to come to whose position it is, but this is certainly our **taught position**. But the

[4] *Sunan al-Nasāʾi*, Book of Purification, Chapter: *Wuḍūʾ* After Defecating And Urinating, *ḥadīth* no. 158

position here is based upon the *ḥadīth* of Anas ibn Malik ﵁, and what is this *ḥadīth*? Does anyone know of this *ḥadīth*?

The Companions were waiting for the Prophet ﷺ to come out to pray *'Ishā'*. Now the Prophet's habit was that he would delay *Ṣalāt'l-'Ishā'*. He would delay it and the Companions would often get there early and they would be waiting and they would be waiting so long that they would actually start to nod off.[5]

The *ḥadīth* says,

كانوا ينتظرون العِشاء على عهد رسول الله صلّى الله عليه وسلّم حتى تخفِقَ رؤوسهم ثم يُصلُّون ولا يتوضؤون

They would wait so long until this was happening. This was the actual [word], the word *tahfiqa* [means] nodding. You know they were basically going [Ustādh nods his head]. In another narration, the chins were actually at the chest. So it was actually attached to the chest, so that there is no nodding. It's just like the farthest stage, isn't it? When you're nodding your head, you're still kind of around, but now you've got to the stage where it's like here [Ustādh points]. People can't immediately see something, hear something.

This *ḥadīth* has been narrated by Muslim, so it is more authentic than the previous *ḥadīth*. Now we have these two possible *ḥadīth* which are now in opposition with one another. So how do we do that?

Well, what was the first position? Sleep breaks *wuḍū'* completely. Whatever happens, small amount, large amount, it breaks it.

What's the second position? The second position is that sleep itself does not absolutely break *wuḍū'*. That's the technical definition for the second position.

The third position (in the Ḥanbali school) is:

ليس بِحَدَثٍ، ولكنه مظنَّة الحدث

So, basically he's saying that sleep itself is not a ritual breaker of *wuḍū'*. It's not *ḥadath* (ritual impurity). It's not something that breaks the *wuḍū'* itself. It simply is a place where if something happens, that would then break the *wuḍū'*.

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[5] *Sunan Abī Dāwūd*, Book of Purification, Chapter 80: *Wuḍū'* from Sleeping, *ḥadīth* no. 200. Also *Ṣaḥīḥ Muslim* 376.

That's why the author says, 'Except if you are sleeping very little while standing or sitting,' which shows that basically if the *madh-hab* is allowing a person to get away with a little bit of sleep while sitting or standing, then they are basically saying that they're not going to recognize that something is going to happen. They are playing their cards cautiously.

The fourth statement, which is our **class position** as well, and the position of Shaykh Ibn Taymiyyah رحمه الله and also the position of Shaykh al -'Uthaymīn, is that sleep is the place where the possibility lies of the *wuḍū'* being broken.

إذا نام بحيث لو انتقض وضوءُه أحسَّ بنفسه، فإن وضوءَه باقٍ، وإذا نام بحيث لو أحدث لم يحسَّ بنفسه فقد انتقض وضوءُه

If a person was sleeping to the level that he knew his *wuḍū'* was going to break and he is able to be aware of that, then his *wuḍū'* is as it is, because he knows and it hasn't happened. Likewise, if he knows that he falls asleep, he breaks his *wuḍū'* and he wouldn't be able to recognise it, then his *wuḍū'* is broken because the sleep is too much. The sleep has now gone too far because he can't even tell.

This last opinion is basically saying: how asleep are you when you think you are asleep? When you are asleep, can you hear voices? When you are asleep, can you tell if something is happening? For example, if someone speaks to you, would you wake up? If someone wants to speak to you and you wake up, that shows that you are not properly asleep because if you are asleep, then you can't hear. We are not talking about someone shouting in your ear, we are talking about when someone speaks, then you wake up - that means that you are half there and half gone.

Now Shaykh al -'Uthaymīn رحمه الله says that this position combines all the evidences together and all of the *aḥādīth* work. In the original *ḥadīth* of Ṣafwān, it was referring to a lot of sleep - that is what the *ḥadīth* means. Whereas the *ḥadīth* of Anas now makes complete sense. They were obviously not asleep at all; they were just nodding off and it was nothing very serious.

We also know that there are a number of evidences from the Companions that they used to do this action. They would fall asleep in the presence of their other Companions whilst sitting, they would wake from any level of sleep that was there and they would actually ask, "Did you hear anything? Did you smell anything?" And if they all said 'No,' then you are good to go. And of course one of the Companions

asked, he got a positive, everything was all cool, and he prayed his two *rakʿahs* immediately. He did not go and make *wuḍūʾ*.[6]

This shows the approach to *wuḍūʾ.* This supports the third and the fourth opinion, and it shows that it actually is all about what happens there. If you remember the original *ḥadīth,* what obligates a person to make *wuḍūʾ?* The Prophet ﷺ said that when a person wakes up, he should make *wuḍūʾ* and he should wash his hands three times, why? Because he does not know where his right hand spent the night.[7]

It means that when a person goes to sleep (like night-time sleep; not a daytime nap where he is just lounging, but we're talking about proper sleep where he gets his duvet and he loses his mind completely), then of course he does not know what his hands are doing. He does not know what his arms are doing, he is not wearing clothes, depends on how he sleeps, he could be touching his private parts, etc. Because that sleep is so deep, it is clear then from that *ḥadīth* that it is about what happens during sleep which is the bigger problem.

I'll tell you something else - there is a *ḥadīth* that the Prophet ﷺ said 'The eye is the drawstring of the anus.'[8] I am giving a literal translation to this *ḥadīth*. Okay forget the literal translation. This *ḥadīth* is narrated by Imām Aḥmad and Imām al-Ṭabarāni, and a number of scholars consider this *ḥadīth* to be weak.

Actually for the students of *ḥadīth,* this is a great *ḥadīth* because it has Baqīyah in it. [He is] one of the narrators and this Baqīyah is a very strong narrator in *ḥadīth,* except that he does a practice which we covered before called *tadlīs. Tadlīs* is an indication that there is some weakness that is being covered. There is a hidden fault, so it comes under the categories of *al-ʿilal* (hidden faults of a *ḥadīth*).

A person who does *tadlīs* is already in a problem; now, what is our rule with respect to the *mudallis* (the one who does *tadlīs*)? We said that when a person does *tadlīs* and a person is trying to hide who he took the *ḥadīth* from, he will say: ʿ*an* so-and-so ("on the authority of so-and-so"). He is kind of relegating the responsibility to someone else on the authority of so-and-so. He does not want to say 'I heard him tell me,' because that will be a lie because he did not hear.

And so when a person who is a *mudallis* has this mistake when he himself has heard the *ḥadīth* and says, "He said to me," or "He narrated to me [such and such]," then that is a very definitive way of narrating *aḥādīth* and that cancels out the weakness of that

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[6] *Muṣannaf Ibn Abī Shaybah*, Book of Purification, Chapter 161: Those who said *wuḍūʾ* is not obligatory for one who slept sitting or standing, narration no. 1426 (1/133).

[7] *Ṣaḥīḥ Muslim*, Book of Purification, Chapter: It Is Undesirable To Put One's Hand In The Utensil Before Washing It, *ḥadīth* no. 278

[8] *Musnad Aḥmad*, Narrators from ash-Sham, *ḥadīth* of Muʿāwiyah b. Abī Sufyān, *ḥadīth* no. 17003

person as a *mudallis*. And that's why a number of scholars said the statement that this *ḥadīth* is weak is not true, because Baqīyah made it very clear that he heard this *ḥadīth* and this *ḥadīth* is authentic.

What is the *ḥadīth* trying to say? The sphincter muscle which is a muscle which keeps your anus closed is a certain muscle which obviously has an internal reality and an external reality. The internal [is voluntary] – in your mind, if you say 'I do not want to pass wind,' you can control it. And you are in control. But there are certain physical realities of the body, that if the body is in a very relaxed state, then obviously the sphincter muscle is also either relaxed or not.

If a person is lying down on a soft surface, then [there is] every possibility in the world [that they will pass wind]. There is a much greater chance, and that's the physical reality. Now add the fact that you might go to sleep. If you go to sleep, then you are not even concentrating so much, the body starts to relax and so on. [Also] you're obviously not thinking about where your body is, so you might lean back and there is an even greater chance of you passing wind, which of course breaks the *wuḍū'*. So that's the issue that's going on. That's what the *ḥadīth* is trying to explain.

It's also interesting to note what Shaykh al-'Uthaymīn رحمه الله is saying:

وقوله: «إلاّ يسير نومٍ من قاعد أو قائم»، هذا استثناء من قول المؤلِّف: «وزوال العقل»، فخرج باليسير: الكثير، وخرج بقوله: «من قائم أو قاعد» ما عداهما، فما عدا هاتين الحالين ينقض النَّوم فيها مطلقاً

According to the *madh-hab*, [Imām al-Ḥajjāwi رحمه الله] is saying that a person who is not sitting down or standing who goes to sleep has broken his *wuḍū'*. Because the text says:

إِلاَّ يَسِيرَ نَوْمٍ مِنْ قَاعِدٍ أَوْ قَائِمٍ

… except for a slight amount of sleep whilst sitting or standing.

Meaning that if you were lying down, you're disqualified, even if it is a small amount of sleep. According to the *madh-hab*, if you lie down and you fall asleep, you're gone [i.e. you've broken you're *wuḍū'*].

What very common situation do people fall into, which according to the Ḥanbalis will mean you lose your *wuḍū'*? The answer is the *sajdah* – to fall asleep in *sajdah*. According to the Ḥanbalis, if you are in your *sajdah* (neither sitting nor standing) and you fall asleep, your *wuḍū'* is broken. The prayer is over right there and then. If you wake up, your prayer is gone. That is according to the *madh-hab*.

So what's our position? Our position is that it doesn't matter where you are, we don't believe that there is any evidence to suggest that it's only sitting or standing. We believe that it's about knowing what happens when you go to sleep. Whether you lie down, whether you're in *sajdah* and so on - if you fall asleep in *sajdah* and it's only little, then you're okay. If you fall asleep, even whilst lying down and it's only a little and you're able to make sure that you're aware, [that too is okay].

For example, it has been narrated in al-Bukhāri that the Prophet ﷺ would pray two *rakʿāt* and lie down, and we do not know that in that particular incident that he would actually go to sleep. He would lie down straight after two *rakʿāt,* and he would jump straight up and go for the two *rakʿah* of the *Fajr* prayer in the *masjid*.[9] There is another authentic *ḥadīth* in which the Prophet ﷺ would lie down, they could hear him slightly snoring, and then he stood up and prayed.[10] This is an evidence to show that it's not about the sound, it's about the person that is so out of it that they aren't aware of themselves.

So by that, I mean a person who is nodding off and they start snoring. But if you know that by the slightest touch or if someone speaks to them they will wake up, then they haven't broken their *wuḍūʾ.* It doesn't matter if you hear them snoring. The narration by the Prophet ﷺ indicates that is it something which will happen. The point here is that it's a little amount of sleep.

How are we determining what is little amount of sleep and what is a lot? The culture and the custom of the people determine what a small amount and a large amount is.

It's the ability of awareness. If you have slept a large amount, you can't tell the difference between anything. If it's a small amount of sleep, you're aware of your surroundings. That is the classic sleep which does not break the *wuḍūʾ.* Therefore, their *ṭahārah* remains.

Then Shaykh al-ʿUthaymīn ends the section by stating that if a man went for a slight sleep in his *sajdah,* the Ḥanābilah would say that the *wuḍūʾ* is broken and we would say that it is not broken unless he has gone to sleep so much that he isn't aware anymore.

He also states that in the Ḥanbali *madh-hab,* they believe that a person who is seated does not break their *wuḍūʾ,* but they made some exceptions. The exceptions that they made are to the certain types of seating and certain types of standing.

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[9] *Ṣaḥīḥ al-Bukhāri*, Book of the *Witr* Prayer, Chapter 1: What has been said about the *Witr* Prayer, *ḥadīth* no. 992.

[10] *Ṣaḥīḥ al-Bukhāri*, Book: Call to Prayer (*Adhān*), Chapter 57: To stand on the right side of the Imam on the same line if only two persons (counting the Imam) are offering prayer in congregation, *ḥadīth* no. 697.

If you are leaning on something, you create a little angle [of comfort] down below. And according to them, if you fall asleep [in that position], your *wuḍūʾ* is broken. They said if you lean against your elbow or lie down, that breaks your *wuḍūʾ*.

The whole idea is the weight [one feels as he leans or sits]. When you are standing, you are in control. If you were to lean back, your body would be relaxed and the weight would be on your shoulders, so your sphincter muscle could let go. And they say that even that position breaks your *wuḍūʾ*.

We say that it does not matter if you are in any of those positions as long as you're aware of yourself and you haven't fallen asleep to the level that you become completely unaware of your surroundings, your *wuḍūʾ* is still there.

Q & A

Q: The brother is asking about the narration that talked about the Companion passing wind, then waking up and asking the people around him.

A: Let me make it very clear that this is an independent, individual opinion of a Companion or two which has been narrated in the books of *āthār* (the narrations from the Companions). This particular narration has been collected in what is known as the collection of *al-Muṣannaf* of Ibn Abī Shaybah, and this narration is correct and authentic. This was his own personal *ijtihād*.

When we're studying *fiqh*, the personal opinion of a Companion is nothing but a slight indication towards what is right and wrong, it can never be used as an evidence by itself. We only consider the consensus of all the Companions to be strong enough to be used as legal evidence, not just a single statement, because we're all different in our opinions, our perception. But the wind is what the Companion was referring to when he woke up and asked whether they smelled or heard anything.

Someone asked last week what the evidence is that it wasn't the snoring? Because, that could be what the Companion was asking. And I responded by saying that even if it was snoring, how would it change the ruling? The point is that he fell asleep and it wasn't enough for him to consider that he had to make *wuḍūʾ* again.

The second evidence is that there are more explicit narrations which mention that it was the wind which was being referred to in other collections.

Q: The third position you said that there was a Ḥanbali school position that said, it's not a *ḥadath* but a *maẓinnatʾl-ḥadath*. So by that, do they think that something has happened?

A: No, it is the place where if your *wuḍūʾ* is broken, it will happen during that time.

Q: Isn't that the same thing, because the fourth position mentions that sleep is a possibility of the awareness of the *wuḍūʾ* being broken?

A: The fourth position is where the possibility lies of the *wuḍūʾ* being broken, but it and of itself, the actual breaking is only established by the loss of control of the person. They sleep so much that they are not aware of themselves anymore or they sleep so little that they are fully in control. It is the place where it will happen, but as long as they themselves are in control, it can be a huge amount of sleep compared to the others, but if they know they are in control of themselves, it won't break the *wuḍūʾ*. So ones level of awareness is the differentiating factor between [position] three and four.

Three of these positions are very close to each other. One side argues that sleep is what breaks the *wuḍūʾ*, little or large doesn't matter. And the other side believes that sleep doesn't break it, it depends on what happens. The differentiating factors between the three are minimal.

4. The Invalidators of Ablution IV

بابُ نَواقِضِ الوُضُوءِ

يَنْقُضُ ما خَرَجَ من سَبِيلٍ وخَارجٌ مِنْ بَقيَّةِ البَدَنِ إنْ كَان بَوْلاً، أو غَائِطاً أو كثيراً نَجساً غَيْرَهُما

وَزَوَالُ العَقْلِ إلاَّ يَسِيرَ نَوْمٍ مِنْ قَاعِدٍ أوْ قَائِمٍ

The ablution is invalidated by:

1) Anything that exits from the urethra or anus,
2) Any amounts of urine or faeces (one category) or large amounts of filth which exists from other parts of the body – mouth, ostomy etc.
3) Losing consciousness except for a slight amount of sleep whilst sitting or standing

That is just three of them, but there are more of them. There are actually more than six here, as well.

وَمَسُّ ذَكَرٍ مُتَّصلٍ، أَوْ قُبُلٍ بظَهْرِ كَفِّه، أَوْ بَطْنِه، ولَمْسُهُمَا من خُنْثَى مُشْكِلٍ، وَلَمْسُ ذَكَرٍ

ذَكَرَه، أَوْ أُنْثَى قُبُلَه لِشَهوةٍ فِيهِمَا وَمَسُّهُ امرأةً بشهوةٍ أو تَمَسُّهُ بهَا ومَسُّ حَلْقَةِ دُبُرٍ، لاَ مَسَّ

شَعرٍ وَظُفُرٍ ،وأَمْرَدٍ، ولا مَعَ حَائِلٍ، ولا مَلْمُوسٍ بَدَنُه، وَلَوْ وُجِدَ منه شَهْوَة

Ablution is also invalidated by (the fourth thing) which is in three parts:

4) A. touching a connected penis or labia with the back or palm of one's hand
   B. touching both (meaning a penis and labia in the case of a hermaphrodite) because of sexual desire – that is a condition
   C. A male touching the penis of a hermaphrodite or a female touching the labia of a hermaphrodite
5) A male touching a woman or her touching him because of sexual desire
6) Touching the anus

These are six things so far, but there are more as well. The first category are of the exiting (things coming out) and the second category are touching. The condition with touching is that it does not invalidate the *wuḍū'* if one touches hair, finger nails, a pubescent boy, or uses a barrier, or if one's body is touched with a sexual desire. Let's quickly explain that. This is referring to if a man touches a women's hair, fingernails, etc. or vice versa

If the person has been touched or their genitals or if it is a pubescent boy. This is the Ḥanbali *madh-hab.* Of course that's a strange position and we will be covering this in the next few weeks.

Anyway, before I teach I'll tell you something interesting which I forgot to mention a couple of weeks ago. It's a teaching point, actually. The text as I read from the Arabic says,

يَنْقُضُ ما خَرَجَ من سَبِيل

'The *wuḍūʾ* is invalidated by that which exits from the orifice,' and the word is *sabīl*. What's *sabīl*?

Sabīl is a path. We explained this in the first lesson. I was reading that in the Qurʾān, Allāh ﷻ uses two key words for path - *ṭarīq* and *sabīl*. Obviously this [the word *sabīl* as mentioned in the text] is not a path; we call it an orifice, but it's the route, isn't it? The urethra is the route where the urine comes out, so we call it a route. I don't even know what you technically call it. What would you call it if you were using it in the form of 'exit', 'path', 'road' or 'way'? I don't know what you would call in English but the point is that for the concept of a road, path, way, direction, etc., Allāh ﷻ uses the words *ṭarīq* and *sabīl* in the Qurʾān. In the Qurʾān, the word *sabīl* is used exclusively for the paths of the *maʾnawiyāt* (intangible). [The opposite] *maḥsūsiyāt* are those things which you can feel – they are real, tangible. Allāh ﷻ used *sabīl* for everything that is intangible. As Allāh ﷻ says in *Sūrat Yūsuf* (verse 108),

﴿قُلْ هَٰذِهِۦ سَبِيلِىٓ ١٠٨﴾

"Say, 'This is my way:"

Meaning this is my way of goodness, this is my way of *khayr*, of guidance. When the word *subul* (the plural of *sabīl*) is used in the Qurʾān, again it's about guidance. These are intangible things. Whereas the word *ṭarīq* is used for something which is physical; it's like a road that's been beaten down. What word should be used here? *Ṭarīq*. That's the point that's being made, that the Qurʾān has established a system. Not an obligatory one from a language point of view, but it's established a pattern where *sabīl* is used for intangible things, whereas *ṭarīq* is used for the tangible. Of course this is very tangible, since this is [about] urine and faeces, etc.

The Shaykh رحمه الله was saying that the reason that the author didn't stick to the principle is because if he had stuck to the principle and said, "What comes out of the *ṭarīq,*" it

would confuse the students and the people of *fiqh.* The learning point is that sometimes something might be wrong technically speaking, but it's right practically speaking. He used the word *sabīl* from a practical point of view because everyone would understand it. As soon as I read the word *sabīl*, I understand that word in relation to the body, even though it should not be used in relation to the body. The consequences of being wrong is nothing, whereas the benefits of being right is a much better experience in teaching, and that's something that all good teachers utilise. All good teachers know when to cut a little corner or use certain language in order to help convey a particular point in a better way. I thought that that was quite beneficial.

Back to the text. It can be split into two concepts:

1) The fact that some kind of sexual desire is created, one is aroused, something exits like sperm or sexual fluid, etc. So the touching is considered to break *wuḍūʾ* from that angle, or
2) Not so strongly speaking, it's considered to be the area of filth or dirt.

That's not really the main focus; the focus is on the sexual aspect here.

All of 4, 5 and 6 are linked to that. Of course the problem is that we are really talking about sexual contact. The people, like the majority of us here, considered it as man and woman [interaction] and that's the end of the story. But the books of *fiqh* have to make the count as to how to deal with all of the matters of the society as well.

Although [they (hermaphrodites) are a] minority, the concept of inter-sex people is actually not so rare as you may think. It wasn't really known back then, and it is to be accounted for now. So we will be discussing this in detail; we see it as detail because we do expect to be here in 10-12 years of time as well.

The hermaphrodite is someone who will externally display both sexual organs. They have both the vagina and the penis. Therefore, you're unable to clarify whether that person is a male or a female, and there are a number of rulings which are therefore affected by this fact.

This person will have a number of different rulings in terms of *ʿawrah, wuḍūʾ, ṣalāh,* marriage, divorce, inheritance, etc. All the rulings will change, which is why we will spend a lot of time now defining [hermaphrodites], so that later on we just say it as *al-khunthā, al-mukhannas* and then we'll know what we are doing.

That's the way people do it and that's why Logical Progression is called Logical Progression. When it comes the first time, you go in heavy and you explain the concept, and if you do it appropriately at the beginning then you will progress very nicely thereon.

Anyways, that's the most ridiculous thing that you have ever listened to, that it's a connected penis. It's worth laughing over and it's a joke. [However,] the problem is this: as the author, if he doesn't cover all the possible variations [in] one sentence, then he has to write a bigger book and commentary. I prefer to just put 'the penis' and

say, "Well you know that of course you expect it to be connected," but keep on saying "What about such-and-such?" When he writes, the author has to try to explain something to try and cover as many questions as possible, so that there won't be someone who says "What if it's detached?"

Shaykh al-ʿUthaymīn says that this is the fourth category and he also makes an interesting point; we are about to go over all the concepts of touching, but all of these touches are without a glove. Everything you read from now on must be bare skin. The concept is all about touching with your actual bare skin, because he said that the word *mas* (touch) is something which is not used when the skin is not making skin contact.

If there is a *ḥāʾil, falā yuʿaddu massā* (it is not considered as a *mas* (touch)). As for the penis, we are talking about just the actual penis itself and that is very interesting as well because this is not a referring to the testicles.

In the *Ḥanbali madh-hab,* when someone touches the testicles it does not break their *wuḍūʾ.* Now some of the *ʿulamāʾ* [have] said that the testicles are considered as part and parcel of the *dhakar,* which is the word for penis and that is the complete unit itself with the testicles. This is the weak position because there is no evidence to establish that a specific word means a specific word and Allāh knows best. That's the **position of the class**. It is only the actual penis itself which is in question considering this.

On the issue that it has to be connected, the reasons are if, for example, it had to be removed for some sort of medical treatment or whatever. I think this is the funniest part in all of this entire book.

Shaykh says that there is always some kind of crime, and it is obvious that he has been reading the Daily Mail, when some next girl finds her husband and chops the 'old behaviour' off. So Shaykh says that if that happens, then of course he is going to bury it.

What he says is that of course he is going to bury it, and he is going to bury it, that means someone has to pick it up. If someone picks it up to bury it, does he have to make *wuḍūʾ* or not? The answer is no, he doesn't have to make *wuḍūʾ*. *Alḥamdulillāh* for that. Next time you are in that situation and someone says that to you, then don't be shy and just do it.

وأيضاً: لا بُدَّ أن يكون أصليًّا؛

Another thing which Shaykh al-ʿUthaymīn adds (which is a bit complicated for me) is that it needs to be original. How does he determine whether it's original? He's not

talking about a penal transplant. By original, he's talking about a hermaphrodite. He says that the penis of a hermaphrodite is not original.

It is Islamically permissible to have an operation when a hermaphrodite exhibits more female characteristics than the male. It is permissible to remove the penis and other parts, and introduce aspects to almost strengthen the female nature from a chromosomal and hormonal point of view. That is only permissible if that person definitely has female sex organs and is exhibiting behaviour which is closer to the female than the male. Therefore, the penis was secondary to the original sex organ, which is the vagina.

Classically speaking, all of the *fuqahāʾ* agreed on very primitive ways of deciding what they would make this person be and how they would treat them. It is a difficult issue when someone who looks like a man or woman is standing in prayer with the believers, or when someone who obviously looks like man but says he feels like a woman is with the sisters who aren't in *ḥijāb,* etc. This issue was brought to my attention twice within this country and once abroad. It's a real concern.

In *fiqh,* we do have a system of how to deal with it. It comes down to what the person identifies more with. If there is some doubt and people are not clear or they doubt the person's intention, then the women, for example, would maintain their *ḥijāb* in their presence until something became clear.

This person would then have a sex-change operation. But that's the incorrect phrase as that is already their gender. Sex-change operations are *ḥarām*, because the word implies that the person is man and wants to become a woman. A hermaphrodite already has both organs.

In the past they would determine whether that person is actually a male or a female by seeing where they would urinate from. If it urinated from the male organ, they would consider them male. If it urinated from the female organ then we consider it to be a female. It goes further - if it urinates from both at the same time or it is indiscernible, then it was the amount of urine. So, if it was like a few drops from the female urethra then it is not considered to be woman, and if it was a lot from the penis, then it would be considered to be a male. The majority of the *fuqahāʾ* are upon that opinion.

Abu Ḥanīfah's statement is awesome on it. It's the funniest refutation ever. He said what a *bakwa*s statement that a person says that the gender of a person would be determined by how much they urinate. He says that it is the first time that he's heard that we would measure the volume of urine and show it to the *qāḍi* - this much urine versus that much urine, and therefore, we are going to determine the gender.

Personally, this is a big statement. There is a *ḥadīth* that says that the Prophet ﷺ was asked, "How are we going to determine [the sex of] this person who has both sex organs?" and the Prophet ﷺ said in this narration that he would inherit like he

urinates.[1] That is the basis [for the statement]. However, the *ḥadīth* has some weakness, it is not a very strong *ḥadīth* and today, and we can actually ascertain some of those aspects.

It is good that we understand it; it's part of our study. Back in the day, they were going with visual things. They didn't have the ability to check chromosomes and hormonal levels inside, etc. If there's no *ḥadīth* in play, you're kind of just saying that these are just people observing things and their observing versus my scientific analysis. To be honest, I would trust my scientific analysis more. The problem is when a *ḥadīth* comes in play. When a *ḥadīth* comes into play then we are not sure if divine knowledge is in play or not. And if divine statements have been made but you don't understand it, then that is when you have to shut your mouth, shut your mind and say we accept that, *samiʿna wa aṭaʿna*.

If you think about this, we don't know and cannot ascertain 100% whether this *ḥadīth* is authentic or not. Let's assume that the *ḥadīth* is authentic. The way that he urinates is the way that he inherits. A person might say, 'I have a degree in chromosome blah blah blah [or such sciences] and I can tell you that he is urinating through the penis but he has more female chromosomes, therefore it's a woman.' The issue would then be: is there any wisdom in knowing or going through an apparent use of visual measure, even if you know you might have gotten it wrong? You might have the belief that you have gotten it right because of scientific fact, but the *ḥadīth* says it goes by urination, and maybe that's wrong. I haven't thought about that yet, but I have thought about the principle.

The classic example is in *zinā*. In *zinā*, we know that if we want the *ḥadd* (punishment) to be established, what needs to be seen? What's *zinā,* first of all?

Student: Formication, outside of marriage.

Ustādh: Fornication, illegal intercourse outside of marriage. If we want to establish the *ḥadd* (the punishment upon that which is the absolute serious top behaviour), it's going to lead to death. What needs to be established? Four real human being witnesses - not four cameras - that see the <u>actual act</u> itself. So obviously in your mind, you know how unlikely that is. Hold that to the side, and say we have on the other side a simple test that proves immediately that it did happen. It can tell you conclusively that with this test, this happened. What should we do now?

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[1] *Collected by Ibn ʿAdīy in al-Kāmil fi Ḍuʿafāʾ al-Rijāl, from Abu Yūsuf, from al-Kalbi (widely considered to be a liar/fabricator), from Abu Ṣāliḥ, from Ibn ʿAbbās. The ḥadīth is mentioned extensively in Ḥanafi fiqh books from Abu Yūsuf. A number of scholars (al-Bayhaqi, ʿAbdʾl-Ḥaqq, Ibn al-Jawzi) considered it weak or extremely weak. An opinion similar to the meaning of this narration has been recorded from a number of companions and scholars including ʿAli ﷺ and Saʿīd b. Muṣayyib (see Muṣannaf ʿAbdʾl-Razzāq, Book of Inheritance, Chapter: A Male Hermaphrodite, Narrations 19204-19206 (10/308)).*

Student: Follow the Sunnah way.

Ustādh: What is the intention behind the Sunnah? You're saying [to] me to follow the Sunnah way, which is the right answer as a Muslim because that's what the Prophet ﷺ told us and it's from Allāh's *deen*, and he [the Prophet] does not speak from his desires. It is a *waḥyun yūḥā*, it is a revelation which has been revealed to him. We have to ask a simple question - what's the intention behind the *Sunnah*?

Student: We know that it's there as a punishment but how often it gets implemented is not high, to make sure you get the four witnesses and see the action itself.

Ustādh: What your saying is the conditions for establishing the truth are so difficult that it's going to happen very rarely. Therefore, I ask again: what is the actual intention when trying to deal with *zinā*?

Student: To stop people from doing it in public. If they do it in secret, it's unlikely that four people will see it, so…

Ustādh: So your answer of doing it in public instead of in private is almost like saying keep it private, it's okay.

Student: It's a deterrent.

Ustādh: Deterrent to what?

Student: To making it a higher burden of proof. Four witnesses is quite a high burden of proof.

Ustādh: No doubt it's a high burden of proof. What I'm trying to say is: is the *sharīʿah* serious about trying to get rid of this problem? That's my question to you.

Student: Yeah, definitely. The punishment's really severe so you stop it, and at the same time it preserves the honour of people [inaudible]. You want to be 100% certain as well. Maybe if you use science you won't be 100% certain.

Ustādh: You see the reason why I find this very interesting is - and I'll throw another turf ball in there as well - murder. For murder, there are opinions that DNA testing would be inadmissible in the case of the death penalty, because the manner the death penalty is established is not via the use of science or something like that. It has to be via the conditions of the *ḥadd*. That's a bit more difficult.

The point is these three examples are given: the first one is how to determine [the sex of] a hermaphrodite and whether it can be done better now or not. The second one is the example of] murder and is it better with medical advances? [Lastly] and especially the *zinā* one - can we prove it (which I guess it can be argued, yes [we can])?.

Ask the question: what is the *Sharīʿah* really up to? Is it serious about these crimes? Because if it was serious about these crimes, it would accept these advances, end of story. We would be able to get the culprit every time with absolute certainty. Except that we thought for 20/30 years that DNA was completely infallible, but we found out [later] that there are miscarriages of injustice. There are errors.

We found out that there are people that sway things and if you swap a DNA (because the high level of certainly in a DNA), a person who had nothing to do with it whatsoever, completely best of the people, completely innocent - he's going to be found 100% guilty because the DNA is going to say it was his. That he was there. I'm saying it's not even perfect. Even if it is perfect, its risk of being played is huge. That's something that we didn't realize before, but we realize now.

At the same time, who said it's about actually achieving the punishment? I've been making this point for a few years now. Who said that *sharīʿah* is about preventing *zinā* as its absolute priority? It's one of its aims to create purity and we almost speak about the whole thing as if the whole aim of the *sharīʿah* is to punish people. If you study the *sharīʿah*, the aim of *sharīʿah* is the exact opposite. It's to save and protect people. The punishment threshold is so high that for every punishment we have a *ḥadd*; it's like everything in the world is fighting that cause.

For example, [let's examine the ruling of] cutting the hand of the thief. You have to have stock stolen in such an amount, and in such a circumstance there can't have been any conditions around that would have forced you to do it, like poverty or illness or plague. The amount itself can't be just anything but has to have a value. You read the headline, don't you? "Stealing," and you think that's it but you don't know all the other conditions. For example, if the thing is left out, then you can't do it. We're going to cover this in 15 years in time. You realize you can't just grab something and steal it. If the other person has been careless in putting it out, then the majority of the scholars don't consider that to be a case either. What I am saying is there is so much more.

In other crimes, for example, you will see that when many of the *quḍāʾ*, the *shuyūkh* and the *fuqahāʾ* of the early times were presented with a guilty one, they would say to the guilty one, "Just say 'I didn't do it.'" Just begging the other person to just make any excuse to create doubt in a situation so that they can be let off the hook. Look at the Prophet ﷺ when he was approached by a person who actually said "I did *zinā*."[2] He was like, "I can't even hear, I can't even see you. I don't know what you're talking about," (ignoring the person in every capacity). If you study it more and more, this is what I mean by deeply understanding *deen.* It is more than just the headline.

We look at something like this and we are thinking 'Okay, that doesn't make sense. We can just verily easy do this.' But it's really actually us not understanding the

[2] *Ṣaḥīḥ al-Bukhāri, Book of Ḥudūd, Chapter 22: An Insane Person should not have the ḥadd of stoning applied to them, hadīth no. 6815.*

system where we think that it's just a simplistic way. It's not just about finding out this or that. It is also about setting the bar very high. We know that if those 4 people were not super confident about the person's guilt, they will be lashed a hundred times, each person. And it happened of course at a time of the Companions.[3] It was a major issue.

Student: Eighty times each person.

Ustadh: Eighty, *ʿafwan wa jazāka Allāhu khayr*. Eighty times. Each person will be lashed for *qaḍf* (slander) basically, for effectively accusing someone of something. This is if the guy even did it. I want you to imagine. Guy and girl did *zinā*. Four guys are absolutely certain with their own eyes with what they saw. But they are uncertain whether each one is actually going to say it. So they know 'We all saw it, we all know what happened, but I am not sure if my man is going to do it.' That's what happened at the time of the Companions - if one person holds back knowing the truth but doesn't go and say it, the rest of them are going to be done. Everyone is in a state of doubt, isn't it?

What I am trying to say is when you study more and more, it's like we don't want the punishment to be applied, almost. The reason why I mentioned it here is that when I said that they were looking to see where it urinates from, your immediate reaction is like, 'That could be so easily be proved wrong.'

I have not sat down and thought about it properly. But I think if I do, I think that we will find, *Allāhu aʿlam,* that the more primitive the way that we approach this subject, it's like we are also trying to prove a point to human beings as well. It is not about facts or scientific fact that the chromosomes are like this or like that. If a hermaphrodite came to us and said, "I think I am more woman than man," I think the s*harīʿah* has to trust that person. We have not been told that we need to see the genitals. You would obviously want to [see some proof] and we would expect that person to show us a doctor's certificate or something [similar]. That is part of good behaviour.

I am saying that if we are going to go simply by the case of urination, then it is so much easier to prove in different ways that this person could be in this manner, like this. I wonder if this would be a side argument to support the idea that we trust the person more than what we can actually prove.

Also, I think another side point is this: even if we have all the technology in the world of being able to determine whether a person is really more female than male from a

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[3] *Muṣannaf ʿAbd'l-Razzāq, Book of Witnesses, Chapter: The testimony of a false witness, narration no. 15550 (8/362). Also narrated briefly without a chain (*taʿlīqan*) in Ṣaḥīḥ al-Bukhāri, Book of Witnesses, Chapter 8: The witnessing of a person falsely accusing somebody of illegal sexual intercourse and the witness of a thief or an adulterer.*

genetic point of view, modern science calls the intersex hermaphrodite what we call *al-khuntha mushkil,* the exact translation of which is 'the ambiguous hermaphrodite'. I think they call it gender ambiguity or genital ambiguity, even though there are both sex organs there, clearly. Yet they still call it gender ambiguity even though they are able to do tests. They themselves admit that there are five tests or measures that they use to determine how it is - external sex organs, if they have gonads, the nature of the gonads, the chromosomes, etc. Even in the most advanced of sciences, they themselves will not come out and say that this person is definitely X or this person is definitely Y, but it could actually be either of the two, meaning that doubt is meant to exist.

So if doubt is meant to exist scientifically, and we are saying that we are not sure even via tests and there is ambiguity, then why would we criticize the s*harīʿah* for saying that the gender we will go with will depend on how the urine comes out? It is almost like we are saying that we trust the person's judgment if they make the call. I even read a *fatwa* from the early *fuqahāʾ…* al-Shāfiʿi, I believe said if a hermaphrodite said, "I want to marry this man," and he looked like a male but he said, "I am a hermaphrodite and I feel more female and I have feelings towards this man," Shāfiʿi رحمه الله said this marriage is valid.

The other *fuqahāʾ* said no, but Shāfiʿi said it is valid. Because how are we going to test this person other than listening to his statements? He says that this is who I prefer to more than that and he has visible proof as well? Who are we to say "No, no you do not fancy a man or you do not fancy a woman?" I am just saying that that is a point of reflection.

Student: Basically, you are saying that a person's word carries more weight than his physical characteristics.

Ustādh: Am I saying that? Am I saying that?

Student: Usually, we would look at the physical characteristics, or we say the person's not normal.

Ustādh: I think I am saying that... and I do not want to say that the person is not normal.

Not that I care too much about this point, but apparently you are not meant to say that they are abnormal. You can't say that they are abnormal. Let's just say they are normal. They are normal in that they are normal human beings, but obviously they've got both genitalia.

When I say normal, what I mean is that if he is a male, you know he is a male, you've always known him as a male, and he comes to you and he says, "I want to get married to a male," that's a major issue, of course that is. I am saying that a person who comes

and says to you "I am a hermaphrodite," or its known that he's a hermaphrodite, or its known that there are some issues that are going on, my question is: are we now obliged to go through DNA testing, chromosome testing, CT scan, check the internals, check the externals? Because you know there are different levels of how much a person's gone one way or another, and external genitalia is only one aspect, ambiguous. And inside a person could be a fully male and outside the *miskeen* has got, one of those, isn't it?

Student: You said before that obviously sex change is *ḥarām.*

Ustādh: Sex change is *ḥarām* because that is a person who is basically perverted from the original course that he is clearly upon. I am talking about a male. Transsexual people, that's absolutely *ḥarām* and disgusting.

Student: They say the same things, that they *feel* female.

Ustādh: 'Just a feel' means nothing. There has to be some actual signs - real proper signs that they are actually of that other sex.

Student: So you are trying to say that if it's the reverse then... With the hermaphrodites, wouldn't you have to say that you are more anatomically male than female?

Ustādh: I don't want to confuse two things. I don't want to confuse that attitude to this non-judgmental attitude to hermaphrodites, to not questioning any person that we know, coming and saying something - that's two different things.

What I am saying is that a known hermaphrodite comes in, however way that's known. People will know, everyone knows. People see it either in behaviour or characteristics or voice or appearance - you can tell. But let's say you can't, and a person says "I am willing to do this," or you can check, or he has a doctor's certificate - in modern times, that's what it would be.

I am giving you a very different scenario; a man comes in for all intents and purposes and says, "I am actually a hermaphrodite but I want to get married to a man because I am a woman." And he's a known hermaphrodite, and you can see it as well - that's the issue that Shāfiʿi is talking about, that's the issue that the *fuqahāʾ* are discussing.

The majority says you've got to be kidding, right? But there is a statement out there that, hold on, if the person comes in and says that, how are we actually going to judge this person? He's showing all the signs. He deserves to have the right to make that decision based upon his overwhelming feelings. You know what they say? It's really interesting, to be honest. It's a very interesting area and it's not just the specific area; it's the wider principle, and it's very important in *fiqh* to understand. Just the ramifications of the modern day developments since modern science and thought and how much it affects us.

See, the other major problem is how liberal we are naturally. We are living in the West in a liberal democracy, secularism is the dominant thought, and obviously science and the empirical method is also very big to us. So we really appreciate evidence, maybe even more than we should be. We are so very empirical, we want to see things all the time, and that's why a lot of people are godless - because much of faith is unseen. Much of faith is unseen, and that's why it's called *īmān*, isn't it? You put your faith in Allāh. And when you are growing up in an empirical kind of way, we are almost demanding evidence about things that shouldn't need proving and shouldn't need evidence as such.

Add that to the fact that we want scientific things to be the standard. What I found (and this is to my benefit and this is something which I advise all of you) is that the quicker you recognise your own your limits, you recognise that your intellect is deficient.

For the female, we are talking about her *qubul*. Likewise, the *qubul* needs to be original. The word 'vagina' is not the right word. The vagina is actually the internal passage and we're not talking about the internal passage. What we are talking about is the [vulva, including the] labia, which is the surrounding part [of the vagina.] The outer is called labia majora and inner lining of the labia is called labia minora.

The point with the Ḥanābilah is that it doesn't matter whether it is the back of the hand or the front [touching the genitalia]. It is understood that touching is always done with the fingers or the hand. The concept of touching something with the front or back of the hand isn't there. Likewise, when it comes to the sexual touch, it is not done with the back or the front of the hand, which is why you find many of the scholars saying (as we will demonstrate in *Kitāb al-Ghusl*) that they would wash the private parts and the inner thighs, for example. The inner thigh would then be washed with the flat hand and then the palms would be cleaning the private parts.

This is if you strongly believe and hold the opinion that touching the private parts breaks the *wuḍūʾ* and the sexual feeling is irrelevant. Classically, when we were taught *fiqh,* for male and female, we were told that when the private parts are washed (in *ghusl*), it would be washed with flat hands.

That's where the argument comes from. The Ḥanbalis are trying to say back or front, and that's why they mentioned it. Shaykh [al-ʻUthaymīn رحمه الله] says that the touching of the private parts with a part of the body other than the hands does not break the *wuḍūʾ*. That is because of the *ḥadīth* that has been mentioned.[4] The Prophet ﷺ said,

[4] *Musnad Aḥmad, Collection of those with a large number of narrations (*Baqi al-Mukaththirīn*), Abu Hurayrah, ḥadīth no. 8385 (2/333)*

مَنْ أفضى بيده إلى ذَكره ليس بينهما سِترٌ، فقد وجب عليه الوضوء

The *ḥadīth* has been narrated by Imām Aḥmad and states that Prophet ﷺ said that whoever touches his penis with his hand and there is no barrier between them, then *wuḍūʾ* is obligated upon him.

The word *yadd* (hand), what does it mean? Shaykh al-ʿUthaymīn رحمه الله wants to make it clear. What if a person wants to wipe his penis with his elbow? Would it mean that he breaks his *wuḍūʾ*? He does not. We studied *wuḍūʾ* and we said that we wash our hands up until the elbows. The Qurʾān says up until the elbows. How do we know that a hand is a hand? Allah ﷻ says in *Sūratʾl-Māʾidah* (verse 38),

﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا ﴿٣٨﴾﴾

"Cut off the hands of thieves, whether they are man or woman,"

We know by *ijmāʿ* and the *Sunnah* that they don't have their arms cut. The Prophet ﷺ told them to cut it just above the wrist joint. If you cut past the joint, it's a clean cut. The hand comes off, then you can wrap that up and you get a nice "ball" and that's it.

If you were to cut that there, you would have cut through the nerves, you've cut through the tendons, you've cut through the bone. You've got nothing but a splinter. You can't use that. You can't put any weight against that. You can't do nothing, it doesn't create a ball. It's like....again, punishment is not that - you might think it' a big punishment, losing a hand. You can actually get used to it and do a lot of things with a stump.

Anyway, the point is that Allāh ﷻ says that their hands are cut from here, so that is proof that the hand means that and only that, there, exactly there and not the wrist. It includes that part there only, unless the words says 'including this', 'including that' etc. etc. So that is the hand which is to be cut.

The scholars differed amongst themselves with respect to the touching of the private parts. Does it actually break *wuḍūʾ* or not, and there are four positions - we will cover those next week *in shāʾ Allāh*, because they are detailed and we will go through all of the evidences. We will talk about whether it is absolute if you touch it and it breaks *wuḍūʾ*, or do you need sexual desire for it to break *wuḍūʾ*, and whether it is recommended to do so. We will talk about all of the opinions *in shāʾ Allāh* and Allāh ﷻ knows best. *Jazākum Allāhu khayr.*

Q & A

Q: What's the situation if a guy dressed with as a woman [inaudible]?

A: The question is, well what about those people who dress up (cross-dressers)? These people are transsexuals. We're going to make it very clear. Who's taken 'Last Breath'? If you've taken 'Last Breath', you'll know that massive mistake that I put in there. I was trying to translate, trying to write down hermaphrodite and I had and put 'transsexual' down. It's still there, actually.

The point is that a transsexual is someone who tries to act like the other sex for purely deviant reasons. They have got nothing in them whatsoever other than their thoughts and that is never ever, ever acceptable. That is utter deviancy. That is of course why the pro-gay and pro-homosexual lobby is desperate to try and find a medical link or a genetic kind of flaw in order to basically say, 'There you go, the person can't help it,' because once something is medically proven, then that's true. Then we are in trouble. Of course that will never happen for homosexuality, but in terms of intersex people… I don't even know what you call them. People? No, you don't say intersex men or women, do you? You just use 'people', a neutral term. Intersex people, they've got both thingies and they can legitimately go one way or the other and we can legitimately help them as well, based on what we can see to be the dominant feature.

Feelings by themselves are never acceptable. Once you open that door and you accept that people feel a certain way is acceptable, then you can't stop. Then paedophilia is acceptable, incest is acceptable, murder based upon X, Y, Z is acceptable. Everything starts to go up in the air then. Do you understand what I am trying to say? There are some standards and *sharīʿah* is very, very perfect. I mean it is absolutely perfect. It is supremely consistent. It says that we are not going to be interested in people's feelings but if you have a medical flaw, then we will save you.

So for example, if you are proven to be mad or insane, then you will not be held accountable for anything, forget about your murder and your this and your that. Forget about your *ṣalāh* and whatever and whatnot. Allāh ﷻ takes accountability away from you. So, we are the people of science, ain't nobody trying to teach you that. We know exactly what's going on. We know what deficiency is, and when someone is compromised because of a condition, and we know when someone is trying to lie as well.

Q: For the hermaphrodite, how do we decide if they're going to be male or female?

A: We will discuss that next week or the week after.

Q: Do the four witnesses apply to rape cases and does that establish the guilt against the one who is the rapist?

A: Yes and no. It depends on exactly what the claim is. There is a difference among the scholars, but *al-ightiṣāb* (rape) can be sufficient, at times, to use a single woman's testimony when we know the system is being abused, and that people are not trustworthy, etc. It is a flexible situation. But it's not like what we would have in the current criminal system.

What is really interesting is when the baby is born a hermaphrodite, there is pressure on trying to take away the rights from the parents to determine the sex of the child. I'm not sure what the current law in Australia is, but at the moment it does not allow a parent to request for one of the organs to be removed. The doctor will tell them their child is a hermaphrodite, and that both organs are there. Naturally, you as a parent will immediately start planning the necessary changes that need to be made.

They said that if the child gets to the age of five, you do not have the ability to make that decision after that. What they really want to do is to say at the age of zero – meaning born, and they confirm it for you – neither doctor or parent should have the agency of determining this kid's "free will" to live a life of sexual choice. They are so concerned about the right of this child to experience both, they said, we want the child to experience both and choose because your decision might rob this child of one of its chosen parts.

The amazing thing, *subhan Allāh*, you know what restored my faith in humanity, is that it only seems to be the Australians who have lost the plot on this one. But there seems to be some pressure, this change in America obviously, the UK, a few countries.

Student: It's the same issue with male circumcision - that it's child abuse, basically.

Ustādh: Yeah, true, that's true, actually most aspects that are not *sharīʿah* or pro-*sharīʿah* are to found to be in some kind of negative concept and unacceptable or whatever.

Q: Baby is born and does not urinate. What if a baby is born with both sex organs and dies within a few minutes before urinating? Does he inherit like the male or female?

A: The answer to that is my answer at the very beginning – I don't necessarily think, and Allāh ﷻ knows best –I need to make some study on it – that the urination is the only and the most "*naṣ*" way of determining the sex. And especially if there was no urination, then we could do a test and see that it is more male than female, etc. Meaning the judge would use his best interests (judgment?) and make *ijtihād* and determine whether the child was more male than female or vice versa, and then give the inheritance based upon that.

5. The Invalidators of Ablution V

Touching the Private Parts

We are on the fourth invalidator of *wuḍū'*. This aspect is all about touching the private parts; initially of one's own and then going into the issue of the hermaphrodite. Hermaphrodites are so rare so you might think, 'Why on earth do they spend so much time discussing it?' Only because it presents a different situation that needs to be dealt with. It is not just hypothetical - it is actually true. Hermaphrodites actually exist and they have both sexual organs. You can either look at this very simply or go through it in detail as the *fuqahā'* want to, and we will do it in detail as the *fuqahā'* want us to do it.

We came to point number four:

(a) Touching a connected penis, or labia, with the back or palm of one's hand

I think that what Shaykh al-'Uthaymīn رحمه الله said was quite clear, that the evidences he mentioned are not just the *āyah* of cutting the hand, but that the basic principle is that the Ḥanbali *madh-hab* said whether you touch the private parts with the back or the front (of the hand), it (the *wuḍū'*) is gone.

The back of the hand is not something which is normally used for touching the private part. In fact, as I mentioned last week, if the people follow the *madh-hab* or various *madh-habs* in this issue strictly, then the manner [in which] they wash themselves is done in such a way so that when they wash their private parts during *ghusl*, they would clean themselves so that the palms of their hands are cleaning their thighs. The fact is that their hands are touching their private parts in order to clean that area. There is a general understanding even in popular culture that a person would not like to touch something with the back of their hand. The *ḥadīth* itself seems to indicate that the hand itself (in terms of touching) is referring to the palm and not the external side (the dorsal). Palm is used always referring to the inner [part of the hand]. The dorsal part or the upper side is not included in this. That is not applicable to the class.

The Ḥanbali *madh-hab* [says that it is] both sides [of the hand]. The class position, which is [the position of] Shaykh al-ʿUthaymīn and Muḥammad Mukhtār al-Shanqīṭi [is that] it is only the palm. Does the touching of the private part break the *wuḍū'* or not?

There are four positions. We have covered this in detail. The first position is yes - that is the *madh-hab.*

When I say yes, that therefore means it is obligatory to then make *wuḍūʾ* if one touches the private parts. [The second position], no, means that it's not obligatory and it doesn't break the *wuḍūʾ*. [The third position states that] yes it does break the *wuḍūʾ,* but only with sexual desire (*shahwah*). By desire, we mean some form of sexual intent. There is some kind of sexual feeling. The fourth position is that it is only recommended, but in all circumstances. It doesn't matter whether it's with [sexual desire or not], if you touch your private parts you should make *wuḍūʾ*. It is something which is required.

Let's look at these in detail. The first position is the position of the Ḥanbali *madh-hab*. Why did they say that you have to make *wuḍūʾ* if you touch the private parts? Firstly, the *ḥadīth* of Buṣrah bin Safwān[1], the Messenger of Allah ﷺ said,

مَنْ مَسَّ ذكرَه فليتوضأ

Whoever touches his penis, let him make *wuḍūʾ*.

This *ḥadīth* has been narrated by Imām Aḥmad, Imām Abu Dāwūd, al-Tirmidhi, al-Nasāʾi, and Ibn Mājah. It was considered to be authentic by the following *imāms*: Imām Aḥmad ibn Ḥanbal, Imām Yaḥya ibn Maʿīn, Imam al-Tirmidhi, Ibn Khuzaymah, Ibn Ḥibbān, Imam al-Ḥākim, and al-Bayhaqi.

Imām al-Bukhāri said a very interesting statement and a very strong one, which is why the Ḥanbalis are very strict on this issue. Shaykh Muḥammad Mukhtār al-Shanqīṭi is upon this opinion. Imām Bukhāri said that this *ḥadīth* is the most authentic *ḥadīth fiʾl-bāb*. This is a very common phrase that Imām Bukhāri and the *fuqahāʾ* mention. Imām Bukhāri is from *Ahlʾl-Ḥadīth* and his primary source for getting a ruling is going to be finding the kickoff *ḥadīth* in "the chapter". "The chapter" means any kind of subchapter of *fiqh* - any kind of issue. He's looking for the big *ḥadīth* which delivers the fatal blow. There are loads, and he'll compare all of them. He has said that in the issue of touching the private parts, this is the most authentic *ḥadīth* in the chapter. It says that you should make *wuḍūʾ*. This is a command.

Interestingly, Imām al-Nawawi said that this is also narrated by Imām Mālik, and the three *imāms* (of the *Sunan*) narrated this *ḥadīth* with authentic chains. Imām Bukhāri himself did not narrate this *ḥadīth* which shows that he does not consider it to be authentic. Just because Imām Bukhāri said that it is the most authentic *ḥadīth* in the chapter, doesn't mean it's good enough for it to go into his book. Imām Bukhāri's book is 'A star plus'. Imām Bukhāri just can't be putting any authentic *ḥadīth* into his book; otherwise people will lose confidence in the book.

[1] *Sunan Abi Dāwūd, Book of Purification, Chapter: Wuḍūʾ from touching the penis, ḥadīth no. 181.*

The reason it is called *Ṣaḥīḥ al-Bukhāri* is because its *ḥadīth* are beyond discussion, beyond question. Imam Bukhāri knows that this *ḥadīth* has doubts in it. There are some discussions about it and there are some questions about some of the narrators in the *ḥadīth* - that is the reason why the scholars differed over its authenticity. At least he is bold enough to say that despite all that, it is the actually the most authentic *ḥadīth*. It is the best of the worst (or best of the lot), meaning that it is not a great bunch of *ḥadīth* to start off with in terms of [their] authenticity but out of them, this is the most authentic.

This is his point but you should be getting the indication that this is not a straightforward, cut-and-dry case. There are going to be people who agree over this issue. Are they going to start the argument right by saying that the *ḥadīth* he used is weak and that it is an acceptable opinion? Some of the scholars consider this *ḥadīth* to be weak. That's the first *ḥadīth*, the first evidence.

The second evidence is the *ḥadīth* of Abu Hurayrah[2]. He said,

عَنْ أَبِي هُرَيْرَةَ ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، قَالَ: "مَنْ أَفْضَى بِيَدِهِ إِلَى ذَكَرِهِ لَيْسَ دُونَهُ سِتْرٌ ، فَقَدْ وَجَبَ عَلَيْهِ الْوُضُوء".

The Prophet ﷺ said "If any of you touches his penis with his hand and there is no barrier there, then *wuḍū'* is obligatory upon him."

In this text, *ilā dhakarihi* is used. This *ḥadīth* clearly specifies the penis. In the other narration, the word *faraj* (is used). The word *faraj* appears many times in the *Sunnah*. The word *faraj* is a very general term meaning the genital region, and it also means the penis, the labia, as well as the anus. The word *faraj* means private parts, so it has a general and specific meaning depending upon context. When the word [used in] *ilā farajihi* is *faraj*, then it is almost specifying the penis. At the same time, it is referring to his [other] private part, the anus and if [it is] *ilā farajiha* then it would be referring to her private parts (labia, etc.)

The *faraj* is a very general word. For example, you can't say 'her penis' - it's not possible. You cannot say *dhakariha* but you can say *farajiha,* so private part is private part, which works in the English. The private part is the exact translation for the word *faraj*. As a matter of fact, when it comes to the use of any phrase for the private parts, the only word that the majority of lay Muslims would know is the word *faraj* because the Prophet ﷺ used this wording in the famous *ḥadīth* (that whoever guarantees me this and this, then I would guarantee him paradise, meaning the private parts and the tongue. i.e. Don't tell gossip and lie and don't do *zinah* or any of

[2] *Musnad Aḥmad, Collection of those with a large number of narrations (*Baqi al-Mukaththirīn*), Abu Hurayrah, hadīth no. 8385 (2/333)*

the [illegal] sexual acts). The *faraj* is a commonly used word and it's a lot more usable, etiquette-wise. It is safer to use than the specific word such as the more direct name of the organs.

This *ḥadīth* is in the narration of Ibn Ḥibbān, and the reference has been given as page 246.

This *ḥadīth* has much more criticism over it in terms of weakness. It is also a *ḥadīth* which is considered to be weak or to have weakness in it. So at least know that for now. Some of the scholars consider it to be weak, some consider it to be authentic.

The third evidence for those that said that it is obligatory to make *wuḍū*ʾ after you touch the private parts, is because of a principle that if a person touches his private parts (especially a male), something is emitted and they don't realise it. It's possible that there is some kind of ejaculation of some sort, [an emission] of sexual fluids either from the male or the female and they don't notice. That's possible in small amounts, and so therefore the same principle applies [for things] such as sleeping. That this is *maẓannatʾl-hadath*. This is the place, the time, the opportunity, or the moment where one expects impurity to break or *ḥadath* to occur.

Just like sleep - if we go back to the discussion we had on sleep (the detailed one), then you will have realised that there are some scholars - like when we said that sleep breaks *wuḍū*ʾ, why did we say that sleep breaks *wuḍū*ʾ?

We don't know what's happening during the sleep, meaning sleep is where we think something will happen that will break out *wuḍū*ʾ. Just because we think or it is expected that things will happen that will break our *wuḍū*ʾ, then we said that this sleep breaks our *wuḍū*ʾ. So, there is no actual evidence anywhere that says that, closing your eyes and going to sleep is what actually breaks the *wuḍū*ʾ. It's the expected outcome of what happens to your body during sleep.

If we accept that principle (and so many did, of course), then Ḥanbalis will say - they might be saying this to the Shāfiʿis or saying this to the Ḥanafis, or whoever it is - that you accept the principle that it doesn't have to be something very obvious. You accept that when you go to sleep it breaks *wuḍū*ʾ, yes or no? Yes, yes, we do. Why? Because that is when we expect maybe someone to pass wind, someone to touch their private parts, someone to do this, someone to do that. Okay then, if you expect that then I am telling you as well that, likewise, touching the private parts when that happens, it is a possibility, quite an expected reality, that there could be some emission or ejaculation and you don't realise it. Therefore, the touching of the private parts is also *maẓannatʾl-hadath*. It is also the place where the possibility of *ḥadath* [may] be occurring. So that is the third evidence. Yes?

Student: How do we understand this with the principle about the concept of doubt?

Ustādh: Well, this is a point. The student is saying, how do we understand this with the concept of doubt? We know that doubt cannot overcome certainty. So what is

certain must remain and a position of doubt cannot overtake it, right? So that would mean common sense and I have to say that the mass majority of scholars did not apply this here. They did not apply this here because for them, the issue is of going to sleep. Because you have lost control, we are outside the idea of doubt or certainty. It is certain that something is going to happen and whatever happens or not, the one thing that is certain is that you are not the person to ask. There is no way that you can defend yourself, so you are almost forced to negate the doubt aspects. It is almost certain, (I don't want to say 'almost'), it is certain that you cannot defend yourself. You do not know what is happening [when you sleep], therefore, you cannot use the certainty or doubt argument.

Having said that, obviously we can see there were some Companions that were not happy with this concept and did not believe it should be applied here. They said that if it is about something happening [passing wind while I sleep], then if I can maintain that something did not happen, then it means I can have that certainty of maintaining my *wuḍūʾ*.

Hence [they used] the argument that if a person wakes up and asks around "did you smell anything or hear anything" and hears a no, then he still has his *wuḍūʾ*. Again I repeat, when you see an individual Companion do something like that [an odd action with no evidence], then that is a very risky position. All of you are now on the way to becoming proper students so you need to understand some of the key principles [of deriving evidences].

A single Companion stating something or five or ten, it does not give strength to a single opinion in an issue. [This applies] because a Companion making a statement is not a million miles off from another scholar making a statement. It is obviously different [in the sense] that you cannot compare a Companion to a *tabiʿī* or a *faqīh* or something, but a singular statement [of a Companion] in the absence of *dalīl* must remain a singular statement in the absence of *dalīl*.

If you do not have this principle, then you will drive yourself insane in *fiqh* because you will find a contradiction in every single statement of law. Whenever you find a statement of the majority [of scholars] in an issue, you will find an opposite [statement] existing in virtually every aspect of law. If you had this idea that every time a Companion says something we have to follow it, then it would be impossible [to come to a conclusion].

There has to be a system of arriving at a position. There has to be a system where we can say [that] we respect that this position is held by a Companion or [two or] three but the majority beg to differ. The evidence seems to suggest something else and there is no disrespect to that Companion. This might be his personal understanding or he might have made a mistake or this is his own *ijtihād*.

That is very important. I want to say that however funny this position sounds that I can wake up [from sleep] and ask around if you smelled or heard something and this

means my *wuḍū'* is solid, this position is very rare. It is a very strange and very risky position to hold. It is good for us, as students, to understand the concept [of such a position existing].

Those are the three key evidences that the scholars used to establish the obligation of making *wuḍū'* when you touch the private parts. That is the Ḥanbali position. The second position is that touching the private parts does not break the *wuḍū'* at all. They base their position, firstly, on the *ḥadīth* of Talq ibn 'Ali (*raḍi Allāhu 'anhu*)[3].

He asked the Prophet ﷺ about a man who touched his penis in prayer. He asked the Prophet ﷺ: "*'Alayhi wuḍū'*?" (He asked him, 'Is *wuḍū'* obligatory, on the one who touches his penis while he is in prayer?') *al-Nabi* ﷺ said: "*La, innama huwa baḍ'atu mink*." He said, 'No, this is just another part of your body.' This is 'a part of your body', actually, and not 'another part' of your body. It is only a part of your body.

This *ḥadīth* is very famous; let me give you a little bit of detail about this *ḥadīth*. This *ḥadīth* has been narrated by Imām Aḥmad in the Book of Purification and by Imām Abu Dāwūd and by Imām an-Nisa'i. [They narrated] all of this in the Books of Purification and Imām al-Tirmidhi [also narrated this] and Ibn Mājah and more. This *ḥadīth* was considered weak by the following scholars: Imām Al-Shāfi'i, Abu Hātim and Abu Zur'ah.

These are major scholars of *naqd*.

When we say *naqḍ*, we are talking about the very highest quality of weakening a *ḥadīth,* they are the ones that have the absolute authority in saying this *ḥadīth* is weak. Abu Zur'a, al-Dāraquṭni, al-Bayhaqi, Imām al-Nawawi as well [all considered this to be a weak *ḥadīth*]. Why? This is because most of the scholars considered the son of this narrator – Qays ibn Ṭalq - to be weak; therefore, he weakens the entire chain. However, Imām ibn Ḥajr al-'Asqalāni considered the evidences and he concluded that this man is actually truthful (*ṣadūq),* meaning that he gets it right. It is not at the very highest level, but second level in terms of quality.

In terms of the scholars that authenticated this *ḥadīth*, [there are] not many, but from them: al-Fallās, Imām al-Ṭabaranī, Imām al-Ṭaḥāwī, and Ibn Ḥazm.

The big statement here is the statement by 'Alī ibn al-Madīnī – who is the teacher of Imām al-Bukhāri, he is from *a'immat al-naqd,* he is the companion of Imām Aḥmad ibn Ḥanbal, and he is the imām of *naqd*, so his position and his conclusion on a narrator is very powerful. He said that Qays ibn Ṭalq and this *ḥadīth* is better with us than the *ḥadīth* of Buṣrah. He is obviously comparing; he is saying [that] what he narrates, what he says, his relative strength as a narrator, and therefore the entire

[3] *Interpolated from two aḥādīth in Musnad Aḥmad, Narrators from Madīnah, Ṭalq b. `Ali, aḥādīth nos. 16286 and 16292. Similar narrations are reported in other books of Sunan.*

package - we consider it better and stronger than the *ḥadīth* that they use. The *ḥadīth* of Buṣrah, and the strength of the *ḥadīth* of Buṣrah.

Imām al-Ṭaḥāwī said that this chain is very strong, very clear, there is no doubt, there is no weakness in it, and there are a number of references for you to study this *ḥadīth*.

As you can imagine, the *aḥādīth* in this chapter have been studied intensely. There are a number of pages of discussion about this *ḥadīth* because ultimately it is the *ḥadīth* that is more authentic and is going to establish the tone of the ruling. Are you going to have to make *wuḍūʾ* or not when you touch your private parts? It is a significant point because it is not such a rare action. It is something which is done regularly. Therefore, this is the idea behind why there is so much discussion. And there isn't like a knock-out *Bukhāri ḥadīth*, or a knock-out *Muslim ḥadīth* that solves the issue.

It is interesting that we have the teacher and the student on opposing sides. The student, Imām al-Bukhāri, who is the Imām of all the people, even though he is the student, he says that the *ḥadīth* of Buṣrah is stronger in this matter, and his teacher and a number of other scholars considered that the *ḥadīth* of Ṭalq is actually better. Meaning that this is only just something from you. Now you can see here that there is no discussion of desire or no desire - they basically just said [that] if a person touches his penis in the prayer, it is just like touching your knee, it's just like touching your elbow, it's just like touching your head. It is just another part of your body.

There it is - not obligatory. The second evidence (and we've seen this kind of evidence before) is that the basic principle is what? What's the *aṣl* here? Let's talk like *fuqahāʾ*, what's the *aṣl*?

Student: *Wuḍūʾ*

Ustādh: He's in the *wuḍūʾ*, and therefore the continuation of *wuḍūʾ*. He's in *wuḍūʾ* therefore the *wuḍūʾ* remains. The *ṭahārah* remains without breaking it. We will not break a consistent established state unless we have a definite clear certain evidence. So once we enter into this state, this state of certainty continues until a *mutayaqqan* (absolute, certain, clear, no doubt) *dalīl* breaks this state.

What does Shaykh al-ʿUthaymīn رحمه الله say? He says the *ḥadīth* of Buṣrah and Abu Hurayrah are both weak. Shaykh al-ʿUthaymīn has put his cards on the table - forgive the phrase. He has made it very clear this is my position. Both these *aḥādīth* are weak, [the ones] that the Ḥanbali *madh-hab* uses.

وإذا كان فيه احتمالٌ؛ فالأصل بقاءُ الوُضُوء.

If there is some kind of discussion or some kind of doubt about two evidences which are not authentic, then the certain state continues. What is the certain state? The remainder of the position of *ṭahārah*. That's what continues and we aren't going to change that for a weak *ḥadīth*.

I'll tell you what he says which is very interesting; He says, especially when it comes to *wuḍūʾ,* as an-Nabi ﷺ said:

عَنْ عَبَّادِ بْنِ تَمِيمٍ، عَنْ عَمِّهِ، عَنِ النَّبِيِّ صلى الله عليه وسلم قَالَ " لاَ يَنْصَرِفْ حَتَّى يَسْمَعَ صَوْتًا أَوْ يَجِدَ رِيحًا ".

"One should not leave his prayer unless he hears a sound or smells a smell."[4]

Meaning that it doesn't matter what you think, we need certainty. That certainty is a clear smell or a clear sound. Until then, it doesn't matter what you think about, 'I broke my *wuḍūʾ*' or 'I think I broke my *wuḍūʾ*' - your *ṭahārah* continues. So he's using the meaning of this *ḥadīth*.

The third position is if someone touches their private parts with desire, then the *wuḍūʾ* is broken. Then the person has to make *wuḍūʾ*. If the person touches their private parts without desire, then it is not broken. This is the third position. It is the position held by a number of scholars, especially contemporary scholars. It is the one which (as you will see), Shaykh al-ʿUthaymīn says the attractiveness of this position, what does it do?

Student: Combines

Ustādh: It combines the two positions. No need to go around saying that *ḥadīth* is weak and your *ḥadīth* is weak. It combines both positions and it combines both *aḥādīth*. Understanding it in this way, we are able to say that both *aḥādīth (ḥadīth* Busrah and *ḥadīth* Ṭalq), are acceptable. Shaykh al-ʿUthaymīn makes a very important statement - listen to this statement, and make sure you write [it] down. This is a primary rule in *uṣūl'l-fiqh:* if you can reconcile two *aḥādīth*, it is obligatory to do so before you start preferring one over the other or abrogating one.

What are we saying? We're saying [that] you've got two *aḥādīth*. Once you start to say [that] this *ḥadīth* is weak, you're making a call and it's a risky call because you're going to have to make a judgment call based upon your interpretation of narrators and so on so forth. What you might theoretically do is take out an authentic narration which should be part of the religion, which should be something that should be considered, and you're saying it's weak.

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[4] *Ṣaḥīḥ al-Bukhāri, Chapter: Those who consider wuḍūʾ to not be obligatory except after discharge from the exits, hadīth no. 177.*

And the Prophet ﷺ might have said that. So, when you do *tarjīḥ* (preponderating, meaning you're making one opinion stronger than the other), you're doing that by building a case in your mind and the way that's done is you strengthen your case and you weaken the other person's. That's the only way you can build a case. [You] strengthen yours, weaken the others, which is what we have to do a lot of the time but that's only because you're forced to.

To just weaken the opinion of someone else - especially if they have an *āyah*, an interpretation of it, or a *ḥadīth* on their ruling on it - is no joke. So, you have to be absolutely certain [with] what you have to do. It's not a risky position but it's not an ideal thing to do. The other thing which is definitely not an ideal thing to do, [especially] when you're confused, is jumping to abrogation. It's an easy and lazy method right? 'Oh, your *ḥadīth* happened early, my *ḥadīth* happened later. My one cancels your one out. So, yours was the beginning part of the *Sunnah* and mine was the later part of the *Sunnah.* Therefore, what happens is that that was an earlier ruling and mine is a later ruling and therefore it cancels out'. [It] abrogates, yes? This is - I don't want to say lazy *fiqh,* because sometimes it has to happen.

If there is no other option and that's the point. Making one opinion stronger over the other, or saying one is abrogated or not, this something that should only happen if you have no other choice. What is the number one tool of *Ahlʾl Sunnah* (this is a point about *Ahlʾl Sunnah)*, [that] *Ahlʾl Sunnah* always tries to reconcile. Always! When you see two contradicting *aḥādīth* or two contradictory positions, your absolute effort must be expended. Your absolute priority is to reconcile. Always try to reconcile. Once reconciliation becomes impossible, then we start moving towards weakening a position or saying something is abrogated etc. etc.

In fact, Shaykh just combines it. [He] just explains it on one sentence [that] because when you reconcile, you're using two evidences, whereas when you do *tarjīḥ*, then you are cutting yourself off from one of the evidences.

Student: What’s your opinion on that position?

Ustādh: That Shaykh ʿUthaymīn, himself, did not like *al-jamʿ*? No one wants to create a position. The brother asked an important question. He said, is it true or did Shaykh ʿUthaymīn… not just Shaykh ʿUthaymīn, no scholar wants to do *jamʿ*. If I'm going to say the question, then it would be: what about the fact that Shaykh al-ʿUthaymīn doesn't like to do *jamʿ*? Because if you do *jamʿ*, you've got a position and you create a third position - we're creating a position without a *salaf*. What did I say before? Actually, let's look at this issue.

First of all, Shaykh al-ʿUthaymīn, like every other proper scholar, would never want to create a *fatwa* out of a *fiqh* situation. What do I mean here?

Fiqh is established rules and laws which are very clear to see from the evidences - the

bread and butter of Islam. [It involves] basic evidences and basic rules. [The issue of] touching the private parts [involves little more than], 'there is a *ḥadīth*' and bang. *Fiqh* is not hypothetical. Like what is the ruling on touching the genitals of a cloned baby that have not formed yet? That is some kind of nonsense right there and that is going to come [to life] sometime.

Is the cloned baby real or not? Is it a human being or is it a dog? Does it take the rule of a human being or not? If it is not formed, do we know where its [genital area] is? Imagine, science fiction wise, they create a clone baby with trans-mutated stem cells. So bear with me and imagine that its genital organs have not developed yet and we know where that area is located where they will form. Touching that area before they form, does that break your *wuḍūʾ* or not?

This [example] is not *fiqh*, this is *fatwa*. You have to consider a new ruling that has not been given before [and] it has never been seen before. Obviously, we try our best to form a *qiyās* on an issue that has occurred before and then we deal with it. That is always going to have to create a new statement on a specific *fatwa* of a new situation. Even then, a scholar will not want to give a statement. He will want to use a precedent so he will look through the books and see if someone has made a statement on a similar issue.

This is the *adab* of *ifta*. That is the *adab* of a *mufti*. If you are going to give a ruling, do not create a new *fatwa*; find a scholar who has set a precedent. [One would] find a scholar who has dealt with something like it or something similar to it or exactly like it. At least, if you have got something there, from a scholar [as a precedent], you feel comfortable going ahead yourself as well with your own personal opinion.

Every scholar, even in *fiqh*, will always want to see a *salaf* or a precedent for him. *Al-jamʿ* (combining evidences) is not something someone does unless they are comfortable with it. Shaykh al-ʿUthaymīn does not want to do *jamʿ* here anyway. And you will see his opinion soon. If someone wants to do *jamʿ*, we could accept it because someone before has done it. *Fuqahāʾ* before have done it and if they have not done and there is no other option, then so be it.

There is nothing wrong with taking a new position. There is nothing in Islam that says all of the correct positions have already been stated by the *fuqahāʾ*. The *ʿaqīdah* has already been established in Islam; the *fiqh* has not. The *fiqh* is always open for interpretation, based upon the evidences. So, it is not possible to say that it is not possible to have a new position. It is very unlikely that you are going to state something new on something old and everyone else has stated something totally wrong.

[It is] very unlikely, but if it is going to happen, it is going to happen in *fiqh*, which is the most flexible and the most adaptable [science] to create that situation. So, I want to say that no scholar wants to produce an opinion that is new and they will always look for a precedent. Most of the time and in fact 99% of the time, when they choose a

position like *jamʿ* in an issue (like this one here), it is because many scholars have chosen *jamʿ* before them. So it is not a new position at all.

I want to also say that just because two *aḥādīth* contradict each other, it does not mean that it is a new position. Just because two *aḥādīth* contradict each other, to say that we use both *ḥadīth* is not technically a new opinion - maybe that is the opinion. Maybe that is the correct opinion, that we have differing types of *ḥadīths* and the correct position is boom [a combination of the *aḥādīth]*. But we call it a third statement because some scholars did take only the one *ḥadīth* and other scholars they'd only take one *ḥadīth*, but actually the original correct position has always going to be combing both. That is from the *fiqh* point of view.

Shaykh al-ʿUthaymīn رحمه الله says if we try to understand why this is a good position, if you see a statement 'this is just another part of you', it makes sense now. If you touch your penis without any desire then it is just like you touching any other part of your body and therefore it does not break your *wuḍūʾ*. But if you do touch it with desire, then you do break your *wuḍūʾ* and then therefore the *ʿillah* is desire. The *sharīʿah* reason which activates the breaking of *wuḍūʾ* is the desire, so the *ʿillah* is *mawjūdah* (present).

He says that it's very simple; it's not about looking for any evidence of what happens after you have touched it, it is not about waiting for ejaculation or not - maybe it happens, maybe it doesn't, maybe he realizes maybe he doesn't. It's very simple. If you follow this opinion, it's straightforward. If there is desire and you touch, then you break your *wuḍūʾ*. If there is no desire and you touch, such as washing, scratching, itching whatever it is, then it does not break *wuḍūʾ*. There is a very clear intention, clear emotional feeling behind it. Therefore, if you take this position then some of the scholars mentioned the *ḥadīth* of Buṣrah[5] that,

«مَنْ مَسَّ ذكرَه فليتوضأ»

"Whoever touches his penis, then let him make *wuḍūʾ*"

It is for *istiḥbāb* only, meaning this is only recommended. If someone touches his penis, then let him make *wuḍūʾ* - not he must make *wuḍūʾ* - and that is the understanding, that is what some of the scholars said what it means. Also, if you take this position, then the other *ḥadīth* of Ṭalq[6] makes sense,

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[5] *Sunan Abi Dāwūd, Book of Purification, Chapter: Wuḍūʾ from touching the penis, ḥadīth no. 181.*

[6] *Interpolated from two aḥādīth in Musnad Aḥmad, Narrators from Madīnah, Ṭalq b. ʿAli, aḥādīth nos. 16286 and 16292. Similar narrations are reported in other books of Sunan.*

عن الرَّجُل يمسُّ ذَكَرَه في الصَّلاة:أعليه وُضُوءٌ؟ فقال النبيُّ صلّى الله عليه وسلّم: «لا، إنَّما هو بَضْعة منك»

'A man said: "I touched my penis," or he said, "Does a man who touches his penis during the prayer perform *wuḍūʾ* (ablution)?" The Prophet ﷺ replied, "No, it is only a part of your body."'

This *ḥadīth* has only negated the obligatory nature of having to make *wuḍūʾ,* so therefore the recommended nature still remains.

That fits with the other *ḥadīth* and that is what Shaykh al-ʿUthaymīn says. The first *ḥadīth* says *falyatawaḍaʾ,* [and from this we understand that it's] recommended.

It says *'lā'* - it is not obligatory upon him to make *wuḍūʾ* in the second *ḥadīth*, therefore it's only recommended - like in brackets - "no it's not obligatory, it is only recommended." This is all in brackets, it is just assumed, it is just another part of your body. So when you take this position, it starts to make sense in this kind of way.

The fourth and the final position on this issue is the position held by Shaykh al-Islam Ibn Taymiyyah رحمه الله - he said that '*wuḍūʾ* for the one who touches their private parts is recommended at all times, whether there is desire or no desire. It's a complete position all the time.

Shaykh says if we say that it is *mustaḥabb,* then it means that it is something that is legislated and there is reward for it. If we said that it is *mustaḥabb,* then this means that this is a definite action, making *wuḍūʾ* should be done, it is a legislated action and you will be rewarded every time you do it. And it is obviously a safe position as well, it is the one of *iḥṭiyāṭ* (it is the one that covers all the bases) - whatever happens, just make *wuḍūʾ* and it's all good. But the key position here of Shaykh al-Islam is that it doesn't matter whether there is desire or not. He also said that it's not obligatory or not - it doesn't matter, it's for all times, it's good to make [*wuḍūʾ*], it's *mustaḥabb*. If a person didn't make *wuḍūʾ*, his *wuḍūʾ* is still valid.

Now, Shaykh al-ʿUthaymīn just wants to deal with an issue. This is part of our study from an *uṣūl* point of view and I think we should mention it. Shaykh al-ʿUthaymīn رحمه الله says that there are some people in this discussion (he is talking about the Ḥanbalis here) made a mistake in trying to support their position. In trying to support their position, they claimed that the *ḥadīth* of Ṭalq… when I say *ḥadīth* of Ṭalq what do I mean? The *ḥadīth* of Ṭalq is when he said: a man touched his private parts in the prayer, does he have to make *wuḍūʾ*? The Prophet ﷺ said no, this is just another part of your body - this is the *ḥadīth* of Ṭalq.

Some of the Ḥanbalis said that this *ḥadīth* of Ṭalq is abrogated. It used to be the case at the beginning of Islam that it was no problem, and afterwards the ruling changed to [say that] you must make *wuḍū'* if you touch your private parts. Shaykh al-ʻUthaymīn said that this is a dangerous thing which we need to talk about. This is unacceptable for the following reasons, he said.

He said firstly,

ولم يَعُدْ إليه بعدُ. فهذا غير صحيح لما يلي

First of all, he says why did they make this claim? He says they make this claim because Ṭalq came to the Prophet ﷺ asking this question at a very specific time. When was that time? It was when the Prophet ﷺ was building the first *masjid*. The Prophet ﷺ was building first *masjid* to be built after the *Hijrah*, therefore this is very, very early. Meaning there is a huge amount of time - 13 years - for there to be some kind of change. So that's the reason why they open the discussion.

He says that this is not correct for the following reasons:

1) You do not go to abrogation unless reconciliation is impossible. We already mentioned this. You do not move to abrogation as a tool unless reconciliation is impossible. Is reconciliation possible here or not? Yes, it is.
2) This is nice - he says if you study the ḥadīth of Ṭalq, there is a *ʻillah* in the ḥadīth, a *ʻillah* which cannot be abrogated.

Who can answer that? Who can explain that point? Shaykh al-ʻUthaymīn says that they are trying to make this *ḥadīth* of Ṭalq abrogated. He says that there is an *ʻillah* in the *ḥadīth* which cannot be abrogated.

Student: There is no time in the *ḥadīth*, as in it's very general.

Why? There is a *ʻillah* in this *ḥadīth* that's mentioned. What's a *ʻillah*? The *sharīʻah* reason for something. There is something which is mentioned in this *ḥadīth* which cannot be abrogated as a reason.

The prophet ﷺ said that it's another part of your body, so 20 years later, is it not a part of your body? It still remains part of your body. If we are going to abrogate the *ḥadīth,* we have to say why it is abrogated.

Well actually, the Prophet ﷺ didn't just say yes or no; he said, "No, it's just another part of your body." So if we are going to say that it's abrogated, then we have to say it's abrogated, and it's not part of your body. The *ḥadīth* says clearly that the Prophet ﷺ said it's just another part of your body.

They said it's abrogated. Why is it abrogated? It is abrogated because there is another *ḥadīth.* What we are trying to say is that if the *ḥadīth* is being abrogated, then the *ʿillah* has to be abrogated. The reason that he gave then has to be abrogated.

What was the reason that he gave? He said, 'it's just another part of your body.' Is it still a part of your body? Yes it is. Therefore it's not possible to say that if the *ḥadīth* is abrogated. This is a very good statement and proper *fiqh,* that is.

3) There is no rule in Islam and it's not possible to say that if two Companions narrate *ḥadīth* and they contradict each other, that the one that was narrated later abrogates the earlier one automatically. That's not an acceptable principle in the *sharīʿah*. There is no evidence for that position either, to say that this is a rule. You can't just say that if some two Companions narrated *ḥadīth*, one later and one earlier, that the later one automatically abrogates the earlier one, it's not possible. There is no evidence for that.

Shaykh al-ʿUthaymīn ﷺ concludes that in summary, if someone touches their private parts, it is recommended for them make *wuḍūʾ* - in an absolute sense. It is always recommended for them to make *wuḍūʾ*. It does not matter if there is *shahwah* (desire) or no *shahwah*, meaning it's recommended to make *wuḍūʾ* all the time.

Shaykh al-ʿUthaymīn is speaking now [and says that] if he touches it because of *shahwah* (desire), then the position that he has to (meaning it is obligatory to make *wuḍūʾ)* is very strong. You can see his position is there; Shaykh al-ʿUthaymīn belongs in camp three - his heart is there. This is what he says,

وإذا مسَّه لشهوة فالقول بالوجوب قويٌ جدًّا، لكنِّي لا أجزم به، والاحتياط أن يتوضَّأ.

Literally translated, it says if he touches his private parts due to desire, then the statement that it's obligatory to make *wuḍūʾ* is very strong, but I do not enforce it, I do not insist upon it, but it is better to make *wuḍūʾ.*

He is accepting position four. He himself is never going to practice it; he's going to practice [position] three. That's where his belief is. He knows that if a person touches with desire, it's a very difficult argument to say that he shouldn't make *wuḍūʾ. B*ut he's not going to go all the way and say that he must and say that it's *ḥarām* [if he doesn't], because the *ḥadīth* suggest there is some evidence for recommendation and not absolute obligation.

Shaykh al-ʿUthaymīn is saying that a person should make *wuḍūʾ* all the time as it's *mustaḥabb,* but if he does touch it with desire, then it's best if he makes the *wuḍūʾ,* but he will not insist upon it. I myself will not say it's a must, but it's better to do it. And that's the **class position**, although I will go further and say that my own personal

position is position three rather than position four. But the class position is number four.

Touching the Private Parts of a Hermaphrodite

I will just explain the rest of these positions. What else breaks the *wuḍū'*? This is all talking about 4a [in the class notes] and establishing the principle for 4b and 4c.

(b) touching both in the case of a hermaphrodite, and (c) because of sexual desire a male touching the penis of a hermaphrodite or a female touching the labia of a hermaphrodite.

The **class position** is [that of] the Ḥanbali *madh-hab.* If a person touches both in the case of a hermaphrodite (i.e. a hermaphrodite touching his own), then *wuḍū'* needs to be performed. When I say class position, remember that the Ḥanābilah are obligating this, whereas we say that it is recommended and with desire you should really move towards making *wuḍū'.*

The Ḥanābilah join us in the third position, because it applies to another person. Now, we have a male who decides to touch the private parts of a hermaphrodite, or a female touching the private parts of the hermaphrodite (the labia), and if this is done out of sexual desire, they will break their *wuḍū'* according to our position. They should therefore make *wuḍū'*. It's not obligatory, but if there's desire, my personal position and the general class position – and it's a strong position – is to make *wuḍū'*, but it's recommended only.

If there is a glove or a barrier, it's not considered touching. Therefore, it doesn't break the *wuḍū'*. When we talk about any touching, we're talking about touching the skin without any form of barrier. Everything that applies to [points] 4, 5 and 6 [of the class notes] are the caveats at the bottom. All of this is not the case if one touches the hair, fingernails or a pubescent boy or uses a barrier or if one's body is touched with sexual desire.

The point is if you use a barrier, then it's not applicable. If you were to touch the hair only of the private parts or you used your fingernail (which would not be considered the hand), or you had gloves on or there is a cloth, it would not break the *wuḍū'*. That's not considered touching. So, a person who scratches himself in *ṣalāh*, as someone asked, does not break *wuḍū'*.

Why is the *ḥadīth* there in the first place? As I said before, we have layers of clothing whereas they [the Companions] didn't have that. They had one cloth on their bodies. There is a huge possibility of you touching something on your body when it is a thin cloth. Next week, we will cover points 5 and 6 [of the nullifiers of *wuḍū'*).

Q & A

Q: In regards to the Ḥanbali position about using the *ʿillah* of sleep, when you are touching the penis, it's quite clear from some kind of product on your skin.

A: But who knows whether it's going to come out then or later or not at all? The idea is that as an evidence, one does not normally touch one's private parts. And if they do, they are bringing on a situation for what the private parts are used for [ejaculation or filth]. But it is not their primary evidence. They leave it to the last resort of logical deduction and you will always be able to argue against such a point as it is weak. It is just a theoretical argument. That is why they put the *ḥadīth* first and they put the usage of logical deduction to the end - this is the system of *fiqh*. If you are going to prove a point, you use the *dalīl* (legal divine text). When you use logic otherwise, your argument will be destroyed. Then it comes down to who is more clever, eloquent or better at rhetoric.

Q: For position two (i.e. touching does not break the *wuḍūʾ)*, what is their position for someone who touches the private parts with desire? Do they still hold the opinion that *wuḍūʾ* is not needed, whether there is emission or not?

A: Correct. The position for number two is that they consider - inexplicably so - that even if desire is involved, it does not break the *wuḍūʾ*. This is a minority position.

Q: If you are in *ṣalāh* and you accidentally touch your private parts, does that *wuḍūʾ* remain?

A: If a person is in prayer and he/she touches their actual private parts with skin-to-skin contact, then that *wuḍūʾ* is not broken according to the class position. That is the literal application of the *ḥadīth* of Ṭalq, which states that the penis is just another part of your body, if there was no desire.

Ibn Taymiyyah believes it is recommended to make *wuḍūʾ* in all circumstances, but it is not obligatory. So either way, numbers three and four are covering those positions. The Ḥanābilah would make it obligatory upon you to make *wuḍūʾ.*

Q: What about a woman who touches her vaginal area without desire?

A: This is the same ruling for the male and the female and that is exactly what the statement says; touching a connected penis or a labia and this is referring to a man or a woman.

Q: What about the ruling on touching a baby's private parts whilst you are cleaning it?

A: That will be covered next week, but I want to tell you the Ḥanābilah are very strict when it comes to this issue. According to them, you would have to wear gloves to change nappies or make *wuḍūʾ* each time. They apply the same ruling and say there is no evidence to suggest any difference.

Shaykh Muḥammad Mukhtār al-Shanqīṭi, who holds that opinion, says the evidence is very general and it does not specify young or old. Therefore if a woman touches the private parts of her child when cleaning, then she has to make *wuḍūʾ*. That's the Ḥanbali position and that is the position of those who considered that desire has nothing to do with it.

Our position is much simpler, and covers more evidences and combines them. I want to make the **class position** very clear; any mother who is cleaning nappies and touching the private parts of their children, do not break their *wuḍūʾ*. That is my position and that is the class position as well.

Q: I am due in the hospital for surgery and I will need a catheter bag for a day or so. Can *tayammum* be made?

A: So, the person will have a catheter inserted for a day, do they need to make *tayammum*, or is *tayammum* acceptable? What they're referring to is *istinjāʾ*. If they are able to move and make *istinjāʾ*, then they are obligated to do so. But if a person is unable to move from bed, then it is permissible to make *tayammum* in the place of *istinjāʾ*. *Wuḍūʾ* still needs to be done. If they're unable to do so, then they will make *tayammum* for the part of the *wuḍūʾ* as well.

Q: I have a question regarding reconciliation between two contradictory *aḥādīth.* Some scholars would consider them weak and others would consider it authentic, so what would be the limit?

A: It's a massive area. But it's not possible to just jump to reconciliation to create a third or a new opinion if, for example, it is as clear as the sun that one *ḥadīth* is absolutely weak. It is when a *ḥadīth* has been differed over and it's not very clear (i.e. the narrator might have gotten confused or made a mistake, or the strength of the *ḥadīth* is not necessarily fabricated or very weak, but a judgement call needs to be made), then reconciliation is an option. But if you see a *ḥadīth* which is weak and fabricated, you can't make reconciliation based on that. There has got to be some doubt over it. If it's absolutely certain that the *ḥadīth* is very weak or that all the evidences in one position are very strong, then you go with the latter position. You just don't forth and reconcile.

Q: What is the position on organ donation?

A: To summarise, when you are alive it is permissible to donate that which does not leave the body in a significantly [dependent] state. You can't give a dependent organ. For example, your eyes or your only kidney because you need one. You can give one kidney or a lung if you are able to live on that. Then it's something which is permissible.

Personally, I hold the opinion that organ donation post-death should not be done at all. The International Fiqh Councils have ruled on the permissibility of organ donation post-death to Muslims only. They limit it then as they don't want to open up that subject at all, because if you're going to do it, then you're going to do it for Muslims and non-Muslims, but its Muslims only.

6. The Invalidators of Ablution VI

Touching a Woman With or Without Desire

وَمَسُّهُ امرأةً بشهوةٍ

Shaykh al-ʻUthaymīn ﵀ says on page 286 'and his touching a woman with desire'. The Shaykh says this is the fifth of the invalidators of *wuḍūʾ* and the pronoun 'his' is referring to a man. Shaykh al-ʻUthaymīn says the way the text has mentioned this person has left it unrestricted, therefore it includes every single type of male and therefore there is no difference between a person who is small, big, young or old or someone who is *ʻāqil* (sane) or *majnūn* (insane) and someone who is a free or a slave. The reason he gives these three categories is because these are the three categories in which a *fiqh* ruling will normally differ and therefore there is no indication whether it is one of these categories or not; all of these people are potentially included.

Shaykh al-ʻUthaymīn ﵀ also says according to the *madh-hab,* it has also not been specified if it's the palm of the hand. According to the way it has been mentioned, it is any type of touch, not even the palm of the hand, therefore according to the Ḥanbalis, any part from his body that touches another part of the female's body would break the *wuḍūʾ* if there is *shahwah*. What is *shahwah*? As we said last time, the word *shahwah* means desire and when we say desire we are referring to sexual desire. As we mentioned before, we are talking about skin-to-skin contact.

Shaykh al-ʻUthaymīn says that the *ba* in *bishahwatin* is the *ba* of *muṣāḥabah* meaning that a male touches a woman with sexual desire. Some of them said *lishahwah,* meaning that the *lām* here then becomes the *lām* of *taʻlīl,* meaning that he touched the other person because of sexual desire, so that the sexual desire is there before and then a person touches another one. Now that is a big change and there is a big difference between the two. [There's a big difference between] a person touching and sexual desire being developed and that breaking *wuḍūʾ,* and someone who already has sexual desire and they touch the other person. Obviously the second one - the one making into a *lām* - is something as it stands, the text does not support it, and we are not talking about that. Obviously, if we say that you break the *wuḍūʾ* because of touching with sexual desire, if you have it already and then you touch, that is a much more serious breaking or more easily broken *wuḍūʾ* according to the Ḥanbali *madh-hab*.

[Shaykh al-ʻUthaymīn] mentions the woman (*marʾah*), *marʾatun* (touching a female). *Al- marʾah* is a word which is only used for *al-bālighah,* meaning someone post-pubescent. We are talking about someone who has gone through puberty. He says technically speaking for a woman, when we say the word *marʾah,* it is not a condition that she has gone through puberty, but some of the scholars have said that seven years old is a bare minimum for this to happen, whether the person is the one touching or the one being touched.

Shaykh al-ʻUthaymīn رحمه الله says,

وفيه نظر؛ لأن الغالب فيمن كان له سبع سنوات أنَّه لا يدري عن هذه الأمور شيئاً

'Wa fīhī naẓr' and to be honest I am not too sure about that and don't like that idea, because he says to be honest most of the time seven years don't even know what is going around about touching or being touched.

He says some of the later scholars said it does not matter what age they are; what matters is if they desire another [with lust]. He [or she] sexually starts to desire [the other person]. Then what ages were mentioned? He says that some of the scholars said the age is ten years old. I do not know the science of this or if that is even possible or not. Does anyone know the science of this? I know it is puberty in all of our minds. But what is the youngest range, ten years old? Is it possible? Yes.

والتي تُوطأ مثلُها من النِّساء هي من تم لها تسعُ سنوات،

For the females, it is the completion of the age of nine. Basically, what Shaykh al-ʻUthaymīn رحمه الله says is that if we take this definition, it is much better in meaning in that the issue is only applied to whomever it can happen to. We should not just set a certain age that may not apply to all people. It should be that if you feel sexual desire, then you become involved in this issue.

Whether you touch and feel sexual desire or you are touched with sexual desire, this is only applicable to the age where one can feel desire. Therefore, the age is irrelevant. This is the position of Shaykh al-ʻUthaymīn رحمه الله and this is the correct position. He says the people of knowledge have divided this topic of [touching with desire] into a number of opinions.

The first position is that the one who touches a female with sexual desire breaks his *wuḍūʾ*. This is the position of the Ḥanbali *madh-hab* and what are the evidences? Allah سبحانه وتعالى says in *Sūratʾl-Māʾidah* (verse 6),

﴿ أَوْ لَامَسْتُمُ النِّسَاءَ ﴾

"or had intimate contact with a woman,"

Allāh ﷻ says if you are *junuban* or sexually impure, then purify yourselves or do the complete [bath]. The first part of the *āyah* was talking about using water for *wuḍū'* and then if you come into a sexual state of impurity, then you do a complete *ghusl*.

"You who believe, when you are about to pray, wash your faces and your hands up to the elbows, wipe your heads, wash your feet up to the ankles and, if required, wash your whole body. If any of you is sick or on a journey, or has just relieved himself, or had intimate contact with a woman, and can find no water, then take some clean sand and wipe your face and hands with it." [Qur'ān 5:6]

The first part of the *āyah* was talking about using water for *wuḍū'*. If you are in a state of sexual impurity or after sexual discharge, you are to make the complete *wuḍū'* (i.e. *ghusl*). I want you to mentally put a stop after the mention of the ankles and we can call that A1. The second part of the *āyah* that mentions if you are in a state of *janābah*, to then purify yourselves is A2. If you are on a journey, or answer the call of nature (B1), or you have been in contact with women and you find no water, then perform *tayammum*, rubbing your face and hands (B2).

We'll come back to this to understand how the scholars understood the whole *āyah* and divided it into four components.

Aw lāmastum'l-nisā' translates as being in physical contact with women. Linguistically, the *lams* and the *mas* have the same meaning. Allāh ﷻ says if you have physically come into contact with women, perform *tayammum*. In the ten narrated recitations (seven of which are *mutawātir*, three are *shādh*), Allāh ﷻ also says *aw lamastum'l-nisā'* and there's no *alif* appearing on the *lām*. They both have the same meaning and Shaykh al-'Uthaymīn says,

والمسُّ واللمس معناهما واحد، وهو الجسُّ باليد أو بغيرها، فيكون مسُّ المرأة ناقضاً للوُضُوء

Therefore, if you understand the verse linguistically it says that, if you touch a woman with sexual desire, then you have to make *wuḍū'*, because *lams* and *mas* are the same thing. He also says that if someone mentions that the verse does not state *shahwah* (desire) – and it doesn't, it only says if you come in to physical contact with women; it doesn't actually say sexual desire – and this was meant to be the case, Allāh ﷻ would have said, *aw lāmastum'l-nisā' bishahwah*, if desire was the condition. Of course, in the

Shāfiʿī *madh-hab*, it doesn't matter whether there is sexual desire or not - if there is a touch, that is enough to break the *wuḍūʾ*.

Shaykh al-ʿUthaymīn says the answer to this is that what we're trying to work out is what breaks the *wuḍūʾ*. The problem is the possibility of emission of sexual fluid, which is a result of sexual desire. Therefore, that thing which would lead to that is the problem, just like the example of sleep. It's not the sleep which is the problem; it's what happens during it. If we know the thing that is going to break your *wuḍūʾ* happens in sleep, it is then the sleep that becomes the breaker of *wuḍūʾ*. The passing of wind and misplacing the hands whilst sleeping is what'll cause the *wuḍūʾ* to be broken. Hereby, the issue in terms of touching is about sexual desire taking the person to a level where they break the *wuḍūʾ*. Thus, it is the actual touching which breaks the *wuḍūʾ*.

What he says supports the position of the Ḥanbali *madh-hab* is the *ḥadīth* of the Prophet ﷺ who was praying *tahajjud* and ʿĀʾishah ؓ had outstretched her legs.[1] Their sleeping quarters were very small and they were sleeping on the floor and where the Prophet ﷺ was praying was also where her feet were. As he went down to *sajdah*, he would have to push her feet out of the way in order for him to make *sajdah*. Shaykh al-ʿUthaymīn says that if it was only a touch that was going to break the *wuḍūʾ*, then the Prophet ﷺ would've broken his *wuḍūʾ* and left his *ṣalāh*, but he carried on praying.

We know the meaning of this verse is not just any touch, but there has to be a sexual desire involved. He also says that if this was the reality, that by touching a woman would be a reason to make *wuḍūʾ*, it would create a huge difficulty in the religion from a number of angles. Very few people would be safe from this situation. He mentions several examples of someone who has a mother who is elderly and needs to be looked after physically all the time, a child who is disabled and needs constant care, someone who is blind and needs guidance, etc. If physical contact with the opposite gender is the problem, then you can't make a differentiation with your mother or child. It would cause way too much difficulty and it would be against the system of the *sharīʿah*.

The second position is that any touching breaks the *wuḍūʾ*, without any form of *shahwah* or intention. The evidence for this is the generality of the verse as it mentions just physically touching the woman.

What did they say about the *ḥadīth* of ʿĀʾishah ؓ if we were to use that as a defense of the Shāfiʿi position?

Student: Is it about *maḥram* and non-*maḥram*?

Ustādh: They didn't say that and they would need evidence as well.

Student: Was it skin-to-skin contact? Touching the garment?

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[1] *Ṣaḥīḥ al-Bukhāri,* Book of Prayers*, Chapter: To offer Ṣalāh on the bed, hadīth no. 382.*

It is possible that Prophet ﷺ touched her with his nail? Remember as we are going to come to that, if you touch with the nail, the nail and hair have separate rulings; they are separate from the body. They have no feeling, they have no life, they have the *ḥukm* and *uṣūl;* they have a separate ruling. When it comes to touch, they have a separate ruling. Like an extension, like a passive, they are not the part of actual body. It is possible that he touched her with the barrier, meaning that the linguistic meaning of 'he moved away' is that he moved her legs away and it doesn't suggest that actually he might be wearing something or the legs were covered, or there was something between the skin that's possible.

They said that if there is a possibility of various options in evidence (this is a *qāʿidah uṣūliyyah,* by the way) the evidence loses its right to be used as evidence:

والدَّليل إِذا دخله الاحتمال بطل الاستدلال به

If possibilities enter this situation, it's not possible to use this as evidence. It makes sense because there are other possibilities. You know the *dalīl* – let's go a step back. *Dalīl* is the evidence. We say "What is your *dalīl?"* but linguistically a *dalīl* is that which leads you to something. A *dalīl* is leading you here; it's going to be the proof of something else, so it's not going to be used as an evidence.

The third position is that it is allowed to touch and it is unrestricted and your *wuḍūʾ* is not broken. It does not matter if it is *shahwah* or no *shahwah* - it does not matter.

Their evidence is as follows: first is the *ḥadīth* of ʿĀʾishah.[2]

عَنْ عَائِشَةَ، أَنَّ النَّبِيَّ صلى الله عليه وسلم قَبَّلَ امْرَأَةً مِنْ نِسَائِهِ ثُمَّ خَرَجَ إِلَى الصَّلاَةِ وَلَمْ يَتَوَضَّأْ . قَالَ عُرْوَةُ فَقُلْتُ لَهَا مَنْ هِيَ إِلاَّ أَنْتِ فَضَحِكَتْ.

[She said] that the Prophet ﷺ used to kiss some of his wives. He would then leave for the prayer and he would not make *wuḍūʾ* after that.

I will tell you what is very interesting. This *ḥadīth* has been narrated by her nephew ʿUrwah ibn Zubayr, who asked, "When you say he kissed some of his wives, you are talking about yourself, are you not?" She laughed and he knew she was guilty.

I like the way she said, "some of his wives" meaning herself. This *ḥadīth* has been narrated and it is very interesting. It is fascinating from a *ḥadīth* science point of view. That is why there is a whole page of *takhrīj* and *tahqīq* of the *ḥadīth*.

[2] *Sunan Abi Dāwūd*, Book of Purification, *Chapter: Wuḍūʾ from kissing*, *ḥadīth no. 179*.

This hadith has been narrated by Imām Aḥmad and al-Tirmidhi and al-Nasāʾi and Ibn Mājah and all of the imāms of the *Sunan*. What is a *Sunan*?

A *Sunan* is a *ḥadīth* collection which is based on topics of *fiqh.* It is based upon the law, like *wuḍūʾ*, *ṣalāh*, *zakāh* and so on. That's what *Sunan* means. It's not like the *Jāmiʿ* (a collection of everything, like *Ṣaḥīḥ al-Bukhāri,* for example). All the imāms of the *Sunan* narrated this *ḥadīth.* Most of them [narrated this] in the chapter of *wuḍūʾ* because they are trying to prove that it doesn't break *wuḍūʾ*.

However, they all collected this chain with their own chains. On the authority of Wakīʿ, on the authority of Aʿmash, on the authority of Ḥabīb ibn Abi Thābit, on the authority of ʿĀʾishah and Imām al-Bukhāri [who] said that this *ḥadīth* has a *ʿillah*. Remember that in *ḥadīth* sciences, the word *ʿillah* means that it has a hidden fault. Remember that the word *ʿillah* in *fiqh* and *uṣūlʾl-fiqh* means the *sharīʿah* reason for something, whereas in *ḥadīth*, *ʿillah* means a hidden fault. [The] plural [is] *ʿilal*. These are the things that people can't see. Not only Imām al-Bukhāri consider this *ḥadīth* to be weak, Abu Ḥātim, Abu Dāwūd, al-Dāraquṭni, Imām al-Nawawi and Imām Ibn Ḥajr also did. So a number of scholars consider this *ḥadīth* to be weak.

Ibn Taymiyyah says that the most that you can say about this chain is that there is some kind of *irsāl* going on; meaning that there is a break in the chain. He continues [by saying] that even this break in the chain has been covered by Imām al-Bazzār and other scholars and therefore, this *ḥadīth* is acceptable. He also says that Imām Aḥmad used this *ḥadīth* and Ibn ʿAbdʾl-Barr considers this *ḥadīth* to be *ṣaḥīḥ*.

Back to our notes, Shaykh al-ʿUthaymīn says,

وهذا حديثٌ صحيح

He is very clear about his position. He considers this *ḥadīth* to be authentic. He continues [by saying],

وله شواهدُ متعدِّدةٌ

It has many supporting evidences. It is clear that he is aware of the controversy behind this *ḥadīth*, otherwise he would not have said that this is an authentic *ḥadīth.* He doesn't feel pressured to say it. He would never have said that it has loads of supporting evidences except he himself knows that there is doubt about that *ḥadīth*. This *ḥadīth* is authentic, it has plenty of supporting evidences and this is a very good and positive evidence for us. It basically shows that if a person kisses someone, it's very unlikely that that happens without any sexual desire.

One has to assume that a person can kiss another one and it doesn't break the *wuḍūʾ* and you don't have to do *wuḍūʾ* again. The *shahwah* (desire) is not a problem. The second evidence for this position is the fact that the basic principle is that one does not break *wuḍūʾ* until it is clearly established that one does. The third one is exactly the same as the second. The state of purity is something which is established with the *sharīʿah* evidence. Once it has been established, it requires clear *sharīʿah* evidence, itself, to remove it.

There is a subtle difference between two and three and we've been saying this all the way through. The first one is that the basic principle is that you are in your state and you need to remove it. The third one is subtly different. Shaykh al-ʿUthaymīn says that new state of purity was established with clear *sharīʿah* evidence. You want to knock me off my state and say that I have lost my *wuḍūʾ* because of XYZ; you need to bring a complete *dalīl sharʿi* (legislated evidence) without any doubts.

How did they respond to the issue of the *āyah*? Allah ﷻ says in *Sūratʾl-Māʾidah* (verse 6),

﴿ أَوْ لَامَسْتُمُ النِّسَاءَ ﴿٦﴾ ﴾

"...or had intimate contact with a woman,"

They said that this refers to sexual intercourse. This touch is not the normal touch. This has been authentically narrated from ʿAbdullāh ibn ʿAbbās. Shaykh al-ʿUthaymīn رحمه الله says who do you think ʿAbdullāh ibn ʿAbbās is? That's the one upon which the Prophet ﷺ made *duʿāʾ*, "Oh Allah teach him the understanding of *taʾwīl* (how to understand the *Qurʾān*)."[3] This is his specialty. When we are taking any person's opinion on the meaning of an *āyah*, it is his that must be taken first.

Shaykh al-ʿUthaymīn رحمه الله says that the second evidence is if you look at the way that the verses are divided, you can see that there is a four stage thing going on (two parts, two things). If you look at the first part, we have water being used in two stages.

"You who believe, when you are about to pray, wash your faces and your hands up to the elbows, wipe your heads, wash your feet up to the ankles and, if required, wash your whole body. If any of you is sick or on a journey, or has just relieved himself, or had intimate contact with a woman, and can find no water, then take some clean sand and wipe your face and hands with it." [Qurʾān 5:6]

[3] *Sunan Ibn Mājah*, The Introduction, *Book of the Sunnah*, *hadīth no. 166.*

All of that is referring to *wuḍūʾ*. This is *wuḍūʾ* using water. The second part of that is then to wash your entire body (*ghusl*). The verse then turns to the replacement for water. What's the replacement for water? Dust. This is where the *tayammum* starts. The *tayammum* is also split into two.

"If any of you is sick or on a journey, or has just relieved himself"

This is the *wuḍūʾ* part because we know that when you go to the toilet, you only break *wuḍūʾ*. Then:

"…or had intimate contact with a woman, and can find no water, then take some clean sand and wipe your face and hands with it."

What makes it super strong is when ʿAbdullāh ibn ʿAbbās comes down and says that that is actually the meaning that the Prophet ﷺ intended and that this is talking about intercourse. It is interesting that this is the opinion: that it is permissible to touch [and] one does not break their *wuḍū*ʾ whatever feeling (they have) when they touch a woman. This is the opinion of ʿAli ibn Abi Ṭālib, ʿAbdullāh ibn ʿAbbās, ʿAṭāʾ from the *tābiʿīn*, Ṭāghūs from *al-tābiʿīn*, a narration from Imām Aḥmad himself and most importantly, this is the position of the Ḥanafi *madh-hab* as well.

This is the positon of Aḥnāf. This is Muḥammad al-Shanqīṭi's opinion and Shaykh al-ʿUthaymīn's opinion as well. This is the class opinion. The exact opposite to the Ḥanbali opinion. Not exact opposite, because the exact opposite will be the Shāfiʿi's opinion (which is that any touch breaks the *wuḍūʾ*). They're saying any touch does not break the *wuḍūʾ*. The Ḥanbalis are in the middle. I also want to say that I am in the middle, but what I am upon is irrelevant. This is the **class position**, Shaykh ʿUthaymīn's position and Shaykh Muhammad al-Shanqīṭi's position as well.

I'll tell [you] what he also says, because I think this is beneficial for us as students. He says if someone says that this understanding of *lams* [is something] such as intercourse, and other Companions have stated that it is not, what do we do? For example, ʿAbdullāh Ibn Masʿūd is also one of the masters of the Qurʾān; his specialty is the Qurʾān. He said that this '*lams*' is actually not intercourse at all. What do we do? Shaykh al-ʿUthaymīn said that if we have different statements amongst the Companions when it comes to anything, we always give precedence to the *Khulafāʾ ar-Rashidīn* over the other Companions. This is *fiqh* because the Prophet ﷺ has specifically commanded us to follow them.

[This is the case] especially with Abu Bakr and *Sayyidina* ʿUmar ؓ. After that, the Prophet ﷺ said follow the *Khulafāʾ ar-Rashidīn al-Mahdiyīn* or the rightly guided Caliphs. So Shaykh says that that is the first thing. Secondly, how can you put ʿAbdullāh b. Masʿūd before the one whom the Prophet specifically made *duʿāʾ* to Allāh to make him [Ibn ʿAbbās] understand the *Qurʾān*?

Then Shaykh says what if someone says that you have to treat the Companions the same [in legislation]? He says if we treat the Companions the same in this issue, we would have to go back to the basic position. The basic position is that one has purity and you have to bring a proof that is clear that you have broken *wuḍūʾ*. This is the technical point that he makes, but what I wanted to point out was the nice statement of ʿAbdullāh ibn ʿAbbās.

Student: So the technical point is that they are saying if you have broken your *wuḍūʾ*, then you have to bring something clear that you have broken your *wuḍūʾ*.

Ustādh: Exactly, that is why it is a technical point that can only be made after you have lost an argument that you [did not think] you were going to lose. Which is what? That we have to treat all of the Companions as the same, which they are not. Does that make sense? It is like something to throw in the ring. It is like a last attempt or something.

The reality is that no one is going to argue that all of the Companions are the same anyway, when it comes to Qurʾān. That is a big statement of knowledge [to make]. We know [when it comes to] the Companions that some of them are top scholars and some of them are just Companions ﷺ. It is enough to know that we give precedence to those people when it comes to issues of knowledge.

I also want to mention something else which is [related to the] topic. [There is] the issue of ʿĀʾishah ﷺ and the way her nephew ʿUrwah spoke to her. You know, at the moment, there is this whole Junaid Jamshed incident going on which he is getting heat for. [They claim] he disrespected ʿĀʾishah or he was speaking about her in a disrespectful way. I have not seen the original [video] and I do not want to see the original but I can tell from the video that he has recorded, that this was purely political.

This is pure politics from back home and there is Brillo [Barelvi] pressure and Shīʿa pressure and Rāfiḍi pressure that is forcing him to say things. They are making big statements like he has committed a big sin and he was saying this and that about ʿĀʾishah. You see, they are speaking to an audience that want ʿĀʾishah ﷺ to be their example in everything female. That is what they are. They are religious people and so if you were to say to them that it was a show at Princeton or at Yale, that X women respond like this, they will say you are going to the *kuffār*.

They want to know from our women that there is a *ḥadīth*, what does the Qurʾān say, and so on. Then once you use the *ḥadīth* and *Qurʾānic* examples, then they start to say that you are not treating them with respect, which is nonsense. Try and describe ʿĀʾishah ﷺ. She is not some boring standard mold of a woman, she is an amazing woman, she is a top scholar, she is the beloved wife of the Prophet ﷺ, the Mother of the Believers, and deserves all the respect that Allāh ﷻ gives her and that we will give for our own mothers.

That doesn't mean that when we talk about women having certain feelings, having certain tendencies, whatever, that she doesn't have them in her. That is just talking nonsense. Like as if she is not jealous? Of course she was jealous. That she didn't get angry? Of course she got angry. That she didn't play around with the Prophet ﷺ, joke around with the Prophet ﷺ, say things to try and hide her embarrassment, shame – there is no problem in saying words like shame and embarrassment and whatever, these are at the human level they are not deficiencies in a human's character.

She didn't want to say that it was me who the Prophet ﷺ kissed, so she said it was some of his wives. Unless she knows that there are other wives that he has kissed, she has even included other wives into the game. ʿUrwah ibn al-Zubayr says, I think I know who you are referring to and then [she had a] guilty smile. What kind of a smile is it? Am I not allowed to say there was a guilty smile because I am reading into the word that she smiled and that it's not guilty? A guilty smile is only not possible if she says, 'No, actually it wasn't me at all,' smiled and said to him. The fact that she remained and smiled was an indication and an admission that 'yes it was me that this is talking about,' and we know because other narrations have made it clear that she was that person as well.

Like I said, I want you to be comfortable that the issue of disrespect is a very clear one. You will know straight away when there is something disrespectful. Laughing and smiling at examples of male and female deficiencies in the S*unnah* is not something which is *ḥarām* or *kufr* the way that people make it out to be. This thing that happened was nothing but political and just full of nonsense as most of these kind of things are. The videos that came out defending Junaid Jamshed are also a waste of time. People coming out and making videos saying to forgive him, look at what happened in *Sūrat Nūr* and forgive him. Forgive him for what? They are falling for the same propaganda. Make a video about forgiveness and don't tell us about Junaid Jamshed. You are just following along the same narrative. It's wrong.

The second part of the text is:

or her touching him out of sexual desire

Shaykh says, what is the evidence for that? He says *qiyās* - a deducted analogical reasoning. Because if he touches her and he breaks his *wuḍūʾ*, then likewise her touching him will also be the same and this is a normal obvious point.

He also says that according to this, if a woman wants to touch another woman… this is where it gets all crazy now, okay. If a woman was to touch another woman because of desire, the *wuḍūʾ* is not broken. Because according to this, the woman is not a place for desire when another woman is touching, it's only another man who should be… you know, in the sense that it is obviously rubbish.

Shaykh al-ʿUthaymīn رحمه الله says if a woman touches another woman and there is desire, then the *wuḍūʾ* should break because the *ʿillah* is the same. He says unfortunately you

find that for some women they have a desire and Shaykh al-ʻUthaymīn ﷺ says *bishābbāt* (with young women), there are young women who have sexual desires for other young women. As you also find with the men, *wal ʻiyādhu billāh,* we seek refuge of Allāh; they also have a sexual desire for young males. He says that this is obviously a disease, but as long as the desire is there and they touch one another, then the *wuḍūʾ* is broken, regardless of gender. That is not the Ḥanbali position but that is the correct position. This is, of course, the **class position**. It doesn't matter who you touch; but if there is sexual desire, then the *wuḍūʾ* is broken.

So let me just make it clear what that means. The class position is the third position, which is the position of the Ḥanafi *madh-hab* and a position of a number of his Companions. [It] is that touching a woman (or a woman touching a man, regardless) does not break the *wuḍūʾ*, regardless of desire or not, what part of the body [is being touched], etc. as long as there is no sexual emission. There is no sexual emission of any fluid or anything like that. So just the desire by itself with no actual result and effect, then the *wuḍūʾ* is not broken.

Q & A

Q: Right in the end, you said if a female touches a female or a male touches a male--

A: Okay, very good. Sorry, *jazāk Allāh khayr*, I should have added that. When I said about a male touching a male and a female touching a female breaking *wuḍūʾ*… Shaykh al-ʻUthaymīn ﷺ is explaining that if you are a Ḥanbali, this is what you should be. As for him, he's going to say it again, a little bit later. He's going to say it a little bit later actually, because I'm a few pages ahead and I am seeing what he is going to say. I should have made that clear.

He doesn't believe it either way. Whoever touches whoever, if there is no sexual desire and it is all straightforward, innocent human touching, then nothing is happening; everything's good. But if anyone (according to the Ḥanbalis) is going to say that a man touching a woman and a woman touching a man breaks *wuḍūʾ*, then they've got to also say (according to their own reasoning) that if a man touches a man or a woman touches a woman, that also breaks *wuḍūʾ*. [It is] by their own reasoning. It's got to be or there is a contradiction in their own methodology.

All of the statements throughout this remaining chapter now that are going to be talking about this are going to be speaking on behalf of the *madh-hab*. But he himself is of the opinion that none of this touching breaks *wuḍūʾ*.

Q: What about the *āyah* in *Sūratʾl-Māʾidah?* We have two Companions who are both experts in the Qurʾān who have disagreed on the meaning of that word, so what do we take from that? Because Allāh ﷻ could've made it explicit but He didn't, hence the disagreement amongst two people who are experts in the area. So, what do we take

from that, in terms of interpreting it and translating it? You mentioned the brackets there (which is one interpretation), are there other interpretations?

A: It's a good question. Basically, [in] the *āyah*, Allāh ﷻ intentionally did not include a word that would have made it clear - without desire or without intercourse or whatever and whatnot - and as a result, two prominent senior Companions have differed over its meaning. Is it referring to intercourse or not? What do we take from that?

Well first of all, the first benefit is that it does allow, as we've always said, for that flexibility and allows for the possibility of differing opinions, and to also respect other people's interpretations.

It doesn't mean that both are correct. Let's make that very clear. It's not right for me to say that I believe that it's correct for it to be intercourse. I say there is a possibility of it being, and I follow this position because of XYZ. And I also accept that you can follow the other position because of XYZ. You must have your own evidences.

The great thing about the fact that the verse does not make it clear is that we will not make *takfīr* or *tafsīq* of this guy, saying to him that he destroyed Islam if he did not make *wuḍūʾ* after such an incident. We will say that he is following a different opinion, and it's a valid opinion, and it's very important for the development of our polemic and for our school and discussion.

That's one benefit. The other benefit is that when it comes to *Qurʾān* translation, there is a huge desire to translate it as a final product. I can understand that. When I translate stuff from Arabic, I always translate with artistic license, meaning that I don't believe in a true translation. I'm not interested in that at all. I will translate and change meanings of words and grammar so that I produce something that represents what was being said, unless it's the *Qurʾān*.

Why? Logically, it shouldn't matter what I'm doing with the *Qurʾān*, because English is a disaster and it's not going to represent the *Qurʾān* anyway. Theoretically speaking, it doesn't matter whether I try to translate it accurately, or not. It's never going to be the *Qurʾān*. That's why you see some of the *Qurʾāns* called the 'Interpretation of the meaning of the *Qurʾān* in English. That is scholars being ultra careful to not say 'The *Qurʾān* in English'. Frankly, even if someone did say 'The *Qurʾān* in English,' it's never going to be the *Qurʾān* in English.

Yet no one does poetic license, or few people do. It's very much not the done thing. There is a sense of reverence when it comes to the book of Allāh ﷻ that we don't mess around with it. But it's difficult not to if you have certain opinions, or it's difficult not to when you want to release a translation, and you want to clarify a number of doubts.

The problem with the one that we just saw (the famous blue one, the Noble *Qurʾān* by Mohammed Mushin Khan) is that there is a lot of great intention behind it. It's one that is meant to stop *shirk*, it's meant to stop secularism, it's meant to stop all this

nonsense in the world, and so therefore, there is a lot of interpreted meaning. Very rarely does it come out into the text. He will always keep it in brackets. But that itself is the problem - first of all, it makes it very difficult to read.

Secondly, it's very difficult for the reader to ignore a bracket. If it says “touch,” and in brackets, it says “sexual intercourse,” I respect that he has at least some academic credibility in not actually putting it as part of the text, but he has made it clear that this is his interpretation, or maybe this is the only interpretation, and so on.

It is a significant point to know as students of knowledge that it exists and we have got to be careful about what is in brackets. And, yes, we think it is a correct position as it is the position of ʿAbdullāh bin ʿAbbās ﵄, but it would be nice to not have it imposed. If you want it imposed, put it in footnotes or use numbers instead.

Q: A lot of our young people (Muslim boys) attend and are part of the local church football club. However, for them to be on the team, they have to attend service every week, but they do not have to take part. I am worried that eventually some may leave Islām, because I know that the church leaders that run it are generally nice and approachable people. What should they do?

A: They should be involved in the m*asjid* that offers those alternatives. Personally, I have this idea of being practical and to be part and involved in inter-faith communities is good and we need to make these kinds of partnerships. But when it comes to people who are young and getting involved in a deep way where they are establishing a relationship, especially with people who are better mannered compared to Muslims who are the worst people on the planet, this is something dangerous and I would not advise it all. It's not a risk worth taking.

I'm not happy with this at all. If there is any offence that is shown by people pulling out, then so be it. It's not intentionally offensive, the local mosque may have one as well. If it doesn't, then the *masjid* should be approached with this information, and that their lack of organising a football club has created this situation, so that they will take responsibility.

Q: I'll be attending an interfaith Christmas dinner with halal turkey being served. What are the limits? I've been told that they'll have Christmas hats and crackers and I'm not sure about the alcohol.

A: The reason why I am answering this is because that's going to be something quite common for many people over the next few weeks. This is a detailed issue and there's a number of problems here. The first thing is that Christmas is a religious festival. Or has it been completely taken over by secularism, and therefore it's just another commercial event with no religious symbolism whatsoever. That's a fundamental point. I pose this answer for both of the questions.

The problem is that it's very difficult to deprive Christmas or to strip it of its religious symbolism. I want to make it clear that it's not just the religious aspect of the festival that's a problem. The word the Prophet ﷺ used is *ʿĪd.* The Muslims do not have any other *ʿĪd* except the two *ʿĪd*. Linguistically, in its root form, the word ʿĪd is referring to a day which comes back. It means something which is regular, set and always returns. Christmas is within that bracket.

That doesn't mean that every single date that comes back is a problem if it has no religious or societal meaning, but you're on dangerous grounds. Christmas still has its religious function. People do generally attend mass as part of the completion of the Christmas event. Therefore, I would advise to be very careful about calling something a Christmas dinner. It might be an issue of semantics, as it could be called the end of year or annual dinner, etc. I do believe that there is a material difference and if someone is doing that early at the beginning of the month as opposed to the actual ending of the month, then I'm not that strict against it. I think that if the non-Muslims wear their own stuff and do their own thing, that it is something which is not a major problem. I personally think that one should avoid it out of safety.

I've always said that people should take charge and arrange alternatives. Muslims need to put their hands in their pockets and pay for an alternative with a local joint in a *ḥalāl* restaurant. It can be done at different time to show that your involvement was not because you're inconsiderate, but because you don't like this time of year, and don't have this affiliation.

If a person gets into this from a work point of view and they believe it's going to detract from their position or cause problems, then I believe it's permissible to go, and that person should do the minimum involvement. Alcohol is not permissible at a table. It is permissible to eat in a place that serves alcohol. It's not great, but as long as alcohol is not upon your table, then technically speaking it is permissible to eat in that place. It is unbecoming for a Muslim to be frequenting such places, unless Allāh ﷻ puts someone in a position which they weren't expecting or they can't get out of. That's generally a sensitive situation.

7. The Invalidators of Ablution VII

5. A male touching a woman, or her touching him because of sexual desire

This is the Ḥanbali position. The interesting point for our benefit is that Shaykh al-ʻUthaymīn's opinion is that it doesn't break *wuḍū'* at all. That is also the class position whilst recognizing that the Ḥanbali position is with desire. As we said before, when we say desire, we are talking [about it] just like the concept of sleep. It's not actually desire, itself, which breaks *wuḍū'* but rather what can potentially happen when someone is in a state of heightened sexuality or heightened sexual excitement. That reality, which can't be controlled, is basically the problem. Just like, for example, the passing of wind when a person is asleep. It's where it happens and it's probable that it's going to happen. That's important to understand.

ومسُّ حلْقةِ دُبُر

6. Touching the anus

Literally translated, it is the ring of the anus. Shaykh al-ʻUthaymīn رحمه الله says that it doesn't really need to be so specified. This comes under the general statement of *al-faraj*. We talked about that last week. The word *faraj* refers to the private parts and just knowing that is sufficient. Private parts cover the back and the front. Shaykh al-ʻUthaymīn رحمه الله is saying that if he had said *mas'l-faraj*, we would have understood the front or the back. But he didn't say *mas'l-faraj*, so then he had to specify the front and then he had to specify the back.

It is narrated by Imām Aḥmad ibn Ḥanbal, from the *ḥadīth* of Abū Hurayrah[1] that the Prophet ﷺ said,

من مسَّ فرجه فليتوضَّأ

[1] *Musnad Aḥmad, Narrations of the Women, Narrations from Busrah b. Ṣafwān, ḥadīth no. 27294 (6/406). Also, Sunan an-Nasā'i, Book of Ghusl and Tayammum, Chapter: Wuḍū' after touching one's Penis, ḥadīth no. 444.*

[Meaning], whoever touches his *faraj,* then let him make *wuḍūʾ*. *Faraj* here means private parts. *Dubur* is the *faraj*.

لأنه منفرجٌ عن الجوف

It is something which comes from inside. There is an orifice which stuff comes out of. Shaykh al-ʿUthaymīn says,

وعلى هذا فإنه ينتقضُ الوضوءُ بمسِّ حلْقة الدُّبُر، وهذا فرعٌ من حكم مسِّ الذَّكر فليُرجعْ

With respect to the rulings concerning touching the anus, it's exactly the same as the penis. With respect to the covering, the desire, etc. Shaykh al-ʿUthaymīn رحمه الله says that the same principle applies.

Shaykh al-ʿUthaymīn says that there is a benefit to the author using the word anus, specifically. This means that if someone touches something close to it, like the butt cheeks. It is called *ṣafḥatayn* in Arabic. What do they call it, buttocks?

Student: Gluteus Maximus.

Ustādh: Gluteus Maximus? What a phrase! Likewise, the thighs and places around the anus are not a problem [to touch]. Only the anus, itself, is what breaks the *wuḍūʾ* because of the *ḥadīth* of the *faraj* or the private parts. This really only refers to the area itself.

لاَ مَسَّ شَعرٍ وَظُفُرٍ،وأَمْرَدٍ،ولا مَعَ حَائِلٍ، ولا مَلْمُوسٍ بَدَنُه، وَلَوْ وُجِدَ منه شَهْوَةٌ

Then it does not refer to the hair, the fingernails, a pubescent boy and a barrier or if one's body is touched with sexual desire. [This means] the *wuḍūʾ* is not broken even if a person touches the hair of a woman with desire. Shaykh al-ʿUthaymīn says this applies especially if a man is going to touch a woman with desire and nothing comes out (no emissions). His *wuḍūʾ* is not broken because the hair has its own ruling.

Just like if he touched her *khimār* and it would not break his *wuḍūʾ*, likewise [the same applies to] the hair. It has a *ḥukm al-munfaṣil* (there is no life in it) and that is the point to understand here. The human body [has a ruling] and this ruling is taken from the animal's body. We understand this ruling from the *fiqh* of animals.

We know, for example, that the Prophet ﷺ told us to shear sheep and to use the wool and fur from animals. For example for sheep, when you take off the fur, it can be benefited from whilst the animal is still alive, which is an evidence that it is separate. It is not permissible to cut off its leg and use it whilst the animal is still alive, because the leg is a living part of the animal itself, and will come under a *ḥarām* action.

You are allowed to take the hair, it's like an extra product, separate ruling, separate reality and permissible to use as per the *aḥādīth* of the Prophet ﷺ. Therefore, all of things we are going to mention now (hair, finger nails, so on) are all separate, individual parts which do not have life in it and therefore when one touches that, it then cannot be considered under the same ruling.

He says *wa ẓufur* (the nails). So if a person touched the nail of another person, like a woman, it does not break the *wuḍū'*, regardless of how long or short the nails are. He says teeth [take the same ruling].

He says that if a man was to wipe or touch the teeth of another woman with desire, then the *wuḍū'* will not be broken. "Because they are individual, they have a separate ruling of separateness, they do not have life in it and they don't have feeling,"

Shaykh al-ʿUthaymīn quotes Ibn ʿAqīl رحمه الله, and we talked about Ibn ʿAqīl a couple of weeks ago so go back and refer to your notes on who Ibn ʿAqīl was. He is the famous imām of the Ḥanābilah. He said if you guys say that these three things don't have any life in them (we're talking about the tooth, the nail and the hair), then also say that the limb which has been severed. He is now referring to a discussion amongst the Shāfiʿis and the Ḥanbalis. You say that when you touch an amputated limb that that breaks the *wuḍū'*, if it is from the other sex.

The Shaykh asks how that has any life in it when it's been detached and it is finished. He says you've got to be consistent. This is a proof that you are saying for one thing that these three things do not break *wuḍū'* even when there's desire because there is no life in it. So then how on earth are you saying that you might pick up this detached [limb] (this is a hypothetical situation of course), and that breaks *wuḍū'*? That does not have life in it either. So it's just a separate point that he is talking about.

Now the next thing is a pubescent boy. Now, I'm going to tell you now right, that I did not know how to translate this word, and I left it like this and I thought that we would discuss it and I would explain it and then we would come up with our own explanation.

امرد

Shaykh al-ʿUthaymīn says the *amrad* is the one [whose] moustache has started okay but his beard has not, [essentially] meaning young boy, teenager, pre-pubescent or

just pubescent. I am trying to think of the example from a movie; you're talking about the kind of guy that serves the Romans and the Greeks. He comes as a very handsome young boy. Do you know what I mean? What would you call that?

There is an age where a boy is turning from child into teen, stepping into puberty and he is still handsome. Then everything starts going wrong – hair starts coming, spots start coming, grease starts coming. So just before then, you've got this age where the boy looks "thingy". Now obviously if you are perverted of mind, then these are obviously prime material for pedophiles. That is the kind of age that pedophiles are looking at. That is the whole point of the discussion here.

I want you to know that it is not technically linked to *bulūgh* – to actual puberty itself. That is why I didn't like translating it as "pubescent boy," but I think that is the perfect translation. It is the boy who is literally going through or about to go through puberty. He is not pre-pubescent, because that would indicate a child. There is something more where he is more than just a child.

Shaykh Muḥammad al-Mukhtār al-Shanqīṭi said in the language of the Arabs, when we use the word *amrad* we are talking about a person whose cheeks have no hair on them. He said that this word "*amrad"* comes from the word – the *mardā'* tree – meaning a tree which loses all its leaves (a bare tree).

Allāh ﷻ says in *Sūrat'l-Naml* (verse 44),

﴿إِنَّهُۥ صَرۡحٞ مُّمَرَّدٞ مِّن قَوَارِيرَ ٤٤﴾

"'It is just a hall paved with glass,'"

We know the story of the *jinn* and the *'ifrīt* of Sulaymān عليه السلام when he had this conversation with the Queen of Sheba. She called the water *ṣarḥun*. She picked up her dress and pulled it up in order to walk across it, because she thought it was water and that the dress would get wet. When she stepped onto it, it was glass. To her, it looked like expansive, clear water when in fact it was pure, crystal glass.

SubḥānAllāh, I saw a picture of it the other day. Of something exactly the same. Basically two Slovakian guys were trekking through the hills and they come to this ice lake. They recorded it all, it's like there's nothing there, it's completely transparent. They were walking on it and you could see the stones at the bottom of the lake and it is absolutely clear, not like any kind of blemish in the ice. I don't even know how it works actually. I don't even know how that's possible but obviously it is and it was recorded and it went viral. Anyway, this *lafẓ* is a Qur'ānic word as well, referring to something incredibly smooth.

Anyway, back to the point. The idea is that if a person was to touch a boy in this area, then this would not break *wuḍū'*. Why is this being discussed? It is being discussed because touching a boy should not be *maḥal li-shahwah* (a place where one's sexual desire is increased). Therefore the Ḥanbali position is that it doesn't matter if someone touches a boy, even though they are incredibly handsome, smooth and beautiful to look at. It does not break *wuḍū'*. The reason for that is that it requires an evidence and there is no evidence for that.

Allāh ﷻ tells us about the dangers of homosexuality in *Sūrat'l-Shuʿarā'* (verses 165 - 166),

﴿أَتَأْتُونَ الذُّكْرَانَ مِنَ الْعَالَمِينَ ﴿١٦٥﴾ وَتَذَرُونَ مَا خَلَقَ لَكُمْ رَبُّكُم مِّنْ أَزْوَاجِكُم ۚ بَلْ أَنتُمْ قَوْمٌ عَادُونَ ﴿١٦٦﴾﴾

"Must you, unlike [other] people, lust after males? And abandon the wives that God has created for you? You are exceeding all bounds,'"

Homosexuality is of course completely prohibited and therefore would you try to get sexual excitement from a boy that is this age, even though he looks attractive and so on and so forth.

Man has not been created for man,

فهو كما لو مسَّ بنت ثلاثة أشهر؛ لأن كُلًّا منهما ليس محلًّا للشَّهوة.

He says, just like you would touch a man and you would not have sexual desire, just like if you had a three month old baby daughter and you stroke her as much as you want, there should be no sexual desire. Allāh ﷻ did not create the child in this manner and neither the human being to feel that, and likewise man was not created to be touched by another man and also sexual desire to be achieved. Therefore the *Ḥanbali madh-hab* is if you do touch such a person, the *wuḍū'* is not broken because it goes against the *fiṭrah*. Is that clear?

Obviously, this is a very weak statement and an incredibly weak position because it does not take into account the deviancy of the human being. And human beings are deviant, as Shaykh al-ʿUthaymīn says. If we were to say that the *wuḍū'* is broken if you touch a woman with desire, then what on earth is the difference if you touch X with desire or Y with desire? The issue is desire. So therefore if anyone were to touch a boy with desire or a baby with desire, if they were a pedophile or X or Y, then the very minimal reality is that they break their *wuḍū'* and of course [there are] all of the *sharīʿah* punishments that would then follow on top of that.

Then, Shaykh al-ʿUthaymīn also mentions *Sūrat Hūd,* verse 79 and when Lūṭ's people came to him, he said to them, "*Hāʾulāʾi banātī*" (these are my daughters). They [women] are purer for you [to have relations with] than what you are currently doing. They said, we know that you know what is available to us with respect to your daughters, but you also know what we want.

What they were speaking about, Shaykh al-ʿUthaymīn says, is the angels [who were] sent in the *sūrah* of young boys. Meaning that the angels that were there at that time to bring the *ʿadhāb* were young boys. As is said before, they are much more handsome and so on.

So therefore, without getting too kind of astray, the correct position is that the touching of a pubescent boy is like the touching of a woman and like the touching of anything else - if a person were to touch them with desire, then their *wuḍūʾ* would be broken. Likewise, some of the *ʿulamāʾ* said that even if looking at such a boy elicits any kind of sexual feeling, whether from a woman or from a man, then also *ghaḍḍ al-baṣar* (lowering the gaze) applies to them as well.

I think I will stick to our translation of a pubescent boy and [the point is that] if you were to touch any of the above, your *wuḍūʾ* would not be broken.

Also, looking at a pubescent boy without any emission, from a man or a woman who did not, also will not break the *wuḍūʾ*.

وقال شيخ الإسلام: لا تجوز الخلوةُ بالأمرد، ولو بقصد التَّعليم

Shaykhʾl-Islām ibn Taymiyyah رحمه الله said it is not permissible to be alone with a pubescent boy. Allāhu akbar! If we applied this today, how much evil would be prevented? He said it is not permissible to have *khalwah* with a pubescent boy, even if it is with the intention of teaching. You know how many boys have been abused in this country and back home in our sub-continent culture? You see that happen all the time.

I remember some very high-profile cases down here in East London - all over actually. This happens and Shaykhʾl-Islām ibn Taymiyyah was telling us back then that it is not permissible to be alone with a pubescent boy, even if you are teaching him, because of the issue of desire, and the risk of anything that could happen.

Shaykhʾl-Islām says,

لأن الشَّيطان يجري من ابن آدم مجرى الدَّم، وكم من أُناس كانوا قتلى لهذا الأمرد،

Shaytān flows through the blood of a human being. How many people have fallen into this fatality, this disaster? They basically become footmen of the *Shayṭān* and his desires. Basically, it is a warning.

Back to the issue:

or uses a barrier

We are talking about gloves. *Al-mas* and *al-lams* is all about touching, skin-to-skin. The whole issue is about skin-to-skin contact and I will tell you something that is interesting.

I'll tell you something which is interesting and that is why I am a bit upset for Shazad, because some of the scholars [have] said that the condition of that glove is that it is not possible to feel heat through it. Now, that little latex *miskeen* [glove] that you're wearing, I know that you are feeling all that heat, brother.

Shazad: *Alḥamdulillāh* for the rest of the *ʿulamāʾ.*

Ustādh: *Alḥamdulillāh*, we have other scholars. It's true, it's good. They said it's only some of the *ʿulamāʾ*. This is one of the conditions of the gloves.

Then, finally,

or if one's body is touched with sexual desire.

Basically, this is a very strange position; if one's body is touched with sexual desire. The idea here is that there is a woman and a man then touches her with desire. According to the Ḥanbalis, his *wuḍūʾ* breaks. But for her, nothing happens.

How do you read that last sentence? Or if one's body is touched with sexual desire. How do you understand that?

Student: If someone did it to themselves

Ustādh: Yes... that's possible. Correct. That's right, that is there. What's the next meaning? Or what's another meaning? Do you read anything else into that? Shaykh al-ʿUthaymīn says, for example, there is a young man and you kiss his wife (she is also young) - I like the way he emphasises the youngness because old people have no desires right?

Basically, I think the translation is not very good. What I want to say is that if the boy or the girl (the one who has been touched) got touched and they felt desire but they

did not initiate the action, then according to the Ḥanbalis, *wuḍū'* is not broken. Shaykh al-'Uthaymīn says, look, listen, I don't care anyway.

If you are going to say that when the body is touched with desire, it breaks *wuḍū'*, then without doubt touching a person and then they feeling the desire definitely breaks their *wuḍū'* as well.

Is that clear for everybody? I think it's very straightforward. If you are a true Ḥanbali and you are saying that it's about desire, then it doesn't matter whether they are touching or being touched, your *wuḍū'* breaks as well.

He says for me it's not an issue, so it doesn't matter. Desire and everything is not a problem; it's about the actual something that breaks *wuḍū'* that I am watching out for. Other than that, not interested.

As for Ḥanbalis, that's what it should be. That's why he then calls Muwaffaq. Who is *al-Muwaffaq*? He is Ibn Qudāmah al-Maqdisī, the imām of the Ḥanbali *madh-hab*. He says if any human touches another and there is some kind of *ḥadath* (meaning the *wuḍū'* is broken of one person), then the *wuḍū'* is broken of both.

فإن الطَّهارة تجبُ على اللامس والملموس، كالختانين فيه مُجَامَع ومُجَامِع، إذا التقى الختانان بدون إنزال منهما وجب الغسل عليهما جميعاً

From the *ḥadīth* of Prophet ﷺ, we know that when the two circumcised parts touch or meet, this is something which obligates *ghusl*.[2] The two circumcised parts meeting refers to the private parts of man and woman.

He is saying that if this is the reality, then it doesn't matter that if one was to emit sexual fluid then the other one also has to make ghusl. And so therefore, he says that al-Muwaffaq's position is different from the official Ḥanbali position, and that is the correct position. Shaykh al-'Uthaymīn is saying that this is the correct position, based upon the principle that you believe that the desire is the problem. If you don't believe desire is the issue, then it is not the problem.

The conclusion is that the correct position is that if a person touches another and there is desire there, as long as that desire or sexual feeling is there, then both people's *wuḍū'* is broken. It doesn't matter if they didn't initiate it. And that therefore completes our lesson and all of the first six points.

[2] *Sunan Ibn Mājah, Book of Purification and Its Sunnah, Chapter: What was narrated about the Obligation of Ghusl when the two circumcised parts meet, hadīth no. 608.*

Then next week, we will move on to something that is very interesting, which is the washing of the dead body and the reality behind that. There's a very interesting discussion about that. The last sentence doesn't matter because according to the **class position**, desire itself is not enough. Desire is something which can be controlled.

You know when you study this more, when ʿĀʾishah ﵂ was asked about his kissing his wives, and the fact that he was able to go and still pray and so on, she said that he could control his desire better than all of you.[3]

So it shows that desire has some parameters, and that there is an initial kind of maybe level which is okay, but when it goes beyond that, then you get into a danger zone, and human beings are the same in that danger zone. Whereas the Prophet ﷺ, being the Prophet, is more in control. So according to Shaykh al-ʿUthaymīn, it's not about desire, but it's about something actually happening, something that could happen very easily, something that could not happen at all and therefore, we cannot put them all into the same bracket.

It should be based upon a consequence - something happening that actually breaks the *wuḍūʾ*. According to the class position and according to Shaykh al-ʿUthaymīn's position, it is not the Ḥanbali position at all.

Q & A

Q: (inaudible)

A: They do seem all over the place. Ibn ʿAqīl also tells him that Ibn Qudāmah also tells him that there are contradictions. If you study this issue well enough, you will see contradictions in their own positions, especially this last statement. This last statement contradicts their original statement about desire. If you want to focus on desire, then of course the woman getting touched; it shouldn't matter who touches who, or who started it. If desire is there, end of story - and that's what Shaykh al-ʿUthaymīn, he pulls him up on. He says if you are going to stick to the principle then you are wrong, then you have to stick to that principle and say that this also breaks *wuḍūʾ*. I [personally] don't care because it doesn't break *wuḍūʾ*. That's important to understand in this issue.

Q: If there is some form of - not even dream, but even a thought which elicits desire, then does that break the *wuḍūʾ* in the same way that a touch (which is eliciting desire but there is nothing emitted) which physically actually breaks the *wuḍūʾ* does? Does that break the *wuḍūʾ* as well?

[3] *Ṣaḥīḥ al-Bukhāri,* Book of Fasting*, Chapter: To embrace while one is observing Ṣawm, ḥadīth no. 1927.*

A: I don't know what the Ḥanbali position is on that, but according to my position, it doesn't break the *wuḍūʾ*. I said last week that I slightly differ with that position. I take the safer one, and I agree with Shaykh al-ʿUthaymīn in principle, that desire itself is not a problem here and neither is touching a women. If you look at all the *aḥādīth,* then there does seem to be something above a thought when it comes to touching.

There are a number of weak *aḥādīth*, but just touching a woman has a number of problems. For example, the shaking of hands, and the *aḥādīth* on that matter talking about various things. Most of them are weak when you do a proper study of them. But, there is such a large material there which seems to be making a differentiation between just touching and touching with desire, and someone thinking about desirous things. The position is that it does not break *wuḍūʾ*.

Q: What is the ruling of being alone with a pubescent boy? Is it permissible?

A: Yes, that's permissible. Allāh ﷻ knows best.

Q: If you have doubt in a matter, does it influence the outcome (e.g. you're 90% sure you've broken your *wuḍūʾ* but some doubt remains)?

A: Being 90% sure and you still have doubt? Leave off the doubt and renew your *wuḍūʾ*.

Q: I heard from a Shaykh that there is no *ṣaḥīḥ ḥadīth* saying the punishment... (inaudible)

A: That is not entirely wrong. There is some basis to that. The *aḥādīth* from the Prophet ﷺ on the issue of the punishment is not entirely authentic.[4] Look at the accuracy of Shaykh'l-Islām ibn Taymiyyah - he said that the Companions agreed. He did not say it is Sunnah, or that there was a *ḥadīth.*

Shaykh Kehlan told us a long time ago that Ibn Taymiyyah would make a one-line sentence and a person would study it for 3 years. Then you will come up with a line of conclusion on one of his sentences on pages that he is writing. If you go back and look at the statement and think about it, you will realise that so much went into that single sentence. Just like when he said that the Companions have agreed. They just differed on the manner of the way that the punishment would be meted out. That is a summing of so much knowledge.

It is an argument which is acceptable that there is no authentic *ḥadīth*. There is discussion on it, but it's acceptable to make that argument.

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[4] *Sunan Abi Dāwūd, Book of Prescribed Punishment, Chapter: One who does the action of the people of Lūṭ*, *hadīth no. 4462*.

8. Invalidators of Ablution VIII

Washing the Deceased

So I think we're at the beginning of the seventh point. We're talking about the invalidators of ablution (*nawāqiḍ al-wuḍū'*), and *nawāqiḍ* of course meaning [the plural] of *nāqiḍ*. We're talking about what ablution is invalidated by, and we've gone through six of them so far:

Anything that exits from the urethra or the anus
Any amount of urine or feces, or large amounts of filth which exit from other parts of the body
Losing consciousness, heavy sleep
All about the touching of x, y, z, etc.
The touching of a woman or vice versa because of desire
The touching of the anal region and generally [the private parts].

I want you to know that in the way that Shaykh al-'Uthaymīn himself breaks it down, so far we've only covered five. To be honest, you can quite easily see that between 4, 5, and 6 you can actually put them together. Like 6 could be part of 4 because it's talking about touching the private parts, etc. It doesn't actually matter how many you make it. The point is the various things - the front passage, the back passage, the issue of desire, etc.

Obviously there are some exceptions as well. We're not talking about touching the hair of a certain area, we're not talking about touching with nails, or using a barrier, etc.

So now we're on to a new section, to carry on that list:

ويَنْقُضُ غَسْلُ مَيِّتٍ، و أَكْلُ اللَّحمِ خاصَّةً من الجَزُورِ، وكُلُّ ما أَوْجَب غَسْلًا أَوْجَب وُضوءًا إلا الموتَ، ومَن تَيَقَّنَ الطهارةَ وشَكَّ في الحدَثِ أو بالعكْسِ بَنَى على اليقينِ، فإنْ تَيَقَّنَهُما وجَهِلَ السابقَ فهو بِضِدِّ حالهِ قَبْلَهما، ويَحْرُمُ على الْمُحدِثِ مَسُّ المُصحَفِ، والصَّلاةُ، والطَّوافُ.

7. Washing a dead body,
8. Eating camel meat,
9. A fact: everything which obligates ghusl, obligates *wuḍūʾ*, other than death.

Whoever is certain of their state of purity, but doubts whether they became ritually impure, - or the other way round completely – must build upon certainty. Whoever is certain of having been in both states but can't work out which state came first, then let him consider himself to be in a new state which is the exact opposite to what he was in before these two final states.

It is impermissible for one without *wuḍūʾ* to touch the muṣ-ḥaf, to pray, or to perform the *Ṭawāf*.

This is the final part of the text in the Chapter of The Invalidators of *Wuḍūʾ*. [On page 297], Shaykh al-ʿUthaymīn رحمه الله says [that according to the Ḥanbalis], to wash the dead person is the next invalidator.

Note that its *ghasl* and not *ghusl*. What's the difference between *ghasl* and *ghusl*? If *ghasl* is washing something then what does *ghusl* mean? *Ghasl* and *ghusl* are both nouns. *Ghasl* refers to the actual washing and *ghusl* is the process, itself.

In English, the problem is that we mix and match sentences so none of them work. When we say, "Have you done *ṣalāḥ?"* or "I prayed," you would say it in English. You wouldn't say I *ṣalāḥ*-ed. This is similar to if someone says, have you done your *ghusl* yet? You wouldn't say the same in Arabic. You'd say, *ghasalt*? Have you washed? Or have you done *ghusl*? So *ghusl* with a *ḍammah* is the actual act itself. It is the actual *al-maʿnah al-ḥāṣil biʾl-taghsīl*: that which is achieved once you've washed.

If you wash *al-ghasl biʾl-fat-ḥ biʾl-maʿnah al-taghsīl, ghasaltahu*: you washed. That is *ghasl* (you did *ghasl* of it). Once you do *ghasl* of something, then it had a *ghusl*. [Does] that make sense everybody? So the *ghasl* is the process, the *ghusl* is the result, the consequence. The *ghusl* has been achieved.

So, when we are saying *ghasl al-mayyit*, we are talking about the actual washing. What's the immediate, obvious benefit of differentiating between the meanings in such an example of the dead person?

Student: You refer to the dead person themselves?

Ustādh: Not quite. No, but the legal benefit is to do with what you are going to do to the dead person definitely, but not that.

What do you think? If we use *ghasl*, we are able to give a different Islamic ruling than if we said *ghusl*. Logically, think about it. Think about a dead person and whether you

did *ghasl* of the person or you did *ghusl* of the person. The Islamic ruling would then differ, for example, like what?

There are two things I want you to work out:
(1) By using *ghasl* instead of *ghusl,* there is a significant legal difference.
(2) Then, there is a second significant legal difference between using the word *ghasl* and *mas*.

Al-mas, so far, has been the word we have been using all the way. *Mas* means touching. So, so far throughout this chapter, it's been all about touching, touching, touching, touching. I want you to derive for me the two significant legal differences that happen when you use this. Tell me what you think they are.

Remember, we've talked about this thing before. When you're looking at this as a *ṭālibʾl-ʿilm* (a student of knowledge), for a *fiqh* point of view when you get stuck in a situation like this, don't just stand there and look at it. What you do is you apply both. It's like doing a test. So apply the first one and see what happens as a result of doing it and then apply the second one and see what happens. Always look at it from the other way, from the backside of the action.

Student: So if you were to do *ghasl* then that is the process, but say you didn't achieve the process, then *ghusl* would not be the state that is achieved. So, when something went wrong, you would not actually achieve the state of *ghusl.*

Ustādh: Correct. So, you've identified basically where the legal difference is going to occur, but you haven't actually mentioned what the legal benefit is. Basically, if we said that it is the *ghusl* of the *mayyit* (deceased) which breaks *wuḍūʾ*, a person would have to completely wash that person. Whereas if we say *ghasl*, then it means even if I washed his hand and there is ten of us, all ten of us would have to make *wuḍūʾ*, because we all washed that person.

Washed does not entail washing the entire process. That would be *ghusl*, but we said *ghasl*. That is a very significant legal difference. If you did even one little part [of washing], then you would have to be making *wuḍūʾ* as well. So, that's the first one.

The second one, the fact that we have not used *mas*, practically means what happens? What did we say? *Wuḍūʾ* has been broken by *al-mas*, unless you do what? If you have a barrier, right? So therefore, what do you think the issue is, then? If the *wuḍūʾ* is invalidated by a touch, then we know if you have a barrier on, then it is not invalidated, correct? Yes. So therefore tell me the other second legal difference.

The answer is that because it doesn't say touch, then it doesn't matter if you had all the barriers on in the world, or all the gloves in the world. It is the process itself which is causing the problem. So if you follow the opinion, then it is the washing, it's not the touching. It's not the touching in the first place when it comes to washing the dead.

Mayyit is a dead person, so note therefore that this includes the male and the female, which is also different; it's not about desire anymore. It's male, female, old or young, etc. Again the issue of desire is taken out – it could be very old or very young, could be small, could be big, could be a free person, could be a slave person – all of this is possible.

This is the position of the Ḥanbali *madh-hab* and is also what we call *min mufradāt madh-hab* Imām Aḥmad – it is from the unique positions to the Ḥanbalis.

Actually, it's an interesting side point – every *madh-hab* has its own unique position, meaning it holds one position and the other three go somewhere else together. The Ḥanafi school is very common for that, holding onto a position and everyone else going somewhere else. Imām Aḥmad has a lot of these as well, and they often happen in the chapter of *wuḍūʾ* - for example the *tasmiyah*, to say *bismillāh*, and the issue of wiping water through the beard with the fingers, and a few other things that we've covered. Now, we're going to do two as well right now. What are these two?

Washing the dead
Eating the meat of the camel

Student: Some people are still confused… [inaudible]

Ustādh: Think about this technically – if we said that it was the *ghusl* of the *mayyit*, if we said that to do *ghusl* of the dead person would break *wuḍūʾ*, it would mean a person would have to come and do the entire *ghusl* beginning to end, the full process, 20 minutes, the full washing absolutely, all of it, and only then would he break his *wuḍūʾ*. It would mean that if there were a person who was helping, he wouldn't because he wasn't doing it properly. If a person did half, half – and there are normally 4-5 people who help with this process - because we said *ghasl*, washing, then anything that you wash as part of the process… if there is one of you, or ten of you, or whatever, and so one person just washed a hand, and one person just washed this and another person washed that, all of them would have to make *wuḍūʾ* because now the word is not *ghusl*, the complete bath, but just washing itself, technically just the washing [*ghasl*].

We also said if it has been *mas*, then it would mean that as soon as you touch the dead body, then you would break your *wuḍūʾ*, but if you put your gloves on and you wash a dead body it wouldn't break your *wuḍūʾ*. But then the text does not say "*mas* of the dead body," it says "the washing of the dead body," which shows that actually it is the washing that breaks the *wuḍūʾ*, not the contact. So even if you are wearing gloves, it doesn't matter; it would still break your *wuḍūʾ* according to the Ḥanbali *madh-hab*.

What else have we just learned? This only exists in the Ḥanbali *madh-hab* (the washing of the dead body breaking *wuḍū')*. All of the other three imāms - Ḥanafi, Māliki, and Shāfiʿi Schools – they consider the washing of the dead body not to break *wuḍū'* at all. In fact, that is the correct position, and it is also the position of Shaykh al-ʿUthaymīn. It is the position of the majority of the scholars, and it is our taught **class position** as well – that it does not break the *wuḍū'* and at best, it is a recommended act and I will give you a few texts to show why this is a recommended act.

What did the scholars say are the evidences for this (the evidence for the Ḥanbali school for why they consider it obligatory to make *wuḍū'* after washing the dead person)?

What is narrated by ʿAbdullāh b. ʿUmar, Abu Hurayrah, and ʿAbdullāh b. ʿAbbās – all three have been authentically narrated as having commanding the people to make *wuḍū'* after they wash the dead person. The references are all in footnote 3 – for example in the Muṣannaf of ʿAbd'l-Razzāq, and in the Muṣannaf of ibn Abī Shaybah, we can see in the Chapter of Funerals.

For example one narration, on the authority of ʿAbdullāh b. ʿAbbās, [1] that he said that concerning the washing of the dead person, *yakfī minhū al-wuḍū'*. The chapter title is: The one who washes a dead person does not need to make *ghusl* – because that is also a position. In that chapter, ʿAbdullāh b. ʿAbbās is saying it is sufficient to make *wuḍū'*, meaning that it is obligatory to do the *wuḍū',* not to make *ghusl*. So this is the position of ʿAbdullāh b. ʿAbbās.

'The one who washes the dead person does not need to make *ghusl*.'
That is also a position. In that chapter, ʿAbdullāh bin ʿAbbās ﵄ said it is sufficient to make *wuḍū'*. So, it is obligatory to make *wuḍū'*, but not *ghusl* and that is his position. In the same book and chapter, ʿAbdullāh bin ʿUmar ﵄ said concerning the dead person,

«إنما يكفيك الوُضوء»

"What is sufficient for you is to make *wuḍū'*."[2]

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[1] *Muṣannaf Abdur Razzāq, Book of Funerals, Chapter: (Should) the one who washes a dead body perform ghusl or wuḍū' athar no. 6101 (3/405). Also narrated by ibn Abi Shaybah in his Muṣannaf, Book of Funerals, Chapter: There is no Ghusl upon the one who Washes the Dead body. Also narrated by al-Bayḥaqi in Shu`ab al-Imān (1/305)*

[2] *Musannaf Abdur Razzāq, Book of Funerals, Chapter: (Should) the one who washes a dead body perform ghusl or wuḍū?, athar no. 6107 (3/406).*

Ibn Taymiyyah narrates in *al-ʻUmdah* that Abū Hurayrah ﷺ said,

«أقلُّ ما فيه الوُضُوء»

"The bare minimum that one should make is *wuḍūʾ*."[3]

Something similar has been narrated from the companions, such as ʻĀʾishah ﷺ, ʻAbdullāh bin Masʻūd, Abī Barzah, ʻĀʾidh bin Amr ﷺ, etc. Other narrations you can find in the same chapter. So, a number of Companions are upon this position. That's the first evidence for the Ḥanābilah. They can see a very strong statement towards it. Their second evidence is the one who washes the dead person will most likely touch his private parts and the washing of the private parts breaks the *wuḍūʾ*.

The second position, which is the position of the majority, is that the washing of the dead person does not break the *wuḍūʾ*. Shaykh al-ʻUthaymīn defends it by saying that obligating something upon someone – especially when it's said you're invalidating a state, a state that you enter clearly according to the *sharīʻah* – will require a strong *sharīʻah* evidence to bring you out of it, and lift that *wuḍūʾ* off you. There is not a single evidence in the Book of Allāh, neither from the Messenger of Allāh ﷺ and from the Companions.

How do we then understand the statement of these Companions? Especially the narrations from ʻAbdullāh bin ʻUmar, ʻAbdullāh bin ʻAbbās and Abu Hurayrah who are three young Companions and stated that this has to be understood as being recommended (*al-istiḥbāb*)?

وفرضُ شيء على عباد الله من غير دليل تطمئنُّ إليه النَّفس أمر صعب، لأن فرض ما ليس بفرض كتحريم ما ليس بحرام.

Shaykh al-ʻUthaymīn says if you start to make things obligatory upon the people when there is no evidence to suggest it, it doesn't sit easy on the soul and it is something which is physically difficult to achieve as well. It's difficult for the soul to accept it. To make something which is obligatory which isn't actually obligatory, is similar to

[3] *Mughni of Ibn Qudāmah (1/256) and in the Commentary of ʻUmdah by Ibn Taymiyyah (1/342).*

making something *ḥarām* which isn't *ḥarām*. And the soul doesn't respond well to that.

I'd like to quote to you what Shaykh Muḥammad Mukhtār al-Shanqīṭi narrates in his *Sharḥ*. He says the first evidence which is clear to him as to why it isn't obligatory is the original reason for why *wuḍū'* is broken. The Prophet ﷺ said that Allāh ﷻ does not accept the prayer of any person who comes ritually impure (or gets into a state of *ḥadath*) until they make *wuḍū'*.[4] There is no evidence to show that washing the dead body causes ritual impurity.

Ḥadath is not something which is a physical impurity; it is a spiritually impure state. So you would need clear evidence and that is why he says in very strong language that there isn't anything ritually impure when washing a dead person. It isn't even close to being ritually impure.

It was considered to be *ḥasan.*

ليس عليكم في غسل ميتكم غُسل إذا غسلتموه ، فإنَّ ميتكم ليس بنجس ، فحسبكم أن تغسلوا أيديكم

Very interesting. The Prophet ﷺ said[5] that 'you do not need to make a *ghusl* for making *ghasl* of your dead person' – You do not need to perform the full bath, if you wash a death person, because your dead person is not impure; it is not *najis*. It is sufficient for you to just wash your hands. Also it has been authentically narrated on the authority of ʿAbdullāh Ibn ʿUmar may Allah be pleased with him and his father that he said

كنا نغسل الميت ، فمنا من يغتسل ومنا من لا يغتسل .

Narrated by Imam al-Dāraquṭni and authentic *inshā'Allāh:* 'We used to wash the dead person, after that some of us would make *ghusl* and some of us would not make *ghusl'*.[6] There are two things; legal things to take from this statement – the first of

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[4] *Ṣaḥīḥ al-Bukhāri,* Book of Tricks*, Chapter: In Salah, ḥadīth no. 6954.*

[5] *Mustadrak al-Ḥākim, Book of Funerals, Chapter: Whoever washes a dead body should perform ghusl (1/386). Graded as ṣaḥīḥ by ad-Dhahabi and considered ḥasan by ibn Ḥajr in at-Talkhīs al-Ḥabīr.*

[6] *Sunan ad-Dāraquṭni, Book of Funerals, Chapter: The number of salāms in the funeral (prayer) is one …. , ḥadīth no. 1796.*

them is what? When we say *kunnā* (we used to do something), what do we know about that? When a Companion says *kunnā* what does it mean?

Student: They don't do it any more.

Ustādh: That is good. Also something else. If they were doing it before, that means who were they doing it with? The Prophet ﷺ. Which is why whenever a Companion is authentically narrated to have said that we used to do something, then this means that the ruling of that action is what we call *ḥukm marfūʿ* - the ruling has been raised to an action of the Prophet ﷺ and therefore it is considered to be a Sunnah.

That is why the Shaykh Muhammad al-Mukhtār ash-Shanqīṭi says that the statement to say that 'this is what we used to do' from a Companion is a *dalīl* evidence, it's a *ḥujjah*, it's an establish evidence. Obviously by saying 'some of us did and some of us didn't used to do it' proves straight away that it's an optional act and therefore it is not obligatory at all. And as I said, that is the position of the majority of the scholars.

Is that okay everybody? Any questions? Because the next section is completely different. Obviously, when one is washing the dead person and I teach the fiqh of death and we all need to know about the rules concerning that because if someone passes away, certainly everyone in this class should be involved, a family member and a lot of people do not know what they are doing and you can't just delegate to the funeral director. It's an important chapter and we will study it in due time, but you need to know that you will be using gloves regardless, because of the *najāsah,* because of the dirt, because washing the private parts, you will do some form of *istinjāʾ* as well, there will be the helping the evacuate the contents of the stomach, and it's not a clean affair. Even though I mentioned the difference between washing and touching, that is a reality; you will be using gloves and so and so forth.

Eating Camel Meat

The next invalidator is 'eating camel meat'. Now in Arabic, it does not say that. In Arabic it says,

وأَكْلُ اللَّحْمِ خاصَّة من الجَزُور

It is important to understand this Arabic sentence. If you aren't careful, it could be understood in two different ways. Literally translated, it says 'And eating meat specifically' or depending on where you put a comma, it could say ' and eating meat, especially from camels' or ' and eating meat specifically from camels'. Do you understand what I mean? Does that make sense? It's essential to that *khāṣatan*, which

means 'only' is put in the first part of the sentence 'only eating meat, from the camel', then that makes it clear and you will see why it is significant and that is the correct way to understand it. There are many things you can do with a camel; you can eat its meat and that meat could be eaten raw or eaten cooked and remember, we are talking about Arabs and they do this kind of stuff.

I hope you understand that. In English, I've just put "eating camel meat", but in the Arabic there is a clear discussion, depending upon how you put the comma [it changes the meaning, so] if you say:

وأكْلُ اللَّحْمِ، خاصَّة من الجَزُور

Then it's a very clear statement, it means, "*eating meat, particularly from a camel*". Which, by the way, we have evidences to show that actually it is possible that eating all meat does break *wuḍū'* and I'm going to come to that.

The correct translation is, *"eating meat specifically from the camel"*, which is the correct position, is also a legally different position because as I said the camel can be interacted with in a number of ways with respect to food. Who can tell me? I just gave you two options: meat, raw and cooked, both have legal differences. Milk - hot and cold? I think we'll just stick to milk.

Student: Pasteurised or unpasteurised?

Ustādh: I think we're trying a bit too hard there. Is there anything else?

Student: Urine.

Ustādh: Urine, that's the one. The urine of the camel of course as narrated in *Ṣaḥīḥ al-Bukhāri* for certain medical conditions. Anything else?

Student: Leather.

Ustādh: Leather? So now we're moving on to other things like maybe wearing it, is it *najis* or not? That's also a good point as well. So there's different rulings, but with respect to the food, we have three categories - we have its (1) urine, (2) milk and (3) meat. That's everything which is all on the table at the moment here.

Shaykh al-'Uthaymīn says:

قوله: «وأكل اللَّحم خاصَّة من الجَزُورِ» ، يعني وينقض أكلُ اللَّحم خاصَّة من الجزور، وهذا هو النَّاقضُ السابعُ من نواقض الوُضُوء، وهو من مفردات مذهب أحمد رحمه الله

So we've got it as [point] eight [in the class notes], he has it as seven as I mentioned to you earlier on, the fact about touching the anal canal and whether it comes under the private parts, we put it as two separate points. Shaykh al-ʻUthaymīn رحمه الله says that again this is something which is unique to the Ḥanbali school; no other school considers this an issue at all.

He says that first of all, the eating of meat combines whether raw or cooked, because once you've said "meat" that entails both of them, raw and cooked. And he says, eating, therefore, also doesn't mean chewing. For example, it has to be swallowed.

وخرج بقوله:«أكلُ»

If a person was to take some meat and chew it and then spit it out because he didn't swallow it, will it then break the *wuḍūʾ* or not? According to the Ḥanbalis, no because its *akal*, it needs to actually be swallowed. And again as I said,

وقوله: «خاصَّة» يعود إلى اللَّحم لا إلى الجزور؛ لأن قوله «الجزور» يُغني عن «خاصَّة».
وخرج بكلمة «خاصَّة» ما عدا اللحم كالكِرْش، والكبد، والشَّحم، والكلية، والأمعاء، وما أشبه ذلك.

So he says that if we think about what meat actually means, what does meat actually mean? Does that include liver? Does it include kidney, *kirsh*, *kibid*, *shaḥam*, or the *kuliīah*? What is *kuliīah*?

Student: Intestines

Ustādh: Intestines, good well done.

He says the evidence for this is that these are not considered to be meat. That's the first thing. They are not generally considered to be meat. He says if you tell someone go and get you some meat, and he went and brought you back some intestines, he says you'd be pretty upset. So he says that therefore the prohibition, according the Ḥanbalis, is specifically to proper meat, whatever proper meat is. What do you think comes under proper meat?

Students: Muscles, fat, and heart

Ustādh: We know that heart is a muscle. Would you put heart in with the meat? That's interesting. Some say no. I would, I'd put heart under meat.

Student: You said you specifically ask for heart as opposed to meat.

Ustādh: That's a good point. However I can get it from the butcher.

Student: But if you said to a butcher I want some [inaudible]

Ustādh: No don't be trying that, butchers have all sorts. I didn't go to the grocers or vegetable shop.

Student: But next time you go to the butcher, ask him I want some meat. Okay? And he will ask okay, what do you want? Shoulder, Rib, neck, and if he includes heart in there then there is your answer.

Ustādh: Then job done. Whatever position you guys hold, I just want you to know that I eat a lot of heart and that's why I'm such a soft person.

Q & A

Q: What about the *ḥadīth* reported by Abu Hurayrah that whoever washes a dead person should perform *ghusl*?

A: Exactly, this narration and every single narration which is like that (i.e. whoever washes a dead person should make ghusl, etc.), the majority of scholars consider these to indicate recommendation. From a *fiqh* point of view, you would say how is that possible? From a *ḥadīth* point of view, they would say how is that possible when it's clear that the text reads 'you should do it', 'you must do it', 'you must wash' and so on? The answer to this is that whenever there is the presence of a *ḥadīth* which gives an option or shows that it wasn't done, then every single command to that action must mean that it was recommending towards that action. This is what we call a *ṣāriḥ*. That hadith is a *ṣāriḥ*. It takes you away, pushes you down (or away) from the obligatory. It is similar to going down a path then suddenly the arm comes out, pushes you away into the *mustaḥabb* channel because of a single *ḥadīth*. The *uṣūl* of *Ahl'l-Sunnah* and *Ahl'l-Ḥadīth* is that we always reconcile *aḥādīth*, we always combine them. We don't ignore *ḥadīth* nor say that they are abrogated. If it's authentic, it is (included) into our *fiqh*, we just to need to find a clever way of combining everything and that is the real *fiqh*.

9. Invalidators of Ablution IX

Eating Camel Meat

We were talking about the camels. According to our list, we are on number eight of the invalidators of *wuḍū'*.

8. Eating camel meat

Shaykh al-'Uthaymīn رحمه الله considered this to be seven, but it doesn't matter what the actual wording is.

وأكل اللَّحم خاصَّة من الجَزُورِ

The Arabic here indicates that the Ḥanbali *madh-hab* is indicating that we are talking about specifically the meat from the camel and not from anything else. What's interesting in the first part of this discussion is that this is another issue from the *mufradāt* of Imām Aḥmad. It is unique to the Ḥanbali *madh-hab* and the Ḥanbalis stick to this very strongly and very proudly. This is also the position of Shaykh al-'Uthaymīn, Shaykh Muḥammad Mukhtār al-Shanqīṭi, and also a number of [other] contemporary scholars as well.

This is one of those classic differences. It is very interesting to see the discussion that occurs during the *khilāf* of this. We are going to look at that in detail, why the rest of the schools all consider this to be something which is abrogated. I'm summarizing this for you. The other schools consider the ruling that eating camel meat obligates *wuḍū'* to be abrogated. The Ḥanbalis and other scholars say no, and they are going to establish it.

Our class is full of detailed *fiqh*, discussion, looking at the *aḥādīth*, and some interesting principles to understand the *fiqh* of *Ahl'l-ḥadīth* as well. The first part of the discussion was to establish what meat is and we talked about the intestines, liver, etc. Shaykh al-'Uthaymīn says, are these to be included or not?

Those people who said that these are to be included, their first idea was that these kind of things are considered meat. He is defending their position.

Firstly, according to many people in the *ʿurf* (custom of the people), it is not considered to be part of meat. You ask for the kidney separately, the heart separately, etc. When you say meat, you don't think of [those parts] immediately. Shaykh al-ʿUthaymīn says that there is no difference between the offcuts and the other internal parts such as brain, intestines, kidney, etc. They are all the same and take the same ruling. What are his evidences? He mentions a number of them. The first evidence is that the word *laḥm* in the *sharīʿah* covers all portions, all presentations and all aspects.

Allah ﷻ says in *Sūrat'l-Mā'idah* (verse 3),

﴿حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنزِيرِ ۝٣﴾

"You are forbidden to eat carrion, blood, and pig's meat;"

What has been made *ḥarām* for you is dead meat and that which has been sacrificed other than for the sake of Allah ﷻ and *laḥm khinzīr* (pork). *Laḥm khinzīr* (meat of the pig, literally translated) - what does that comprise of? Are we allowed to eat pig skin? Why not when skin is clearly not meat? It is *najis*. Shaykh al-ʿUthaymīn رحمه الله says,

فلحم الخنزير يشمل كلَّ ما في جلده،

The word *laḥm khinzīr* (meat of the pig) includes everything, every bone, etc. contained by that skin.

The problem is that we're all *Paks*. There is not even a microsecond of hesitation to accept that. You mention anything about the pig and we're on the other side of the room within seconds. That is an emotional reaction. It's a good reaction *alḥamdulillāh*. It shows that even *Paks* hit the *fiṭrah* sometimes but it's not a rational response. We should be able to look at it rationally and properly. This is where the converts hold it down because they have had it before and they don't see it as that much of a sickness and they probably think about it a bit more. I'm not praising their position, but I'm praising their dispassionate way of being able to look at the issue without emotion.

Shaykh al-ʿUthaymīn says everything which is encompassed by that skin (and even the skin), is *ḥarām*.

So he says if we are going to make every single thing (every part) of the pig *ḥarām*, and all the while we've been told it's the meat of the pig which is *ḥarām*. He says then, [it is] the same for every other animal, everything as part of that animal comes under meat – *laḥm*. Everything inside.

This is a good evidence, to be honest. I like that. The second point he [makes] is that inside the camel, you have many different part of the camel - pieces of the camel meat which are very similar to one another. If there was to be some issue with some parts and no issues with other parts [because] some are very similar [and] some are very different (if there was going to be any differentiation going on), [then] the Prophet ﷺ would have differentiated it, because there is actually a significant difference between them and he didn't.

He says again, another point in the *sharīʿah* of Muhammad ﷺ [is], we do not find any of the animals, in terms of their meat, being split up. *"This is ḥalāl", "this is ḥarām", "this is pure", "this is not pure", "this has benefits", "this has negatives"* and therefore, the inside of the camel (in terms of for eating purposes), is all the same.

He says also, that the text itself does not indicate in any single way that there is a difference. The text doesn't indicate anything, and I think that is good enough.

He makes another point, where he says, look, listen, if you ate some camel meat and you did not make *wuḍū*' and you prayed *ṣalāh*, then according to those scholars (who follow this opinion), your prayer is invalidated.

If you were to pray without making *wuḍū*' on some of the items like other than the *laḥm* (other than the pure meat or whatever), then because we are in doubt about the original issue, we're doubting the ruling upon the prayer as well. Therefore, we are bringing the doubt in ourselves. Therefore, we should, as the Prophet ﷺ said,[1]

وَبَيْنَهُمَا مُشَبَّهَاتٌ لاَ يَعْلَمُهَا كَثِيرٌ مِنَ النَّاسِ، فَمَنِ اتَّقَى الْمُشَبَّهَاتِ اسْتَبْرَأَ لِدِينِهِ وَعِرْضِهِ،

[1] *Ṣaḥīḥ al-Bukhāri, Book of Belief, The superiority of that person who leaves all doubtful (unclear) things for the sake of his religion, ḥadīṯh no. 52.*

Whoever avoids the *shubuhāt* (the doubtful matters), then he has protected his religion and his honour.

And the Prophet ﷺ also said,[2]

دَعْ مَا يَرِيبُكَ إِلَى مَا لاَ يَرِيبُكَ

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

Therefore, you should consider it to be all one thing, and make *wuḍū*ʾ from all of it.

Also, he makes [another] interesting point. Shaykh al-ʿUthaymīn says that the Prophet ﷺ, as narrated by Imām Aḥmad with a good chain, on the authority of Usayd ibn Ḥuḍayr, said that the Prophet ﷺ said,[3]

تَوَضَّئُوا مِنْ أَلْبَانِهَا

Make *wuḍū*ʾ from the milk of camels.

[This] means that once you drink camel milk, then make *wuḍū*ʾ. Now, regarding this *ḥadīth*, there is a long discussion in here [and] you know what he's going to use this for.

He is basically going to say (as he does say that), if the *Sunnah* indicates that the milk itself is also made *wuḍū*ʾ for, then he says, if the milk is being made *wuḍū*ʾ for, then how can you say that the meat and whatever surrounding it is not going to make *wuḍū*ʾ for. He says that that is even more obvious and that therefore, all types of meat, any type of aspect of the internal muscle or this or that which is eaten from a camel, it obligates *wuḍū*ʾ. All types.

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[2] *Jāmī At-Tirmidhi, Chapter: On the Day of Judgment, ar-Riqāq and al-Wara', ḥadīth no. 2518.*

[3] *Musnad Aḥmad, Narrators from Kūfa, Usayd b. Ḥuḍayr, ḥadīth no. 19097 (4/352). Also, Sunan Ibn Mājah, ḥadīth no. 497. Shaykh al-`Uthaymīn believes this ḥadīth is authentic while Ustāḍh Abu Eesa holds it to be a ḍaʿīf ḥadīth.*

Okay, those are his evidences. [Let's] have a quick discussion about the actual *ḥadīth* that he mentions. This *ḥadīth* is narrated by Imām Aḥmad and Ibn Mājah in the Chapter of Purification and by Imām al-Ṭabarāni, as well as via ʿAbd'l-Raḥmān Abi Laylah on the authority of Usayd ibn Ḥuḍayr. Imām al-Buṣīri said that this chain is weak because of the presence of Ḥujjāj ibn Arḍah and his *tadlīs*. Others [too] differed over him, and so on and so forth. Imām al-Nawawi narrated him to be from the weak narrators.

The *muḥaqqiq* (the one who is checking this *ḥadīth*) is going to defend this *ḥadīth*. What does he say? He says, In my opinion though, if we take this *ḥadīth* or the *ḥadīth* of Barāʾ Ibn ʿĀzib and we will actually see that this *ḥadīth* is authentic because of the different wordings of it. Also, Ibn Taymiyyah has said that the chain of this *ḥadīth* is good and this *ḥadīth* has a number of supporting evidences. I personally hold this *ḥadīth* to be weak.

Shaykh then continues by saying: the text says *al-jazūr* (camels) and it does not say *al-baʿīr* (cattle). So therefore everything else - cows, etc. are not included, so we are talking all forms of camel. The next thing he says is "*min al-jazūr*" (from the camel) would indicate that it doesn't matter if it is a lot or a little. So a little also obligates *wuḍūʾ* and a lot also obligates *wuḍūʾ*. Also, there is no difference between raw and cooked – all of it is included. He also says that it does not matter if it is a baby camel, nice and fresh, or very old. It doesn't matter whether it is a sacrificed camel or not, etc.

Shaykh al- al-ʿUthaymīn asks, what is the basis for this obligation of *wuḍūʾ*? The *ḥadīth*[4] narrated by Jābir ibn Samurah ﵁ that a man came to the Prophet ﷺ and asked him: "Do we need to make *wuḍūʾ* after we eat camel meat?" The Prophet ﷺ said: "Yes, make *wuḍūʾ* after you eat camel meat." The same man said: "Should we make *wuḍūʾ* after eating lamb (other types of meat)?" The Prophet ﷺ said: "If you want to, make *wuḍūʾ*, if you don't want to, don't make *wuḍūʾ*. This *ḥadīth* has been narrated by Imām Muslim, it's a *ḥadīth* which is absolutely authentic of course, in the chapter of *Kitāb al-Ḥayḍ* (Book of Menstruation), chapter title "Making *Wuḍūʾ* After Eating Camel Meat", *ḥadīth* number 360.

What is the *wajhʾl-dalālah* (indicating evidence) from this *ḥadīth*? Because the *ḥadīth* is just an indicator. What is the indicating *ḥadīth* here? The Prophet ﷺ made it very clear that the *wuḍūʾ* was in the decision of the person when it came to the *ghanam* (lamb), but when it came to camels there is no option there – it was an obligation. There was no option that was given, he does not have any choice, *wuḍūʾ* is obligatory when it comes to a camel.

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[4] *Ṣaḥīḥ Muslim, Book of Menstruation, Chapter of making Wuḍūʾ after eating Camel Meat, ḥadīth no. 360.*

The *ḥadīth* of Barāʾ ibn ʿĀzib[5] – he said to the people: make *wuḍūʾ* after you eat camel meat. In this *ḥadīth,* the Prophet ﷺ has made a very general open statement. This *ḥadīth* has been narrated (see footnote 2) by Imām Abu Dawūd in the Chapter of Purification, the Chapter of Making *Wuḍūʾ* After You Eat Camel Meat, *ḥadīth* number 184; also narrated by Imām al-Tirmidhi in the Book of Purification, also by ibn Mājah in the Book of Purification, and ibn Khuzaymah as well. All of these *aḥādīth* are on the authority of Barāʾ ibn ʿĀzib.

Ibn Khuzaymah said: I do not see any difference from the scholars of *ḥadīth* that this narration is authentic because of the narrators therein. So there is no reason to doubt this. This narration was also considered authentic by Imām Aḥmad ibn Ḥanbal, Isḥāq ibn Rāhway, Imām al-Nawawi, Imām ibn Taymiyyah and others as well – you can see these different narrations by Ibn Ḥajr in the book of *Talkhīṣ al-Ḥabīr*, *Sharḥ al-ʿUmdah* (the commentary of *ʿUmdat al-Fiqh* by Imām ibn Taymiyyah), and *al-Khulaṣah* (not sure who the author of this book is).

This *ḥadīth* of Barāʾ where he says make *wuḍūʾ* from the eating of camel meat, he says that what we know in Arabic, *tawaḍaʾū*, is a command. Therefore one has to actually see it as an obligation. He says it is because of these two *aḥādīth* that two of the major imāms of *Sunnah*, Imām Aḥmad and Imām Isḥāq ibn Rāhway, both said this issue of making *wuḍūʾ* after eating camel meat has two clear authentic narrations – it cannot be doubted and cannot be seen in any other way – it's a job done as far as Shaykh al- al-ʿUthaymīn is concerned.

The second position on this issue is that *wuḍūʾ* is not broken by eating camel meat – this is the position of the majority of scholars. They said that this issue of making *wuḍūʾ* after eating camel meat has two clear authentic narrations which can't be doubted or seen in any other way. They based their position on the *ḥadīth* of Jābir bin ʿAbdillāh [6]رضي الله عنه who said,

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[5] *Imam Abu Dāwūd, Book of Purification, Chapter of making Wuḍūʾ after you eat Camel Meat, hadīth no. 184. Also been narrated by at Tirmidhi and Ibn Mājah, both under the Book of Purification. Ibn Khuzaymah said all scholars of hadith agree this narration is authentic. Imām Aḥmad, Ishāq b. Rāhway, an-Nawawi, and Ibn Taymiyyah all agree on this hadith being authentic as well.*

[6] *Sunan Abu Dāwūd, Book of Purification, Chapter of Not performing Wuḍūʾ for what has been touched by fire, hadīth no. 192. Also narrated by an-Nasāʾi and ibn Ḥibban as well, hadith no. 134. There are two hidden faults in this ḥadīth: it is part of a longer ḥadith that is muḍṭarib al-matn (doubts about its full text), as Abu Hātim ar-Razi said. As-Shafiʿī said the. narrator ibn munkadir never heard this ḥadīth from Jābir but he heard it from the narrator, ibn ʿAqīl. This narrator is honest but had some memory issues later in his life*

كان آخر الأمرين من رسول الله صلّى الله عليه وسلّم تركُ الوُضُوء مما مسَّت النار.

The last of the two final commands that came from the Messenger of Allāh ﷺ was not having to make *wuḍū'* after eating something which has been touched by the fire (i.e. cooked meat.)

The understanding is that during the lifetime of the Prophet ﷺ, he said that when you had eaten cooked meat, *wuḍū'* needed to be performed. Now it is something which isn't obligatory anymore.

Shaykh al-ʿUthaymīn says the understanding of the scholars from this *ḥadīth* is,

ووجه الدلالة أن قوله: «مما مسَّت» عام يشمل الإبل وغيرها، وقد صرَّح بقوله: «كان آخرُ الأمرين»، وإذا كان آخر الأمرين، فالواجب أن نأخذ بالآخر من الشَّريعة؛ لأن الآخر يكون ناسخاً للأول.

If we say 'that which has touched the fire,' then that will include camel meat. If it's the final thing that came from the Prophet ﷺ, then it is obligatory in the *sharīʿah* to take from the final command of the Prophet ﷺ. It is not possible in *sharīʿah* to have two commands and stick to the first command when the last command is saying something different. Therefore, according to the scholars, this would abrogate the first command. This is the argument of the majority of the scholars.

Their second argument is the *ḥadīth* of ʿAbdullāh ibn ʿAbbās ﷺ where the Prophet ﷺ said,

الوُضُوء ممَّا خَرَج، لا ممَّا دخل

***Wuḍū'* is only made for that which goes out, not what goes in.**

Let's talk about the authenticity of the *ḥadīth* of Jābir ﵁. This has been narrated by Abū Dāwūd, in the Book of Purification, in the chapter of 'Not having to make *wuḍū'* by that which is has been touched by the fire.' That has been narrated by al-Nasā'ī and ibn Ḥibbān. When ibn Ḥibbān narrated it (*ḥadīth* no: 1134), he narrated it on the authority of Shuʿayb ibn Abi Ḥamzah, Muḥammad bin al-Munkadir, Jābir, and that is the chain of this *ḥadīth*.
The *muḥaqqiq* says that two hidden faults can be seen in this *ḥadīth*. The first of them is that this narration is a summarised version of a longer *ḥadīth.* The Prophet ﷺ made *wuḍū'*, and then ate some bread and meat, then prayed and he did not make *wuḍū'*. [7]

And Jābir ﵁ narrated that from the final matters of the Prophet ﷺ was that they did not have to make *wuḍū'* if they ate cooked meat. This was part of a longer narration and that narration said that the Prophet ﷺ made *wuḍū'* and ate some meat and bread, prayed and did not make *wuḍū'*. This is the understanding that Jābir ﵁ took from that.

Abū Ḥātim al-Rāzi, who is one of the leaders of *ḥadīth,* says,

هذا حديث مضطرب المتن، إنما هو أن النبيَّ صلّى الله عليه وسلّم أكل كتفاً ولم يتوضأ

This text has some problems. It means you have two equal narration with equal strength contradicting each other. It is showing that basically other narrations that have been narrated by authentic narrators are showing something to the contrary in terms of what happened, in terms of was it meat and bread, this and that. Now we have different narrations mentioning what is going on which are contradicting each other and now we give a ruling that this is now not a text to be relied upon completely.

Student: Which one? I thought both the narrations are dismissed then?

Ustādh: It does not matter if both the narrations are dismissed. The first response is that it does not matter if both are dismissed or not. The idea and the intention of the *muḥaddith* is to prove that the text has doubt in it; that is the first thing. Secondly, *Ahl'l-Sunnah* will never dismiss a text. So now they will use it to create a new position by combining all possibilities as you are going to see.

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[7] *Sunan Abu Dāwūd, Book of Purification, Chapter of Not performing Wuḍū' for what has been touched by Fire, hadīth no. 191.*

Imām al-Shāfiʿi said Ibn Munkadir didn't even hear this ḥadīth from Jābir, and in actual fact, he heard it from someone else called ʿAbdullāh ibn Muḥammad Ibn ʿAqīl. This ʿAbdullāh, the ruling upon him, in terms of the books of *Rijāl,*

صدوق في حديثه لين

is that he is trustworthy, but there are some issues in his *ḥadīth. A*nd they used to say that he used to forget things when he got older so that has changed a few opinions. And Imām al-Bukhāri narrates a *ḥadīth* on the authority of Jābir

عن جابر أنه سُئل عن الوضوء مما مسَّت النار؟ فقال: لا

but having said that, there is some indication that when Jābir asked 'Do we need to make *wuḍūʾ* if we eat the cooked meat?' he said no. So what you have just seen there is each party trying to make this *ḥadīth* weak or unrelied upon and both have some kind of position. It's difficult to be able to outright dismiss the authenticity of the first *ḥadīth*.

As for the second narration (that you make *wuḍūʾ* for that which comes out and not from what goes in), this has been narrated by Imām al-Dāraquṭni, *ḥadīth* number 555 and also by Imam al-Bayhaqi and this *ḥadīth* was considered to be weak by I think virtually everyone. And specifically here it was considered weak by Imām al-Bayhaqi himself and Ibn Ḥajr al-ʿAsqalāni and he considered this *ḥadīth* to be weak.

Now Shaykh al-ʿUthaymīn says 'Let me respond to these two evidences.' He says that firstly, the *ḥadīth* of Jābir… I know this is a very technical class today and it's rare that Shaykh al-ʿUthaymīn goes into such technical detail, it's rare. It's obviously one of those famous differences of opinion that he wants to show as much detail as possible as to why the scholars differ, and because he is in the minority here, he is going to defend his position with vigour.

Anyway, Shaykh al-ʿUthaymīn says, 'How are we going to respond to these two points?' He says the first response will be to the *ḥadīth* of Jābir. He said Jābir said that the final two things that came from the Prophet ﷺ was that we did not have to make *wuḍūʾ* after we have eaten cooked meat. He says that first of all, this does not actually contradict the *ḥadīth* of having to make *wuḍūʾ* from eating camel meat. This does not actually refute it, there is no contradiction.

Forget about saying that it abrogates it. Why would you go and say it abrogates it? He says this *ḥadīth* is a very general *ḥadīth.'*

مما مسَّت النار

'Which has touched the fire'. This is a very important point from the fiqh point of view. He says 'You have one *ḥadīth* which is specific and one *ḥadīth* which is general'. Now put your fiqh caps on and turn on your rational button. The scholar has a number of tools at his disposal to try and work out a ruling. Those tools are to be used when you start having difficulty in trying to come to a conclusion.

Those tools are not all there [to be used in every situation]. It's like a surgeon has tools and he only needs a scalpel to make an incision, but because he has a nice shiny drill and this, that and the other, he decides to use them as well, just because they're there. This is stupidity, isn't it? He should just use the scalpel and get the job done. The same applies for *fiqh;* you only use certain tools if it's absolutely necessary.

One of the most dangerous tools in the *faqīh's* toolbox is the abrogation card. To pull out the abrogation card is a weak game to play. Someone throws you two *ḥadīth*, [so you say] the first one is cancelled out by the second one because that one came later. That's weak and dangerous, because if it's not, then you've just cancelled the *ḥadīth* of the Prophet ﷺ. So as we've said a hundred times in this class before and we'll keep saying, you always need to combine *ḥadīth*, as much as possible.

First of all, when you start, you've got to see if it's even acceptable as an evidence. So is the *ḥadīth ṣaḥīḥ* or not? Once you've established that the *ḥadīth* is *ṣaḥīḥ*, both evidences are authentic, then we move to the next stage - is there any way that we can reconcile the *aḥādīth*? Only at the very end when we can't reconcile can you consider making one the abrogater and the other one being abrogated.

Now think about this. Shaykh al-ʿUthaymīn says that if you are going to reconcile *aḥādīth*, the kind of *ḥadīth* that you want to be able to reconcile are those which are different in their nature. He says look at these two *ḥadīth* - one is general, and one is specific. When you have a general and specific *ḥadīth,* you're setting yourself up for an easy reconciliation. You will say for example, this is a general rule but this is a specific exception. So you don't need to cancel either *ḥadīth*, job done.

That's the lesson you've learnt. *Ahl'l-Sunnah* always reconcile *aḥādīth* and never just throw them away, because we have a great respect for *ḥadīth.* Even if they don't support our position, we're not going to just throw them away because that's not acceptable.

That why Shaykh al-'Uthaymīn says:

ولا يُقال بالنسخ مع إمكان الجمع؛ لأن النَّسخ مع إمكان الجمع إبطال لأحد الدَّليلين، مع أنه ليس بباطل.

No-one should ever go to abrogation if there is a possibility of reconciliation. Because abrogating whilst the possibility that reconciliation exists will lead to the cancelation of a *ḥadīth* when it's not even false. Which is a major issue.

He continues [by asking] how can we now understand this? When Jābir made his statement, what was he trying to say? He's trying to say that if you eat cooked meat, you don't have to made *wuḍū'*.

So the Prophet ﷺ would make an order and tell the people to make *wuḍū'* when they had eaten camel meat. Jābir ﷺ had heard that *ḥadīth*, and the Companions ﷺ knew that *ḥadīth* that we have to make *wuḍū'* after we have eaten camel meat. Suddenly Jābir saw that the Prophet ﷺ ate the meat and then prayed. When he saw that so late in the life of the Prophet ﷺ, he made this statement:

كان آخر الأمرين من رسول الله صلّى الله عليه وسلّم تركُ الوُضُوء مما مسَّت النار

From the most final things that we saw from the Messenger of Allāh ﷺ is that you don't need to make *wuḍū'* after you eat camel meat.

So he saw something. Therefore we learn a lesson, that if the Prophet ﷺ says that you can't do something or you must do something [i.e. if he commands or prohibits a matter], and then he himself does the opposite, then that's a proof that it's not obligatory *(laysa li'l-wujūb)*.

Shaykh al-'Uthaymīn رحمه الله says:

وأصَّلَ بعضُ أهل العلم أصلاً ليس بأصيل، ومالَ إليه الشَّوكاني، وهو أن النبيَّ صلّى الله عليه وسلّم إذا أمرَ بأمرٍ، وفعل خلافه، صار الفعلُ خاصًّا به، وبقي الأمر بالنسبة للأمة على مدلوله للوجوب.

Some other scholars made a new principle which has no basis, and unfortunately Imām al-Shawkāni from the modern day scholars also lead that way. He said that if the Prophet ﷺ commands a certain action and then does the opposite, then the action is specific to him. Therefore the rest of the nation continues to do that action, i.e. the ruling applies to them as it was.

Shaykh al-Uthaymīn says that this is weak and unacceptable. The *Sunnah* of the Prophet ﷺ encompasses his statements and actions.

If his actions contradict his statements and there is a possibility of reconciling between them, then there's no issue. You have to do both. So basically, what is Shaykh al-ʻUthaymīn trying to explain about the *ḥadīth* of Jābir? He's saying that regardless of what Jābir saw, which is that we don't need to make *wuḍūʾ* from cooked meat, the exception is for camel.

In general, we don't need to make *wuḍūʾ* from cooked meat, but the exception is camel because the camel *ḥadīth* is specific. That's his response to the first one.

[With regards to] the second one, he says *ḥadīth* Ibn ʻAbbās is weak; there's nothing to even consider here. He says that in conclusion, you can now see why [the position of] those who say that you don't need to make *wuḍūʾ* after eating camel is weak.

Therefore, all of the *aḥādīth* about eating camel meat remain as they are, and if that's the case, then it obligatory to act by them. He's pretty strong on that, and that's the **class position** as well that one should make *wuḍūʾ* after eating camel meat.

He continues [by asking] about drinking milk. He says that it is actually recommended to make *wuḍūʾ* after you drink camel's milk. It is recommended and not obligatory, for a number of reasons.

He says that there are a number of *aḥādīth* which talk about the making of *wuḍūʾ* after eating camel meat and also after drinking camel milk. Some of them are weak but some of them are good chains.

The second evidence is what was narrated by Anas Ibn Mālik that… this is a long *ḥadīth* which you can check out yourself, it's narrated by Imam al-Bukhāri.[8] I don't have the full *ḥadīth* here, so I will not try and summarize here for you but I will tell you where it is. The *ḥadīth* is narrated by Imam al-Bukhāri in the chapter of *wuḍū'* in the chapter: The Urine of Camels and Riding Beasts and Cattle and Lambs.

The *ḥadīth* number is 233 and it's in the chapter of *wuḍū'*. It is also narrated by Imām Muslim. It is narrated by Imām Muslim in much more detail in the *ḥadīth,* in the Chapter of the Terrorist, basically. Straight out. It goes there of course, when you see the full *ḥadīth* it's a longer, detailed *ḥadīth* because of what happened, about the criminals and what they did. The chapter title is The Rulings upon Terrorists and Apostates. From the *ḥadīth* of Anas ibn Mālik.

The point is that in this *ḥadīth,* the Prophet ﷺ did not command the Companions to make *wuḍū'* from their drinking of the milk. He ﷺ did not obligate it. So, therefore, that indicates that it is something recommended only.

The next question he asks is another *mas'alah* - what about from their stew? If you have camel stew, broth, gravy, curry, soup etc., what do you think? In Arabic it's called *maraq*. You think you'd have to?

Student: Does it depend on the proportion of the stew and the meat?

Well I think that is what the issue is about. What actually is the nature of that? The *madh-hab* says it's not obligatory, so they do differentiate between the ruling even if there is the taste of meat in it, because he's not actually eating the meat.

Student: Yes, but there is a risk in it, isn't it?

There is. That's why Shaykh 'Uthaymīn says for the others in the Ḥanbali *madh-hab,* they say, yes it does, you must make the *wuḍū'*. Because

لوجود الطعم في المرق ، كما لو طبخنا لحم خنزير

[8] *Ṣaḥīḥ al-Bukhāri, Book of Purification, Chapter of Urine of Camels and Riding Beasts and other animals and their Folds, hadīṯh no. 233. Also narrated by Imām Muslim, Chapter of Ruling upon Terrorists and Apostates.*

Again, you can imagine what example is going to be given. What example is going to be given?

Student: Pig.

So let's be honest. If we have a pig's stew, we are not going to exactly have a cue there, you know what I am saying? I don't care if it is cold or hot, or cooked or not. The same argument is in place - that basically, once it's touched, it's touched. *Khalas*.

So he says that from the other position of the Ḥanbali *madh-hab*, the taste is there. He says if we had a pig, we would say that the *maraq* is *ḥarām*. We certainly would.

وهذا تعليل قويٌّ جداً

He says, and this is a very strong point. Obviously it's safer to make *wuḍū'*.

أما إذا كان المرق الطَّعام،في ولم يظهر فيه ثرهأ فإنه لا يضرُّ

Anyway, the next question, he says, is so what's the actual wisdom there? Why is it that we've come down upon camels and upon everything else? Firstly, the wisdom is that it's a command of the Prophet ﷺ and that's the stock answer that we always need to have. The Prophet ﷺ, everything that comes from him in rulings has that actual wisdom and Allah ﷻ said in *Sūrat'l-Aḥzāb*, verse 36:

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى ٱللَّهُ وَرَسُولُهُۥٓ أَمْرًا أَن يَكُونَ لَهُمُ ٱلْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ ﴿٣٦﴾﴾

"It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair."

And it just mentions basically that once an issue is done, it's done. Let me explain it.

ʿĀʾishah ﵂ was once asked why it is that the menstruating woman makes up the fasting but she doesn't make up the prayer.[9] You can see that whoever is asking ʿĀʾishah ﵂ is obviously asking for some kind of wisdom, isn't it? Why is it that after menstruation we have to make up the fasts but we don't need to make up the prayer?

What did ʿĀʾishah ﵂ say? She said that menstruation used to happen to us as well, by the way, at the time of the Messenger of Allah ﷺ and He would tell us to make up the fasting and He did not tell us to make up the prayer. Shaykh al-ʿUthaymīn explains that obviously something which we believe is that which comes from Allah ﷻ has its own intrinsic wisdom.

Then he says that it is also possible to argue some wisdoms as some scholars have done, and then he basically says that it has a major effect upon the muscles and the body. He mentions a reference to Imām Ibn al-Qayyim in *Iʿlām al-Muwaqqiʿīn* (Chapter 1, page 395), that some doctors said when people have some issues with their muscles, tendons, or nerves they shouldn't eat camel meat. He says that when you make *wuḍūʾ*, it calms the muscles, nerves, and the body down and it makes it cool just like we do when one gets angry.

This is nice - the *muḥaqqiq* actually gives reference to the issue of anger, when someone makes *wuḍūʾ* when they are angry. This *ḥadīth* is narrated by Imām Aḥmad and Imām Abu Dāwūd on what you should say when you get angry.[10] You know this is interesting because a *ḥadīth* is not even quoted here.

Shaykh al-ʿUthaymīn did not even mention a *ḥadīth*. This is an interesting point for those who are students of knowledge and those who like to look into the issues of Shaykh al-ʿUthaymīn and, you know, those who are critics.

Shaykh al-ʿUthaymīn says the Prophet ﷺ advised the people to make *wuḍūʾ* when they're angry. That's all he said; he didn't mention a *ḥadīth*. Straight away, the *muḥaqqiq* wants to now establish the *ḥadīth* but he doesn't go into too much detail about the *ḥadīth*. He launches a defense of the *ḥadīth* immediately. Which tells you what? What does it indicate? That it is disputed.

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[9] *Ṣaḥīḥ al-Bukhāri, Book of Menses, Chapter: There is no Ṣalāt (prayer) to be offered by a menstruating woman in lieu of the missed Ṣalāt during her menses, ḥadīth no. 321.*

[10] *Sunan Abu Dāwūd, Book of General Behavior, Chapter of What should be said at the time of Anger, ḥadīṯh no. 4784. There is some difference of opinion regarding the authenticity of this ḥadīṯh.*

A number of scholars considered the *ḥadīth* to be weak and I follow that opinion myself. He (the *muḥaqqiq*) mentions a number of people defending some of the narrators of the *ḥadīth*. *Ḥadīth* students will like what is stated there in footnote 2. For example, Ibn Kathīr said any person who is used by ʻUmar ibn ʻAbdʾl-ʻAzīz is considered trustworthy in *ḥadīth*. That is a massive statement, by the way.

Anyway, ibn Ḥajr gave some statements as well here and there. He then he ends this statement right at the end; he says that whatever happens, Ibn Taymiyyah used to rule by this *ḥadīth*. This isn't exactly an evidence, but it's nice to show, don't criticize Shaykh al-ʻUthaymīn for stating this *ḥadīth*. Yes, we know you consider it to be weak. It's like speaking to me, you know? When I'm reading this, it's like straight away "Listen, don't be hitting the *ḥadīth*, Ibn Taymiyyah used to rule by this *ḥadīth*."

That's good, that's nice. It shows the difference of opinion on that narration.

So that's basically the position. I think that is really interesting. The **class position** is that as well; it's an interesting one for you all if you take the class position. There is a difference of opinion. The majority of the scholars certainly do follow that it is something that is not obligatory. They consider it to be absolutely abrogated and so for them, it's not a discussion.

I'll tell you something else - this is a nice *ḥadīth* to end with.

مَضْمِضُوا مِنَ اللَّبَنِ فَإِنَّ لَهُ دَسَمًا

You should make sure that you rinse your mouth after drinking milk because it has a lot of fat in it.[11]

I just wanted to quote that *ḥadīth* because when you drink milk, there is no obligation to make *wuḍūʾ*. It is sufficient to be able to wash your mouth and that will cover the ruling concerning it.

Student: What about camel urine?

Ustādh: Camel urine has no ruling with respect to *wuḍūʾ*. There is no obligation to make *wuḍūʾ* after drinking camel urine.

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[11] *Sunan Ibn Mājah*, Book of Purification and Its Sunnah, *Chapter: Rinsing One's mouth after drinking Milk*, *ḥadīth no. 498*.

10. The Invalidators of Ablution X

Last week we finished the controversial issue of the eating of camel meat and it breaking the *wuḍū'*. It's an interesting *mas'alah* because as you saw last week, the majority of the scholars do not accept that it breaks the *wuḍū'*. In fact, they consider it to be abrogated. Only the Ḥanbali *madh-hab* considers it to be an ongoing and correct ruling. They believe that the camel meat does break *wuḍū'*. We talked about that in detail.

Today, we move onto the next and the final point,

وكُلُّ ما أَوْجَبَ غُسْلاً، أَوْجَبَ وُضُوءاً،إِلاَّ الموت

9. Everything which obligates *ghusl*, obligates *wuḍū'*, other than death

Imām al-Ḥajjāwi ﷺ then says (and this is a separate point, an addendum right towards the end),

Whoever is certain of their state of purity, but doubts whether they became ritually impure or the other way round completely – must build upon certainty.

Whoever is certain of having been in both states but can't work out which state came first (purity or impurity), then let him consider himself to be in a new state which is the exact *opposite* to what he was in *before* these two final states.

That's a complicated sentence which will need some explaining. It's an interesting *mas'alah* and Shaykh al-'Uthaymīn goes into quite a bit of detail about that. Then the last thing with which Imām al-Ḥajjāwi finishes off the chapter of *Nawāqiḍ al-Wuḍū'* is the following statement:

It is impermissible for one without *wuḍū'* to touch the *muṣ-ḥaf*, to pray, or to perform the *ṭawāf*.

A reminder to everyone here that this is the seminal text in the Ḥanbali *madh-hab*. We will be studying whether these are positions which can stand the test of evidence,

whether the majority of the scholars agree, what the contemporary statements are, what Shaykh al-ʻUthaymīn's position is and what our class position is on these issues.

Let's start from the original statement. The final thing which breaks *wuḍūʾ:*

9. Everything which obligates *ghusl*, obligates *wuḍūʾ*, other than death

What does that mean? Shaykh al-ʻUthaymīn says that this is what completes the *nawāqiḍ* (the things which invalidate). *Nāqiḍ* is singular, *nawāqiḍ* is plural, and it means the things which invalidate. He says that this is a principle (a *ḍābit*). Every time that Shaykh al-ʻUthaymīn says that this is a *ḍābit*, then it is something important to memorize because it's a principle that will be applied in this field and other areas of *fiqh* and it can then be made *qiyās* upon.

He says that there is a principle that everything which obligates *ghusl* therefore necessitates *wuḍūʾ* to be made as well. This is what the Ḥanbalis are saying. He says that we therefore need to know what obligates *ghusl*. He says that we don't even know that yet. The author has just given a statement as an introduction because he started with the things which obligate *wuḍūʾ* and the things which obligate *ghusl* are going to come afterwards, in a couple of weeks' time.

Shaykh al-ʻUthaymīn says,

فالحدث الأكبر يدخل فيه الحَدَث الأصغر

We are going to talk about major impurity and it is very difficult to think of examples other than sexual impurity (*janābah).* He says that when a person is in a major state of ritual impurity… and a reminder that impurity does not mean something physically impure. Major ritual impurity is a state – a *ḥāl* – where you are ritually impure, but in a major state of impurity. So for example, if someone is sexually impure, it is possible that they are the cleanest person ever. They do not have a trace upon their body; they are super clean, their body is clean, perfume is fine, but they have to make *ghusl.* That is an important lesson we learned in year one and two, that when we make *wuḍūʾ* or *ghusl,* it is not to clean the body. There is no function of cleansing behind *ṭahārah* in its ritual sense. It is a spiritual purification.

There are a lot of people who go overboard in making of their *wuḍūʾ*, it is actually because some of them don't understand that you are not trying to clean your hand like you would if you are having a bath, like *ghasl* (washing). There is a difference between *ghusl* and *ghasl* as we learnt last week. *Al-ghusl* is an actual, technical, legal bath and *al-ghasl* is to wash yourself. So *ghasl* is washing and *ghusl* is the act which occurs when you do that washing in a specific order with the intention of lifting. 'Oh

Allah, lift this state of major impurity from me' – of course it is a statement of the heart and not a statement upon the tongue.

It is important to understand that when you are ritually impure, it is not something which is physical – it is a state. When you are in major ritual impurity (*al-ḥadath al-akbar),* this includes the fact that you are ritually impure from the minor point of view, like when you go to the toilet, if you go for a number one or number two.

Sleeping, passing wind, going to the toilet - these are the things which are establishing the small or minor ritual state of impurity. So for example, he says that if there is an emission of sperm… Sperm (*al-manīy* in Arabic) itself is a pure substance. It is actually pure. So if it was on clothes, it technically does not need to be completely removed for the prayer to be acceptable because it is a pure substance. But in its coming out and the manner it comes out, is actually has to obligate in that person a *ghusl,* because he becomes *junub.* He is in a state of *janābah* (sexually impure).

He says 'When it comes out, despite its purity, its coming out obligates *ghusl*. The fact that it comes out from one of the two *sabīlayn* – meaning the two orifices which we covered before at the beginning of the chapter - anything which comes out of the orifices it is also an invalidator of *wuḍūʾ.* So because it comes out from one of those two, it also creates in itself a minor state of ritual impurity, so therefore it is combined.

Shaykh al-ʿUthaymīn says 'I am not too sure about this'. He says '*fī nafsi shay*ʾ". '*Fī nafsi shay*ʾ" is a phrase that the scholars use in Arabic and it means 'I just don't feel right about this'. '*Fī nafsi'* meaning in my soul, my heart – you know, you hear something and you say 'I am not sure about that'. He does not want to come across rude or anything like that and he understands that this is a position of a large number of scholars. He says in his argument that Allāh says in *Sūratʾl-Māʾidah*

﴿وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا﴾

"If you are in a state of sexual impurity, then purify yourselves" (5:6)

And as a result of that impurity, Allāh ﷻ has only obligated making *ghusl* and he did not obligate the washing of the four limbs.

By the way, *wuḍūʾ* is given a number of terms in *sharīʿah* - not necessarily by the Prophet ﷺ, but by the scholars of *fiqh*; they refer to it in different ways. They call it the minor purity, minor purification, they might call it the washing. Here is one example: the washing of the four limbs (and by that they are talking about the hands, and by that they mean the arms, the face, the head and the feet). Even though we know the washing of the head is not an obligation; it's the wiping [that is obligated] and it is possible for the feet to be wiped as well.

In principle, they talk about the washing of the four limbs, they are talking about making *wuḍū'.* Shaykh al-ʻUthaymīn says there is no evidence that when you have *janābah,* there is an actual requirement that you have to make *wuḍū'* as well. There are some of the *ʻulamā'* that say you must. So for them, to make *ghusl* they would start off by making you do *istinjā',* making sure that the private parts are clean, and then you would wash yourself in the way that is *Sunnah* - that is to water your head, then water your right hand first three times and then left hand side, and washing the feet is the final part.

As you know, back in the day there was no taps and things like that, and you would be washing in the closed container. There is no drain either, and so we have this problem where the water is dirty in its pooling. So you would wash yourself and then you would step out and wash one foot, and then step-out and wash other foot. That's the general idea.

So for the one who obligates both of the ritual impurities, they would then say that before you wash your feet, you have to make *wuḍū'*. Yes, you would make *ghusl* and after it would be the washing and then the making of the *wuḍū'* as a separate action. That is the intended aim of Ḥanbalis' statement here.

But Shaykh al-ʻUthaymīn رحمه الله says that there is no evidence that the *wuḍū'* has to be made. You can argue that a minor ritual impurity (*ḥadath al-asghar)* comes under *ḥadath al-akbar*, when both happen. But there is no evidence to show that just because both happen, you need to do two separate washings, and that just washing itself wouldn't be sufficient. So he says the only thing which can change that (the fact that *ghusl* is the only requirement) is the *ijmāʻ* or something which clearly indicates it. He says we don't have it.

Shaykh al-ʻUthaymīn رحمه الله says,

ولهذا فالراجح: أن الجنب إذا نوى رفع الحدث كفى،

'The strongest opinion as far as I am concerned is that if a person is in a state of sexual impurity and he wants to purify himself, all he has to do is make the intention ('Oh Allāh, this is *ghusl* from *janābah*'). This is a thought in the heart.

The LP students already know that, but because you are from Pakistan, it's important because as one of the main Muslim groups in the world, they are fixed on the verbal *niyyah*, saying a statement. You guys will know that and you all know that, what you will be surprised by is just how fixed other people are as well.

Like Somalis, for example, have their own version; the Africans have their own version; and the classic is the Arabs. The Arabs also have their own version which they have actually translated into Arabic.

Anyway we know the Sunnah of Prophet ﷺ and the basic principle is that there is no evidence for the verbal intention unless it is established. And the places where the verbal *niyyah* are made are very few; at best, we're talking *Ḥajj* and *'Umrah* and outside that, there is no actual verbal *niyyah*. The question is: how does one make a verbal *niyyah*? This is a doubtful matter, especially for lots of brothers and sisters who have come from a house that has been always making verbal *niyyah* all their life. Suddenly they come and hear that the Shaykh says that you don't need to make a verbal *niyyah* anymore, and then they are in this kind of position where they don't actually know what it is that they are meant to do.

So I would like to make this easy. If you are in a state of sexual impurity and you go into the bath, there are only two reasons that you are going in there. You are either going in there because that's your normal bath time, or you feel sweaty or dirty or whatever, and therefore your intention is very much linked to that. It's not possible for you to be going into the bath at that time for those things that you don't do at that time. The reasons are not there for normal, so it obviously becomes that it's for sexual impurity. You don't need to be thinking anything now because that is the reason that you have gone into the bathroom.

The problem comes when you are a person living in a very hot country and you are sweating all the time and part of your day is that you take regular showers. If you are taking regular showers all the time, then it is bit more important for you to be more focused when it comes to your *niyyah*, because it is something that you do frequently for other reasons.

On the contrary, *ṣalāh* is very easy - anyone who goes to do *ṣalāh* [has no other intention] except that you are going to do *ṣalāh*. So showering is something that you do for other reasons and actual physical acts that you do could act for *dīn* or could act for *dunya*. Non-Muslims also shower all the time, and in the exact same way (water on the head, and then wash the right-hand side, etc. and he does that which anyone would do). So you need to be very specific when you are washing many times a day. But if you are not, then you don't need to be having something in your heart, that 'Oh Allāh, this is *ghusl* for *janābah* in this way…' - you don't need to be thinking in that manner. Just relax, go into the bathroom and we know that you are not there for any other reason, that's understandable as how to apply intention from the heart.

إِلاَّ الموتَ

He says everything that obligates *ghusl* obligates *wuḍū',* other than death. What does he mean by that statement?

Student: When a person dies, then *ghusl* is done to the dead body.

Ustādh: Okay, and therefore what is he saying?

Student: He is saying that when dead, it becomes mandatory to give that body *ghusl.* But anything other than that, which has a place of *ghusl* there is [inaudible].

Ustādh: Good, that is it. He is talking about a person who passes away. This principle applies across all lines, except for the one who has passed away. We are obligated to wash him but we do not need to make *wuḍū'* for him; this is what the Ḥanbali *madh-hab* is putting forward. Is this position correct? Let us see.

Shaykh al-ʻUthaymīn said,

فالموت موجبٌ للغسل

Death is an actual *sabab* (reason) that obligates *ghusl* but it does not intrinsically by itself obligate *wuḍū'*. I know this sounds macabre and a bit dodgy or whatever but it is a fact that dying does not obligate you to make *wuḍū'*.

This is the reason why Shaykh al-ʻUthaymīn is the best when it comes to explaining things - he always throws in a good example. This is a bit of an extreme example but it is a good one to understand the *mas'alah.* He says if you have a person with you and he dies and we need to get him ready quick, he says if you dump him in a river literally with the intention that this is the washing for him, it is done.

What is washing? When we come to *ghusl* in a couple of weeks' time, you will realise that we have lots of detail about washing this, washing that, but that is *Sunnah* and that is important for us to understand. Every action is broken down into its parts - its *rukan* or *arkān*, its obligations (*wājibāt),* and its *sunan* (the recommended matters, the completion, the perfection of the action). Of course we should always be aiming for the *Sunnah* to do an action in its complete way.

Let us say we do not have time for whatever reason. If you want to do something quick, it is the obligatory things you will have to do. You are going to find, when we come to it, that all you need for *ghusl* is to wet the entire body and have the intention for *ghusl*. Therefore that is why in the Ḥanbali *madh-hab* if a person was literally going to run off a cliff and hold his nose and say *bismillāh* and *Allāhu akbar* and jump in (he does not have to say Allāhu Akbar, I am just imaging the scenario), if he did that, and he said to himself *ghusl* and he jumps in, when he comes back out, it is done. According to the Ḥanbalis, his *ghusl* is done, everything is done, he does not need to wash anything because it is about wetting the area (unlike the Mālikīyyah and other

madhāhib). The actual act of rubbing is not something obligatory, but there is a lot more detail in that and we are going to discuss that in the future.

Shaykh al-ʻUthaymīn said that if a person had their person there and they were going to literally dunk him and wash him in the river with the intention that this is the *ghusl* for the *mayyit, kafā* (this is sufficient, job is done).

Shaykh al-ʻUthaymīn then says that this is from the oddities of knowledge. What does he mean by that? He does not criticise the position, by the way. When a person says this is *gharīb* (strange), it is almost like a criticism. No, he says

هذا من غرائب العلم

This is from the oddities of knowledge. You find that there are certain aspects when you study, there are some strange issues. They do not obviously make sense immediately, but they are actually okay and good to go with. He says, how would anyone actually prevent or not consider *wuḍūʾ* for the dead person when the Prophet ﷺ very clearly said to start with her right side and the areas of *wuḍūʾ*?[1] Who is this referring to, does anyone know?

Student: The daughter

Ustādh: Who? Which one? This is Zaynab ؓ when she passed away. The *ḥadīth* of Zaynab is the *ḥadīth* which we build all our *ghusl* upon, because the Prophet ﷺ did not wash her himself, which is the correct way. He instructed other female *ṣaḥābiyāt* to do it and he told them exactly what to do. How to wash, where to wash, where to start from, what to perfume, how to put the *kaffān*, how many sheets, etc. It's a huge topic in the *fiqh* of death, of course.

He told them start at the right-hand side and the positions of *wuḍūʾ* . Starting with the right-hand side and positions of *wuḍūʾ* is an indicator of the action of *wuḍūʾ,* and this is what Shaykh al-ʻUthaymīn says. He says,

نحن نوافق أن الموت موجبٌ للغسل، ولا يوجب الوُضُوء

He says, why would you take *wuḍūʾ* from this issue in any way? He then said, why is it then that they only say *ghusl*? Why did the *madhāhib* or this *madh-hab* say *ghusl* for

[1] *Ṣaḥīḥ al-Bukhāri, Book of Funerals, Chapter: (To start with) the parts of the dead body which are washed in ablution, ḥadīth no. 1256.*

the dead person? He says that's because that is the only thing that the evidence indicates. The evidence does not actually indicate the actual obligatory nature.

He also mentions another sign. He says that when you indicate *wuḍū'*, it is to try and lift some impurity. But death continues. The actually state of death is a permanent state, and therefore whatever you do in *wuḍū' is* not going to actually lift the state of impurity in principle anyway. So, it's almost a different, separate act of worship that we only do because of the evidence that says that we should do *ghusl*.

Anyway, he says 'To be honest, we agree. When it comes to death, the only thing that is obligated is that we make the *ghusl* for them, not *wuḍū'* , because of the absence of any clear evidence for the necessity of *wuḍū'* .'

لعدم الدَّليل الصريح على وجوب الوُضُوء. وإن كان يحتمل أن الوُضُوء واجب؛ لقوله صلّى الله عليه وسلّم: «ومواضع الوُضُوء منه

Even though the actual position that we understand is that *wuḍū'* is also obligatory because of the Prophet ﷺ himself said wash from the right side and the areas of *wuḍū'* that you have there.

In any case, he says that if a person does it, it would be *Sunnah* but it would not be obligatory upon them. Is that clear now?

Now, the issue is the next sentence. We completed the *nawāqiḍ al-wuḍū'* (the invalidators of *wuḍū')* and now he wants to talk about the position of a person being in a state of wuḍū'.

This entire chapter is about how to understand what do with a person who is not sure whether heis in *wuḍū'* or out of *wuḍū'* .

Shaykh al-'Uthaymīn رحمه الله says that if a person is certain about their state of purity, but doubts that he has become ritually impure or the other way around, he must build upon certainty. It's a very straightforward principle.

إذا تيقَّن أنه طاهر، وشك في الحدث فإنه يبني على اليقين، وهذا عام في موجبات الغُسل، أو الوُضُوء.

If a person is sure that he recently entered a state of purity, and he now may be thinking 'Do I have my *wuḍū'*?' I know that I am *ṭāhir*, but is it possible that I'm in a state of ritual impurity? It doesn't matter whether this is a minor state of ritual

impurity or a major state of ritual impurity - the principle is that you build upon certainty. For example, a person makes *wuḍūʾ* for *ṣalāt al-Maghrib.*

جل توضَّأ لصَلاةِ المغرب، فلما أذَّن العِشَاء وقام ليُصلِّي شَكَّ هل انتقض وضوءُه أم لا

He has now prayed *ṣalāt al-Maghrib* and he stays in the *masjid,* and he asks himself, "Am I in a state of *wuḍūʾ* or not? Did I break my *wuḍūʾ* or not? Is my *wuḍūʾ* sound or not?"

The *aṣl* is that he had *wuḍūʾ* and unless there is a clear evidence to the contrary, I stay in the same state that I was. Therefore, I am in *wuḍūʾ* and I continue as I was.

Another example:

استيقظ رجلٌ فوجد عليه بللاً

This is interesting. A man wakes up in the nighttime, and he feels moisture. So he's not sure where this moisture came from.

ولم يرَ احتلاماً،

He can't see any signs of ejaculation or a wet dream.

فشكَّ هل هو منيٌّ أم لا؟

He is now not sure, is this wetness *manīy*?

فلا يجب عليه الغسل للشَّكِّ

Because of the doubt, there is nothing which is obligatory upon him. There is no evidence to suggest that this could be sweat; it could be this or it could be that. There is no reason for us to actually consider that this is something which is so serious as *manīy* (which is going to obligate *ghusl*). The *aṣl* is that he didn't do it and therefore he does not have to make *ghusl*.

ولو رأى عليه أثر المنيِّ وشكَّ هل هو من الليلة البعيدة أم القريبة؟ يجعله من القريبة لأنها مُتيقَّنة، وما قبلها مشكوك فيه

Now let's see another scenario. He, the same person wakes up and he does see *manīy* but now he is not sure, is this from today? Is this from before? Is it from *qarīb* time or *baʾīd* time (meaning many nights before or is it something which has just happened now)? He doesn't see. What's the ruling now? What do you think?

Student: The *ghusl* is obligatory on him because of the fact that he has seen that

Ustādh: He has seen it, but he is not sure [whether it] is from *qarīb* time, i.e like last night.

Student: Even if it was last night... Even if it was before three nights, he has not done the *ghusl*. He has not made the intention for *ghusl*. So he has to do it right now.

Ustādh: Alright. What are the two states comparing then? Where is the doubt? If we have two scenarios here… So, the time. Which time has the doubt?

Student: The current time.

Ustādh: The current time? Why is it the current time?

Student: Because his doubt that it could be from before.

Ustādh: So that is what I am saying. You've got two scenarios, which one has more doubt?

Student: The previous type.

Ustādh: The previous type. Obviously the previous type. What's no doubt is that he has seen something now, but he's not sure. That's what we said, that he's not sure (even in the language, it's there) whether this was from the previous time, so that is obviously doubt.

That is *yabnī ʿalaʾl-yaqīn* and therefore this is why this is such an important principle. This is to be applied everywhere. [This principle is] another *qāʿidah muhimmah*, Shaykh al-ʿUthaymīn says. You build upon certainty and so here we now know that it doesn't actually matter, even if it was from before. This is because we're not sure whether it was from before and we know that we've just seen it now and it is definitely (at least from now) a much greater chance. Therefore, he must make the *ghusl*.

And he says that the *dalīl* of this principle is one that you all know and one that we have covered in this class many, many times. Again, it is the *ḥadīth* of Abu Hurayrah and ʿAbdullāh ibn Zayd ﷺ.[2]

إِذَا وَجَدَ أَحَدُكُمْ فِي بَطْنِهِ شَيْئًا فَأَشْكَلَ عَلَيْهِ أَخَرَجَ مِنْهُ شَيْءٌ أَمْ لاَ فَلاَ يَخْرُجَنَّ مِنَ الْمَسْجِدِ حَتَّى يَسْمَعَ صَوْتًا أَوْ يَجِدَ رِيحًا

A man felt something in his stomach. He was not sure. He felt gas, like this or that and he was not comfortable. He was not sure whether he passed wind or not. He that to the Prophet ﷺ and the Prophet ﷺ said:

"If any one of you has pain in his abdomen, but is doubtful whether or not anything has issued from him, be should not leave the mosque unless he hears a sound or perceives a smell."

This famous *ḥadīth*, I think is one of the most important *aḥādīth* in Islām. This *ḥadīth* is not just a *ḥadīth* which clears up purificatory issues. This is a *ḥadīth* which kills S*hayṭān,* the psychology of S*hayṭān*, and *waswās* completely.

I have seen this *ḥadīth* applied. It dominates our thoughts, because one of S*hayṭān's* strongest weapons is *waswasah*: to just whisper, whisper, whisper, whisper. We know that that creates such a horrible situation in people where they are not sure all the time and they are always doubting, always checking, always doubting. We know, especially from our families, that they spend so much time in the bathroom and they are not sure. Have I wiped myself clean? Have I washed myself clean? Have I left some? Is it dripping? Is it this? Is it that? This is the nightmare of so many people.

I have written about this extensively as well. If you want to find out more information, I've written about this on the internet. Type in necessary words like 'urination' and 'doubt' and so on and so forth. You will see a number of pieces that I put together. All of these are very important because you will have someone in your family who is suffering from this and they are not telling you and you should look out for it. *Wallāhi*, I look out for it all the time. When I'm with students or when I am traveling or I'm with people and I see them spending a long time in the bathroom. I always ask them, do you have any issues? Straight up.

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[2] *Ṣaḥīḥ Muslim, Book of Menstruation, Chapter: Evidence that if a person is certain of being in a state of purity then has doubts whether it is broken or not, they should pray like that (without a new wuḍūʾ), ḥadīth no. 362, and Ṣaḥīḥ al-Bukhari, Book of Wuḍūʾ, Chapter: Those who considered wuḍūʾ to not be obligatory except after discharge from the exits, ḥadīth no. 177.*

We started this chapter of course with the *ḥadīth* of the women of the Anṣār and the way that they considered that there was a time for modesty and there is a time where we need to learn the religion.[3] It is important and you will change someone's life. I am telling you now, you will change someone's life. It's a horrible thing. Fifteen minutes and this and that and thinking have I cleaned or not? Just pour the water three times and go. Whatever happens after that is with Allāh. It's covered. Don't worry about anything that comes out. Anything that comes out is covered anyway.

Even ʿAbdullāh Ibn ʿAbbās, as we used to say before, in one of the most beautiful actions of *Sunnah*, when he felt like he was being attacked by this doubt he would actually take water and sprinkle it in his underwear.[4] Actual water, so that the dampness is touching and never can he with certainty say that any wetness and feeling is because of that.

Anyway, so these two narrations of ʿAbdullāh ibn Zayd and Abu Hurayrah ﷺ are slightly different in terms of the scenario; one's in the *masjid*, one's outside, one person was asking, and the other was just inquiring outside, but the answer's the same. The Prophet ﷺ said he does not leave the prayer, meaning he has not broken the *wuḍū'*. He is not considered to have passed wind until he hears a sound or he smells something. A feeling is not enough, because a feeling is exactly what *Shayṭān* will make you think, did I feel that? Is that something?

It's like when you're at home and you think something's crawling on you, then you touch it and it's all over. And once you touch this part, then you start thinking it's there, then there, then you start going crazy because you believe that it's there and there's nothing there at all, right? There was nothing there in the beginning but you perpetuated that belief, and then it gets worse, and it gets worse, and you can imagine then what happens.

So Shaykh al-ʿUthaymīn says something very interesting. He says:

مع أن قرينةَ الحَدَثِ موجودةٌ

This *ḥadīth* and statement of the Prophet ﷺ was said whilst the actual supporting proof that the wind had been passed is actually there. So the Prophet ﷺ actually said that it's okay until he hears a sound or he smells something whilst knowing that one

[3] *Ṣaḥīḥ Muslim, Book of Menstruation, Chapter: It is recommended for the women who is performing ghusl following menses to apply a piece of cloth...to the site of the bleeding, ḥadīth no. 332.*

[4] *Statements similar to these are recorded from Ibn `Abbās in Mutalib al-`Aliya (113) by ibn Ḥajr al-`Asqalāni, Ittihāf al-Khayrah by al-Busīri (1/578), and al-Awṣaṭ fī as-Sunan.*

of the other ways we definitely know that someone breaks their *wuḍūʾ* or passes wind is when he feels it.

By the way, I want you to know that if you definitely feel something, but don't hear or smell anything, then you've broken your *wuḍūʾ*. It's possible, all right? But when you don't have confidence and you're not sure, then it's gone out of the window, don't even think about it.

So the point that Shaykh al-ʿUthaymīn makes is that the Prophet ﷺ has established this principle, despite the fact that you believe that one of the actual reasons for breaking the *wuḍūʾ* is that you felt something. So this is an important point.

Shaykh al-ʿUthaymīn now talks about what is very interesting as a side point, as Shaykh al-ʿUthaymīn always like to do. He establish principles outside of the *dīn* as well. The concept of *al-ʿaks* (the opposite). In the text, Imām al-Ḥajjāwi says, and the opposite as well, if it's the other way around. Meaning if he's broken *wuḍūʾ* and he's certain, his *wuḍūʾ* is broken and he needs to make *wuḍūʾ*. This *al-ʿaks* thing, we need to study as students of knowledge because we've come across it for the first time now. We need to understand, is it actually acceptable in *sharīʿah* to establish evidence based upon the reserves, the opposite, the converse, vice versa?

Anyway, the point is, how do we understand the concept of establishing evidences according to the opposite. This is called *qiyās al-ʿaks*. Can we make an analogy based upon something and make a ruling on the opposite? This is the question.

Ustādh: Can we prove this tool? What would the evidence be?

Student: Like the *ḥadīth* said the two bloods are *ḥalāl*, the two body organs, the ones with blood are *ḥalāl* so that shows that everything else (…) is *ḥarām* – to eat.

Ustādh: I don't think that has been used as a primary evidence.

Student: But it is used to interpret that.

Ustādh: It is used to interpret it, but not a primary evidence. Why am I saying primary evidence? The reason I say primary evidence is that what if I asked you if the Prophet ﷺ said: "So and so, so therefore, so and so," that would be a primary evidence. Because when you are talking about the flowing of blood – you are doing the "so and so," you are doing the *istidlāl*.

You could be wrong, so how can we trust your interpretation of the *ḥadīth*? Other scholars don't interpret it like you do, so that's not a primary evidence. Primary evidence, we want the Prophet ﷺ to do it for us and establish it for us. Who can think of a *ḥadīth*?

This is the perfect example: the Prophet ﷺ said that in the relations with your wives there is a *sadaqah*. The man said, "Oh Messenger of Allāh, when one of us goes and fulfills his desires, he gets rewarded for it as well? The Prophet ﷺ said, "Do you not see that if he does it in a *ḥarām* way, he will have the burden of sin? So if he does it in a *ḥalāl* way, he will have a reward for that."[5]

This is the perfect evidence – he ﷺ has done the *qiyās al-ʿaks* for us. So we have established a principle. This is why we call it primary evidence, because now we can do what you wanted to do and make a ruling upon the animals that are *ḥalāl* to eat because of flowing blood and not flowing blood, etc.[6]

Now we can make a principle to say that if there is impurity first and then it is pure then you build upon certainty and if it is the other way around then exactly the same. But this is the principle that has to be established.

Shaykh now just goes into this point a little bit more. He says that the building upon certainty and throwing away *shakk* is a *qāʿidah muhimmah*, it is a very important principle in our *sharīʿah*. This has been indicated by the statement of the Prophet ﷺ,[7]

إِذَا شَكَّ أَحَدُكُمْ فِي صَلاَتِهِ فَلَمْ يَدْرِ كَمْ صَلَّى ثَلاَثًا أَمْ أَرْبَعًا فَلْيَطْرَحِ الشَّكَّ وَلْيَبْنِ عَلَى مَا اسْتَيْقَنَ

"When any one of you is in doubt about his prayer and he does not know how much he has prayed, three or four. He should cast aside his doubt and base his prayer on what he is sure of."

If someone has doubts in his prayer then let him throw away the doubt and build upon what is certain. That is the same *ḥadīth* which, allows us for example, when we don't know 3 or 4 or what did we do? We just consider it to be 3 and do the other *rakʿah* of 4. That is the basic principle and the basic ruling, which is created as a result of that.

And this is my point; what I was saying is that this is not the most important point in *ṭahārah.* This is, in fact, *ṣalāh*. And as I said to you, [it applies when it comes to] the psychology of the Muslim.

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[5] *Ṣaḥīḥ Muslim, Book of Zakāh, Chapter: The word charity (ṣadaqah) may apply to all good deeds (Ma'ruf), hadīth no. 1006.*

[6] *Sunan Ibn Mājah, Chapters on Food, ḥadīth no. 3314.*

[7] *Ṣaḥīḥ Muslim, Book of Mosques and Places of Prayer, Chapter: As-Sahw in Prayer and Prostrating to Compensate for It, ḥadīth no. 571.*

He says that not only do we use this principle in the issues of divorce, contracts, and so many other issues, in actual fact this is something that Allāh has allowed on the tongue of His Prophet ﷺ from the blessing of his speech and his wisdom to create a system and a principle that takes away many of the stresses and doubtful matters in life. And in fact the Prophet ﷺ wants all of the issues to be very clear.

Wallāhi if you understand this statement, there is a lot of *khayr* in it. Our *dīn* is clear, every matter is clear. So if you come across a matter which is doubtful, then it is not going to establish anything, it does not mean anything to us. Of course this is the *manhaj* of *Ahl'l-Sunnah.* In *Sūrat Āli ʿImrān*, at the beginning, Allāh puts down the methodology of *Ahl'l-Sunnah* vs. the methodology of *Ahl'l-bidʿah* – comparing the two.

That's what *rāsikh* means, into the ground, a solid foundation. They said:

﴿آمَنَّا بِهِ كُلٌّ مِّنْ عِندِ رَبِّنَا﴾

"We believe in it. All [of it] is from our Lord." [Sūrat Āli ʿImrān, 3:7]

This *āyah* is not just talking about issues of *wuḍū'* and doubtful matters, this affects us in our *ʿaqīdah*. If look at the beliefs of the Barelvis for example, you have to stop being sectarian and look it from your own way but let's look at it completely objectively. When you look at their statements and their principles of belief, the fascinating thing is that the clear verses of the Qur'ān they seem to ignore and the ones that it's possible to make some kind of *ta'wīl* on, something which is possible that could work for them (and some of them could), they build their entire house upon it.

It's like a person he has solid, good, clear land and he says that he's going to build his house upon the marsh land, where there's water and everything is sinking. No *ʿāqil* will ever do that; he would never build upon that, he would build upon solid land. That's actually what they do. They are trying to fool others and they end up fooling themselves and so they'll sink with it. So this is a very important principle and *Ahl'l-Sunnah* are always very strong against doubt.

I'll end with this point - something very valuable *wallāhi*, Shaykh Muḥammad Mukhtār al-Shanqīṭi رحمه الله says let's talk about what certainty actually is. He says:

اليقين هو أحد مراتب العلم الأربعة وهي: اليقينُ، والظَّنُّ، والشَّكُّ، والوهْمُ

The scholars have divided knowledge (*ʿilm*) into four levels. They are; *yaqīn*, *ẓann*, *shakk* and *wahm*. These four phrases, translated into English would be: *yaqīn* (certainty), *ẓann* (likely, possible, probable)… Actually in the English legal system, *ẓann* is beyond reasonable doubt, because the third level, *shakk,* is doubt and *wahm* is less than doubt. It's not a lie but it's something that is not likely to be true. It's the opposite of *ẓann* which is that something is likely, [whereas *wahm*] is not likely.

To make it clearer, Shaykh Muḥammad Mukhtār al-Shanqīṭi ﷺ puts percentages down. He says, what is *wahm*?

بداية العلم بالشيء قدّروه من 1% إلى 49% فهو الظنُّ المرجوح يقابل الظنَّ الرَّاجح

This is the beginning of trying to achieve knowledge, the beginning part of certain knowledge. They gave it a number of between 1% and 49%. This is a scale of likelihood. So *wahm* is 1-49%. It is the *ẓannʾl-marjūḥ*, the opposite of *al-ẓannʾl-rājiḥ*. *Al-ẓannʾl-rājiḥ* is beyond reasonable doubt. That's [the meaning of] of *al-rājiḥ*, the strong likelihood.

It is like I lift the stone up and I say: "is this Apple or is this Android?" If someone says this is an Android then that is his opinion. If I say this is Apple, we are debating because the looks (of the phone) is not very clear so we now have got this *ẓann* we are conjecturing, we are in a state of conjecture over this phone. Suddenly, we press it (the home button), and everyone knows that Apple [devices] have this kind of button, we also know that there are other phones that have this kind of button as well; but when I saw that, I was almost sure. Now we see the Apple sign and we know. It became certainty, it is *ẓannʾl-rājiḥ* now (beyond reasonable doubt). What happened after we saw the button, it became *ẓannʾl-marjūḥ* (unlikely) that it is an Android but we still need certainty to cut it out; but now it is *ẓannʾl-marjūḥ,* (unlikely an Android), 1- 49% is a nice way of understanding the likelihood number wise.

وأما الشك

Ustādh: What is *shakk?* What did we define *shakk* as? What is doubt?

Student: 50%

Ustādh: Correct. It is 50%, you are not sure it is either this or that. If you have any kind of feeling towards one side, then you are in the other category. You are either in *wahm* or in *ẓann* but it is when you 'do not know' that is *shakk*. This is what he says is,

إستواء الإحتمالين

It is both positions are exactly equal

وأما الظنُّ فهو أرجح الإحتمالين

It is the more likely of the two possibilities that is what *ẓann* is. It therefore goes from 51-99%. And Shaykh says, that this *ẓann* is sometimes called *ghālib'l ẓann,* 'most likely'; *ẓann* is 'likely' as the translation for the class. *Ghālib'l ẓann* is perfect for 'most likely', *yaqīn* is 100%, it has to be absolute certainty.

11. The Invalidators of Ablution XI

Certainty and Doubt

We are at the end of the chapter of *nawāqiḍ* of *wuḍū'* (the chapter of invalidators of *wuḍū'*), and obviously it's a detailed chapter covering many things. We have two more sessions *inshā'Allāh* which will then complete it and then we will start a new chapter which is an important one, *Bāb'l-Ghusl* (The Chapter of Bathing), the *shar'i* bath which is required after suffering major [ritual] impurity.

Let's just quickly recap all that we did last time. We are on the final two paragraphs of that first page.

Imām Ḥajjāwi رحمه الله says,

'Whoever is certain of their state of purity but doubts whether they became ritually impure or the other way around completely (meaning they are certain of their state of impurity but they doubt that whether they became ritually pure), they must build upon certainty.

That's what we covered the last time. We spoke of the benefits of certainty or the ease of this principle, that doubt never overcomes certainty of something that is established. You can remove the doubt, but it's not going to help.

And then we had this very helpful tip that helped you, and I hope you wrote it down from Shāykh Muḥammad Mukhtār Shanqīṭi, in which he was able to define the different levels of certainty of likeliness.

So we had *wahm*, *shakk*, *ẓann*, and we had *yaqīn*. I don't know why we call these but what we call is the 'scale of likeliness' that something has happened or that something is occurred. *Wahm*, basically is just nuances, the ideas.

So *wahm* is the beginning of an idea,

فهو بداية العلم

As Shaykh Muḥammad Mukhtār al-Shanqīṭi said, it's the beginning of having some concept of knowledge.

قدّروه من 1% إلى 49%

And they said that in terms of scale of likeliness, this is between 1% and 49%. So when you are between 1% and 49% sure of something, then this is what we would call *wahm*. What would you call that?

Student: Unlikely.

Ustādh: Let's go with unlikely.

And then you have *shakk*, which is bang on 50%. It's perfectly doubt. That's the perfect translation, that it's doubt. You are not sure; you could be right and could be wrong, it could have happened or it could not have happened. So strictly 50/50, so that's 50% [sure].

And then you have *ẓann*, which is translated linguistically as speculation, a conjecture, etc. But in this particular context, *ẓann* is likely. So in its likeliness, what percentage we will be saying?

Student: 51-99%

Correct, because even 99% would be very likely, but it's not certain and that's the point. And that, of course, it has a place in knowledge. In knowledge, likeliness has a place just as in law, it has a place.

And *ghālib'l-ẓann* means most likely. In the *dars* that I gave in Pakistan, I gave the example that the 99% legal system or court of law requires [someone] to be guilty only beyond reasonable doubt - not 100%. So that's likely, and beyond likely means 60%, 70%, 80%.

You can't put a number on it but I can tell you one thing - it's definitely not certain, and that's the point. And that's something that is recognized in this particular time.

And certainty is 100%. So that's just a useful little parameter to have with respect to certainty. So whoever is certain of their state of purity… meaning you 100% made *wuḍū'*, but now you are not sure whether you broke your *wuḍū'*. 100% can never be overtaken by 80, 90, 99, 50, 40% it can't happen. And if you're 100% sure that you broke your *wuḍū'*, you've just come back from toilet and you are just not sure whether you did make a good *wuḍū'* or not, but you know 100% that you went to the toilet, then you have to go back and make a *wuḍū'* because the uncertain fact is that you are not sure that you made *wuḍū'* on the way out.

You have gone to the toilet and you have definitely broken your *wuḍūʾ* and made *istinjāʾ*. Because you know that was one process, because you are sitting on the toilet and you definitely broke your *wuḍūʾ* and made *istinjāʾ*, there is no fact and there is no defense about that. The only doubt now is that as you went to wash your hands, you just cannot remember.

A few minutes later when you are thinking about this, when you are putting your jacket on, [you can't remember] if you made *wuḍūʾ* or not. You go back and you listen to this *qāʿidah* or *aṣl* (maxim, rule, or principle) that certainty is never overcome by doubt. My breaking of *wuḍūʾ* was certain. My 'did I make *wuḍūʾ?'* was doubtful. I have to now go and make *wuḍūʾ.* That is the implication.

Today's lesson is about a very different situation based upon the same parameters and it is rare that this is going to happen, but you should be impressed, as Shaykh al-ʿUthaymīn also points out, that the scholars have ticked this off as well as a potential option of something happening. This is how he described it; he said, "Whoever is certain of having been in both states but cannot work out which state came first, then let him consider himself to be in a new state, which is the exact opposite to what he was in before these two final states." With commentary, this is referring to whoever is certain and has no doubt that they were both in *wuḍūʾ* and they have definitely broken their *wuḍūʾ*, unlike what I just described earlier. What did I describe earlier?

Answer: You're sure you broke your *wuḍūʾ*, and you were not sure whether you made *wuḍūʾ*.

Ustādh: This is very different. I am 100% sure that I broke my *wuḍūʾ* and I am 100% sure that I made my *wuḍūʾ*. The only thing I am not sure about (I know it sounds ridiculous) is which one I did first. I have come out of the bathroom and I do not know what I am coming out with. Did I, in a brain dead moment, make *wuḍūʾ* first then use the toilet or did I do use the toilet first then make *wuḍūʾ*?

Whoever is certain of having been in both states (*wuḍūʾ* and not *wuḍūʾ*). Pakistani's taught me a nice word for not being in *wuḍūʾ. Bawuḍūʾ* mean with *wuḍūʾ* and *bewuḍūʾ* means without. I like that better than these two states business. In Arabic, you would say *mutawaḍḍiʾ* - you have *wuḍūʾ* - or you are *muḥdath* - you are in a state of *ḥadath*. Remember, *ḥadath* is a state of ritual impurity. You have broken your *wuḍūʾ*.

So, you're not sure whether you are *bawuḍūʾ* or *bewuḍūʾ*. All I am certain of is that I was *bawuḍūʾ* and *bewuḍūʾ* in a certain moment, and I just can't work out which one came first. So now I'm confused. What do you do?

Then let me consider myself to be in a new state. So these are the two things that I come up with at the toilet and I don't know whether I'm on or off. The new state which I do consider myself to be in is the exact opposite state to what I was in before I was in those two states, i.e. I am in a state that is opposite to what I was in before I went into the bathroom.

Let's make a storyline here.

Student: What if you can't remember?

Ustādh: That's going to be another scenario. You're right. What if you can't remember what happened? I agree, so we are going to come to that as well.

Student: You are in the bathroom for a reason, aren't you?

Ustādh: You say that. Some people go just because they want to renew their *wuḍū'*. This is *Sunnah,* of course.

Let's just go through this again. You have come out of the bathroom. You know that while you were in the bathroom, you broke your *wuḍū'* and you made your *wuḍū'*. You just can't figure out which one you did first. So now, you have no idea what state you are in. So now, what to do?

The rules are that I have to be in the opposite to what I was in before I went into the bathroom. So if I know that I was in a state of *wuḍū'* where before I went into the bathroom - which is quite possible - then I am now without *wuḍū'*. That's what the rules say. Now I'm without *wuḍū'*.

If I know for certain that I was out of *wuḍū'* before I went in, then now I'm in a state of *wuḍū'*. That's the rule. I'm going to give you some examples now.

Shaykh al-'Uthaymīn رحمه الله says, for example, there is a person who is absolutely certain that he had *wuḍū'* from *ṣalāt'l-Fajr* until sunrise, which is a common state for all of us. He definitely had *wuḍū'*. About an hour after sunrise, he wanted to pray *Ḍuḥa*, the forenoon prayer which is *Sunnah*.

He says,

أنا متيقِّن أنَّه من بعد طلوع الشَّمس إِلى الآن حصل مِنِّي حَدَث ووُضُوء

Since that time from sunrise until now (which is one hour), I am certain that I had *wuḍū'* and I was *bewuḍū'*. I was in *wuḍū'* and I was out of *wuḍū'*. I know that for certain.

ولا أدري أيُّهُما السَّابق

But I don't know which one came first. What do we say to him? He is *ṭāhir* now. Now he can pray because before these two certain states, he was in a state of *bewuḍūʾ* (had broken his *wuḍūʾ*). Is that clear? That's the rule.

Student: I understand the rule but I don't understand how he's in *wuḍūʾ*? He had *wuḍūʾ*, he broke *wuḍūʾ* and then he went to the bathroom…

Ustādh: Which one are you doing?

Student: The second example. It doesn't make sense.

Ustādh: In the second example, he had no *wuḍūʾ*. Don't forget.

Student: He had *wuḍūʾ* and then he broke it. And then he went to the bathroom and he's definitely not *be-wuḍūʾ* or *ba-wuḍūʾ*.

Ustādh: He definitely had *wuḍūʾ* and he definitely broke *wuḍūʾ* as well.

Student: You are saying, you go back to the original and then he did the opposite. Why?

That is the million dollar question. Shaykh al-ʻUthaymīn رحمه الله says,

التَّعليل

Meaning, the *ʻillah* (the reason behind that)…

أنه تيقَّن زوال تلك الحال إلى ضِدِّها، وشَكَّ في بقائه، والأصل بقاؤه

What was certain is the removing of the pre-existent state. What is doubtful is the remainder of that existent state and the *aṣl* (golden rule) is always the continuation of the existing state. He definitely broke *wuḍūʾ*. We agree with that. Then he goes into the bathroom. Two things definitely happened - breaking *wuḍūʾ* and making *wuḍūʾ*. The making of *wuḍūʾ* is assumed, as an example. That means that the previous state has definitely been removed.

What we are now not certain of is whether that state has continued or not. What are we certain of? At some point, he removed the previous state. What's uncertain is whether that new state continued or not. Because of that uncertainty, we then

continue that current state, which in a math equation is actually the opposite of the original state.

Shaykh al-ʻUthaymīn says,

ففي الصُّورة الأولى تيقَّن أنَّه كان على وُضُوء إلى طلوع الشَّمس، ثم تيقَّن أنه أحْدَثَ بعد ذلك، ثم شَكَّ هل زال الحدث أم لا؟

In the first example, it is certain that he had *wuḍū'* until sunrise. Then, it is certain that he broke that *wuḍū'*. Now, there is doubt about that state of broken *wuḍū'*; is it gone or not? Has the state of ritual impurity gone or not? We are not sure because we are not sure about the order.

What we know for sure is that the previous state of *wuḍū'* has been changed to a state of non-*wuḍū'*. We just do not know whether it has been removed or not. Did it come first, come second? We now have a new state of certainty and a new state of uncertainty. In this new scenario, we turn back to the first principle. Whoever is certain of their state of purity but doubts whether they became ritually impure, they must build upon certainty. Therefore,

ثم شَكَّ هل زال الحدث أم لا؟ فيُقال: إنك محدث لأنَّ الأصل بقاء الحدَثِ الذي تَيَقَّنْتَه، وهكذا

You are in a state of *ḥadath* because that is the only thing which is certain, and you making another *wuḍū'* was not certain, and therefore that is why you are opposite to what you were before.

If a person is actually sure that there was *wuḍū'* that was made and the *wuḍū'* was broken, but he doesn't remember what happened beforehand, then it is obligatory for that person to make *wuḍū'* because there is not even a certain state that we can rule upon.

You see, the rule that we just based everything upon was based upon because we found out that of all of those three states, we found one state of certainty. We are able to confirm 100% a state of certainly. What was that? That the previous state was removed by one of the two states. Then therefore that will be the thing that we'll then use to give the final ruling. But in this state, we can't remember what happened in the bathroom (the two states - we don't know which came first), we can't remember what happened before, we've got nothing to build upon. Here, you have to make *wuḍū'*. This is the position of the Ḥanbali *madh-hab*.

There are scholars that said that *wuḍū'* is obligatory in all cases. Shaykh gives the reason for this; he says he must make *wuḍū'* because he is not sure about what happened before.

After this great explanation by Shaykh al-'Uthaymīn, he says that the position of "he has to make *wuḍū'*", i.e. the last statement, that is the safer position and it is the most encompassing position. You don't really know what's going on, he says. He says for example that if, after sunrise, he is sure that he broke *wuḍū'* and had *wuḍū'* and he cannot work out which one was first, then it is actually possible that he went into the bathroom with *wuḍū'*, he renewed his *wuḍū'* (thereby not canceling his previous state), then broke his *wuḍū'*.

فصار يجب عليه الوُضُوء الآن، وإذا كان هذا الاحتمال وارداً فلا يخرج من الشَّكِّ إلا بالوُضُوءِ

Therefore he should make *wuḍū'* right now. If this is possible, he is not able to get out of the situation except if he makes *wuḍū'*.

Shaykh al-'Uthaymīn رحمه الله makes the practical point which I think everyone will do, but it's not about the practical point. We are studying Islamic Law, it's talking about the theory. There are many benefits to understanding this. It is possible that there is a scenario where there isn't water so we need to know the answer in the theoretical state. Secondly, we're not flaffing around - this is possible and can happen. Number three, and this is the most important point that Shaykh al-'Uthaymīn makes,

وبهذا التَّقسيم وأمثاله يتبيَّن دقَّة ملاحظة أهل العِلْمِ؛ وأنه لا تكاد مسألة تَطْرأُ على البال إلاَّ وذكروا لها حُكْماً

With these categorizations and descriptions of these possibilities, you see the accuracy of the people of knowledge, of how they sit down and work out all the possibilities to cater for the masses. It's very unlikely that a single *mas'alah* will occur in the minds of the people except that you find a ruling for it.

That's so true. You just need to have the knowledge to go back and find it. You know a lot of us say that we can't find it. The big difference between us and the scholars is that they do know where it is. That's the difference. They have come across it, they have spent extra years reading, finding the issue.

وهذا من حِفْظِ الله تعالى للشَّريعة

This is from the preservation of Allāh ﷻ for His *sharīʿah*. This is the system that He ﷻ has created in the people to protect the *Sharīʿah* and *wallāhi* our *sharīʿah* is protected. How many attempts to ruin the system are there from people within our religion or from people outside our religion? Allāh ﷻ raises the *ʿulamāʾ* to preserve it. That's something to consider, because we always think about the people of the Qurʾān and how they preserve the Qurʾān for us when the rest of us don't know anything.

We always talk about the people of *ḥadīth*. We don't know anything about *ḥadīth* and they spend their entire lives sifting it and creating authentic collections for us. Likewise, with *sharīʿah*, all of the possibilities have already been calculated with their reasoning so that people can come afterwards and if they understand their reasoning, they can pick up where they left off and if they don't understand their reasoning, then they can at least memorise the rulings.

لأنَّه لولا هؤلاء العلماء الأَجِلاَّء الذين فَرَّعوا على كتاب الله تعالى وعلى سُنَّةِ رسوله صلّى الله عليه وسلّم ما فَرَّعوا؛ لفاتنا كثير من هذه الفروع

Shaykh al-ʿUthaymīn says if it wasn't for these wonderful, honourable scholars, those who derived this from the Book of Allāh and the *Sunnah* of the Messenger ﷺ, we would have missed so much of knowledge.

We can conclude this particular chapter,

وهذا الوُضُوء إنْ كان هو الواجب فقد قام به، وإلا فهو سُنَّةٌ. والفقهاء رحمهم الله قالوا: إذا قَوِيَ الشَّكُّ فإنه يُسَنُّ الوُضُوء؛ لأجل أن يُؤَدِّي الطَّهارة بيقين

Shaykh al-ʿUthaymīn says this *wuḍūʾ* should be obligatory. What *wuḍūʾ*? The *wuḍūʾ* where you're not sure about this or that factor, then it should be obligatory. He continues [by saying] that if you are not going to take it as obligatory, then you have to accept that at the very least, it is *Sunnah* to make *wuḍūʾ* again. Why? Because the *fuqahāʾ* (jurists) said that once doubt starts to get stronger (*idhā qawiy'l-shakk*), then it is more of a *Sunnah* to make *wuḍūʾ* so that your purity can be more upon certainty.

If there is a situation where you are confident about what you are on but the doubt is getting stronger, then it is *Sunnah* - not obligatory - to make *wuḍūʾ* so that at least there is absolutely no doubt. However, let's not fudge over the main lesson of this chapter, which is certainty that can never be removed by doubt. Allāh ﷻ will never hold you accountable. This is one of the great principles of the religion; you do not

have to act upon that whatsoever. Once you establish the base position, you can hold on to it. This explanation we just did of the rule is a valid one and we should know that this is from the beauty of this religion and the ease of Allāh ﷻ upon us, which I explained in detail when I was in Pakistan.

Therefore we can conclude in this chapter that there are four states that a person will be in with respect to whether he is in *wuḍūʾ* or not:

The first state is that he is definitely sure of his *wuḍūʾ* and he is unsure whether he broke it. The ruling is that he is in *wuḍūʾ*.

The second state is that he is absolutely sure that he broke his *wuḍūʾ* but he's not sure whether he made his *wuḍūʾ* or not. The ruling is that he does not have *wuḍūʾ*.

The third state is that he is absolutely sure that he made his *wuḍūʾ* and broke his *wuḍūʾ* but he can't work out which one he did first. He also knows what state he was in before. The ruling is he take the opposite of that situation before.

The fourth state is that he is absolutely sure that he made *wuḍūʾ* and he's absolutely sure that he broke *wuḍūʾ* and he can't remember what state he was in before. The ruling is that it is obligatory to make *wuḍūʾ* again.

Those are the four states that have been described in this paragraph (*Sharḥ,* page 314) and that is the conclusion.

Student: What is the class position?

Ustādh: The **class position** is exactly exactly as he [Shaykh al-ʿUthaymīn] has said it. The obligation of making *wuḍūʾ* only comes in the final state, in the final scenario, where the person has absolutely no idea and that every other time it is *Sunnah*.

Student: According to the two examples that we gave, there are four states based on that, but according to the position that we are taking that he does not know what happened in the bathroom, that he was sure that he made *wuḍūʾ* and break *wuḍūʾ*, aren't there are only three states?

Ustādh: In that you are saying that the scholars said he should definitely make *wuḍūʾ*.

Student: Yeah.

Ustādh: That is what Shaykh al-ʿUthaymīn said. He said that a person should act as it is obligatory, and if not at the very least it is a *Sunnah.* This is not a position. I want to make it clear that it is not a *fiqh* position, because what the *fiqh* position is calculated on is evidence. What he is saying is what we practically should do.

Throughout the entire class, I having been saying to you 'this is my position, this is what I do, this is what we do practically because I am not confident about this, so I

make wuḍū or I wash this or I do that.' Shaykh al-ʻUthaymīn himself is saying that when this confusion occurs, it is best, not in the first two, but in the third scenario. The third and the fourth scenario for him are the same. You cannot work out what was the order, you forgot which one, you might have remembered what could have been before, but there were a few x, y, z. It is obligatory for you to make *wuḍūʾ* and that is how you should see it. If not, technically there is no doubt - it is *Sunnah*.

Shaykh al-ʻUthaymīn is not sticking to his guns like that; he is very clear what his point is. His point is not a legal position; his point is a practical advice for the student of knowledge.

Student: The class position would be?

Ustādh: The class position would be that it is *Sunnah* to make *wuḍūʾ* in all of the scenarios and that it is obligatory in the last, fourth scenario where he has absolutely no idea what's going on.

And in the third scenario, the one that we described in a lot of detail, he should make *wuḍūʾ* as it is safer (*aḥwaṭ)*. It is better that he sees it as obligatory upon himself and does it. But if he doesn't do it, he cannot be held sinful because there's no evidence to be able to hold him sinful to it. Does that make sense? There's a whole lot of flaffing around there, but I hope that some kind of sense came out of that.

Student: What is the Ḥanafi position?

Ustādh: In the Ḥanafi school, you're asking, in the first scenario of the four, you mean? He definitely had *wuḍūʾ* and then he's not sure? The Ḥanafi position is definitely that he has *wuḍūʾ*. In fact, not only the Ḥanafi position - all of the scholars have this position. All of the scholars have agreed upon this, that when a person is certain that he made *wuḍūʾ*, but then is doubtful about whether he has broken *wuḍūʾ* - and that doubt could be in any of his expressions (did I go to the toilet, did I just pass wind, did I hear something, see something, did I... all of this, because all of the *aḥādīth* cover all of these scenarios).

When the person thought that he had passed wind, the Prophet ﷺ said very, very clearly to him, 'Unless you hear something or smell something.'[1] Just a feeling is not good enough. Just a doubt is not good enough. There has to be certainty.

So all of the scholars rule upon this basic principle that *wuḍūʾ* remains as an *aṣl* or status quo until certainty cuts it off. There's no doubt about that.

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[1] *Ṣaḥīḥ al-Bukhāri, Book of Wuḍūʾ, Chapter: Those who considered wuḍūʾ to not be obligatory except after discharge from the exits, hadīth no. 177.*

TOUCHING THE *MUṢ-ḤAF*

I'm just going to read out the next text:

ويَحْرُمُ على المحدِثِ...

Al-muḥdith, which is same as *muḥdath*, meaning one who isn't in the state of *wuḍū'*, *bewuḍū'*,

مسُّ المُصْحَفِ، والصَّلاةُ، والطَّوافُ.

It is impermissible for the one without *wuḍū'* (the *muḥdith)* to touch the *muṣ-ḥaf*, the Qur'ān, (which we're going to talk about) to pray, or to perform the *ṭawāf*.

So, let's start straight away. Shaykh al-'Uthaymīn says it is impermissible for one without *wuḍū'* to touch the *muṣ-ḥaf*. What's the *muṣ-ḥaf,* first of all? The *muṣ-ḥaf* is that which the Qur'ān is written in. *Ṣuḥuf* are pages. *Muṣ-ḥaf* is referring to a collection of pages, linguistically.

سواء كان كاملاً، أو غير كامل

A *muṣ-ḥaf* does not get the ruling based upon whether it is complete or not. A *muṣ-ḥaf* is a *muṣ-ḥaf*, even if one single *āyah*, Shaykh al-'Uthaymīn says,

حتى ولو آية واحدة كُتِبَتْ في ورقة ولم يكن معها غيرها

If there is a piece of paper which has nothing else written upon it except a complete *āyah*, it gets the ruling of *muṣ-ḥaf*. So a single piece of paper that has a complete (single is the minimum) single *āyah*, with nothing else (no *tafsīr*, no footnotes, no explanation, no X, Y, Z), then it then takes the ruling of *muṣ-ḥaf*. So what do we learn there? We learn that the word *muṣ-ḥaf* is referring to the complete one and the incomplete one.

Student: We're living in [inaudible] people use their phones...

Ustādh: Correct. We will come to that, [it] is all part of this lesson *in shā' Allāh*.

فحكمها حكم المصحف

Meaning, the ruling that we will apply to this piece of paper with the full *āyah* written down will be the same ruling that we will apply to a *muṣ-ḥaf*. That's how Shaykh al-ʻUthaymīn starts off this chapter.

وكذا اللَّوح

And likewise, the board. We don't have that in this country. But in Pakistan we use it, in North West Africa, in many Muslim countries, [they use] the wooden board (*lawḥ)* where you get the ink and you write on the board and then you wash it off.

Right, so what did Shaykh al-ʻUthaymīn say? He said that the *lawḥ* has some exceptions. The *lawḥ* (the wooden slate) takes the same ruling as the *muṣ-ḥaf,* but there are some exceptions.

Now when the author says that the one without *wuḍūʾ* (the *muḥdith* in Arabic), he means *ḥadath asghar* or *akbar*. Meaning that [he] could be in a state of sexual impurity as well as just not having *wuḍūʾ*. It's including both states, why? *Al-muḥdith*. In the word "*al"*, the definitive has been used and the "*al"* therefore encompasses both states. It is 'the impure one' or 'the one in the state of impurity'. Not a minor impurity, or both of them.

Okay, what's *ḥadath*? Let's remind ourselves.

والحَدَثُ: وصف قائم بالبَدَن يمنع مِنْ فِعْلِ الصلاة ونحوها مما تُشترط له الطَّهارة

It is an existing attribute on the body which prevents a person from praying, and other things for which purity is a condition. That's what *ḥadath* is. That is what ritual impurity is. Let me describe ritual impurity again. What is ritual impurity? It is an attribute of the self. It is a state. An attribute of the self or state which prevents that person from praying or doing other actions for which purity is a condition. That is what ritual impurity is.

What is the evidence that the one who has no *wuḍūʾ* cannot touch the Qurʾān?

Shaykh al-ʻUthaymīn says that Allah ﷻ says in the Qurʾān:

قوله تعالى: ﴿إِنَّهُ لَقُرْآنٌ كَرِيمٌ ﴿٧٧﴾ فِي كِتَابٍ مَكْنُونٍ ﴿٧٨﴾ لاَ يَمَسُّهُ إِلاَّ الْمُطَهَّرُونَ ﴿٧٩﴾ تَنْزِيلٌ مِنْ رَبِّ الْعَالَمِينَ ﴿٨٠﴾﴾ [الواقعة] .

Indeed, it is a noble Qurʾān.

Now you see, this is a good part of the lesson. Translations that already adopt a position of *fiqh.* This is not the lesson for this, but it is a lesson you need to know.

This one from Muhsin Khan. It says:

This is indeed an honorable recitation.

Fī kitābin maknūn is translated by Muḥsin Khān as:

In a book which is well guarded [with Allah in the heaven, i.e. the *lawḥ al-maḥfūẓ*].

This is referring to the preserved tablet, the tablet upon which everything has been written.

Which none can touch but the purified [i.e. the angels].

You see how a person's own *fiqh* opinion is affecting their translation? However irritating it is, at least Muhsin Khan put it in the brackets, allowing you to make that decision, but kind of pushing you in that direction.

As for this one, Sahih International:

Indeed it is a noble Qurʾān, in a register well protected.

Now the word 'register' is actually the word *kitāb*, meaning 'book'. In Muhsin Khan, they said, 'in a book well-guarded.' Sahih International, which I like as a translation by the way, said 'in a register well protected.' So they've already applied their *fiqh* ruling and they didn't put it in brackets. They've come straight out and said this is the preserved tablet, no doubt about it (meaning the original tablet, which is why they're calling it a register and not a preserved tablet). They're not calling it *al-lawḥ al-maḥfūẓ*. They're giving it a name, they're calling it a register because that's the original record.

And then, 'none touch it but the purified' in my Sahih International [translation], and in Muhsin Khan, 'none can touch it but the purified'.

Actually in Sahih International, they've again put 'angels' in brackets, but they haven't gone full hog on that. They haven't got the confidence to put 'none can touch but the angels', so they've actually translated it linguistically.

Our discussion is going to cover whether it is the angels, or it is a linguistic meaning of those who are impure. Because 'the purified': does it mean none can touch it except the Muslims who purify themselves with *wuḍū'*? Or is its meaning that none can touch it except the angels? That's the question. And it is a revelation from the Lord of the worlds.

That's a useful point, *wallāhi*, because it is here that the whole issue is going to be determined.

Now what does Shaykh al-'Uthaymīn say? He says what's the basis for the argument? The basis for the argument or the proof that you can't touch the *muṣ-ḥaf* is that the pronoun '*lā yamassuhū*,' (they are not allowed to touch *it*) goes back to the Qur'ān. So it is a noble Qur'ān, in a preserved tablet, and *it* is not to be touched except by the pure. What is *it* which none can touch?

You see, in English, 'which' is the pronoun (that is the *hū);* what's it going back to? Is it going back to the 'book well-guarded by Allāh'? Or is going back to the Qur'ān? There are two books that have been mentioned, or two things. The first is the Qur'ān (this is indeed an honorable recitation) and second, the *lawḥ al-maḥfūẓ* (in a book which is well-guarded). 'None touch it', touch what? Which one?

Student: The Qur'ān.

Ustādh: The Qur'ān? Or the book? The first one or the second one? You said Qur'ān, why?

Student: Because that was the first thing that was mentioned.

Ustādh: Okay, is that grammatically sound in English? What happens in English when you come across a passage and you have a pronoun? What's the rule?

Student: It's the last thing that you mentioned.

Ustādh: So you agree? Even by your theory, you agree that it needs to change.

What we have is that this is a Qur'ān, it's an honourable recitation in a book that is well-guarded (so we have two possibilities) which none can touch but the purified. Our translator has already made his mind up. In brackets he's said that it is the book of Allāh, so he's chosen the second one. The Ḥanābilah or the text of *fiqh* that we're studying has chosen the first one because they said it's referring to the Qur'ān. None can touch it except the pure. Here's their evidence:

لأن الآيات سِيقت للتَّحدُّث عنه بدليل قوله: ﴿تَنْزِيلٌ مِنْ رَبِّ الْعَالَمِينَ﴾

The Ḥanābilah said this *āyah* is talking about the Qurʾān because Allāh then says that it is a revelation from the Lord. And what is the revelation from the Lord? It is the Qurʾān. So this whole subject is about the Qurʾān.

والمنزَّل هو هذا القرآن، والمطَهَّر: هو الذي أتى بالوُضُوء والغُسُل من الجنابة، بدليل قوله:
﴿وَلَٰكِن يُرِيدُ لِيُطَهِّرَكُمْ﴾

Allāh ﷻ then says in *Sūratʾl-Māʾidah* (which we covered in detail) that He wants to purify you. So, in the Qurʾān, Muslims have already been referred to as people who need purifying, so that takes care of only the purified being able to touch it. If we put one and one together we get two, that these are all verses about the Qurʾān, Muslims need purifying and that you need to be pure before you touch it.
You will see now how, as we're going to show, the opposite can be assumed and it will come through the translation. It shows you how difficult it is to translate the Qurʾān without putting your personal opinion and own *fiqh* position upon it. This is *tafsīrʾl-Qurʾān biʾl-Qurʾān*. How we came to this decision and how we translated it is that we used other verses of the Qurʾān to help us translate the rest of the Qurʾān.

We looked at the fourth verse to help us translate that this was the Qurʾān. We looked at the verse in *Sūratʾl-Māʾidah* to work out that the people that are pure are not the angels, but people who need to be purified in this *dunyā*. That is the evidence from the Qurʾān.

Shaykh al-ʻUthaymīn says,

فإن قيل: يَرِدُ على هذا الاستدلال: أنَّ «لا» في قوله: «لا يمسُّه» نافية، وليست ناهية، لأنه قال:
«لا يمسُّه» ولم يقل: «لا يمسَّه»؟.

This is an interesting grammatical point. '*Lā yamassuhu*' is what it says in the Qurʾān and it's a statement of fact. '*Lā yamassahu*' is a statement of prohibition in the Arabic grammar. You can only tell that because of the change in *fatḥah* and *ḍammah* on the word '*massuhu*' and '*massahu*'. Therefore, if you look at the *āyah* again, it says 'none touch it except the purified' is the correct translation.

Theoretically, you could look at it the other way and say that it is prohibited by changing it to '*la yamassahu*'. Then it would become impossible for you to touch it unless you're purified.

Q & A

Q: Could the Shaykh please explain the fourth point that Shaykh al-ʿUthaymīn made on page 314?

A: If a person goes into a bathroom and he knows that he has made and broke his *wuḍūʾ*, but he can't remember which one came first. And before he walks into the bathroom, he didn't know what his state was. Because he didn't know what the state was, it is obligatory upon him to make *wuḍūʾ* and that is the class position as well as it has nothing to base anything upon.

Q: Surely, you can't break *wuḍūʾ* then break *wuḍūʾ* again. The order would be that you broke your *wuḍūʾ*, made your *wuḍūʾ* then broke it again.

A: If you are awake and normal, then yes. But in the presence of these extenuating circumstances, it is possible that you would.

12. The Invalidators of Ablution XII

Touching the *Muṣ-ḥaf*

ويَحْرُمُ على المحدِثِ مسُّ المُصْحَفِ، والصَّلاةُ، والطَّوافُ

It is impermissible for the one without *wuḍū'* to touch the *muṣ-ḥaf,* to pray or to perform *ṭawāf*

A huge discussion needs to be made about the *muṣ-ḥaf*; it's a very interesting one. We kind of began last week when we said that Shaykh al-'Uthaymīn رحمه الله starts off by asking what a *muṣ-ḥaf* is. It's what we all understand as that which has the Qur'ān written in it completely, so it's the physical copy of the Qur'ān. It's actually very interesting how many Muslims – more Paks than anything else – don't know what a *muṣ-ḥaf* is. It's not a phrase that they're used to, whereas the Arabs call it a *muṣ-ḥaf* all the time. In our culture, we don't call it *muṣ-ḥaf*, we call it *Qur'ān majīd*. As I said last week, *ṣuḥuf* are the pages that are put together and the *muṣ-ḥaf* is what holds it together - the physical Qur'ān.

Shaykh al-'Uthaymīn رحمه الله says something very interesting which there is some difference of opinion about, but he said that even if a single *āyah* is written on a piece of paper, it takes the ruling of the *muṣ-ḥaf*. He also said that even if it is half the Qur'ān written on something and that is all that is there, then it also takes the ruling of a *muṣ-ḥaf*. So if it's a page of the *muṣ-ḥaf* [and nothing else], then it takes the ruling of the *muṣ-ḥaf*. If you think about it, you're already operating like that, you just didn't realise it. When you hear it, it sounds strange but you know that if you have a page from the *muṣ-ḥaf,* you try to burn it to dispose of it; you act as though it's the full Qur'ān. So automatically from your culture you've already accepted it, but now you're hearing it academically that even if an *āyah* is written [on a piece of paper], it has the ruling of the *muṣ-ḥaf*. What's interesting about that is this will now come back to us later, so remember this point when we are going to discuss the ruling on an iPad or a smartphone and what the ruling on touching that is.

So going straight into it, the *muḥdith* is the one who has no *wuḍū'*. It doesn't matter if it is *ḥadath al-akbar* or *ḥadath al-aṣghar* (major or minor ritual impurity), if you don't have *wuḍū',* you are called a *muḥdith*.

What is the evidence? Straight away it is the *āyah* of the Qurʾān which all of the scholars use. They use the *āyāt* from *Sūratʾl-Wāqiʿah*:

﴿إِنَّهُ لَقُرْآنٌ كَرِيمٌ ﴿٧٧﴾ فِي كِتَابٍ مَّكْنُونٍ ﴿٧٨﴾ لَّا يَمَسُّهُ إِلَّا الْمُطَهَّرُونَ ﴿٧٩﴾ تَنزِيلٌ مِّن رَّبِّ الْعَالَمِينَ ﴿٨٠﴾﴾

Indeed, it is a noble Qurʾān, In a Register well-protected; None touch it except the purified. [It is] a revelation from the Lord of the worlds.

The idea is that because the wording is *qurʾānun karīm*, then that refers to the Qurʾān and the idea is that none touch it except those who are purified, which is a straightforward done deal.

Of course what we are discussing now is quite clear, that the verses don't actually necessarily refer to the *muṣ-ḥaf* that we have and those that are *muṭahharūn* does not necessarily refer to humans. Also, we spoke about the way that it's been mentioned. You see, if I say to you: "Don't touch the *muṣ-ḥaf*, you're not allowed to touch it unless you're pure," that is said in a different way and different Arabic to a statement. This is what we call *khabr*. *Ṭalab* is when I request you not to do it; "Don't do it, you're not allowed to do it." We call it a request or an order. Then there's a different way of speaking, which is to mention a statement of fact; "Only the pure touch it." So that's a factual statement which could lead to an argument afterwards that even though it's a factual statement and therefore doesn't come off as an order, it therefore doesn't have the strength of such a prohibition. A statement of fact could mean that it's good for you to be pure and only the pure touch it. It's not right in your face, [like if it were] "don't touch it!" This is the whole argument that was put forward.

The real thing is about the second evidence because as you can see, the Qurʾānic *āyah* has some discussion about it. The real discussion is around the *ḥadīth* and that's why Shaykh al-ʿUthaymīn says the evidence that they use is the *ḥadīth*, the letter of ʿAmr ibn Ḥazm ﵁. This is something which was written to him from the Prophet ﷺ, as a message to the people of Yemen. So it was given to ʿAmr ﵁ to give to the people of Yemen. In this letter it said:

ألا يمسَّ القرآن إلا طاهر

None but the pure will touch the Qurʾān.[1]

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[1] *Ṣaḥīḥ at-Ṭabārani, in his book Kabīr, Chapter 12, ḥadīth no. 13217. This chain was graded as not bad by Ibn Ḥajr. Also narrated by Sunan ad-Dāraquṭni, (1/121). Also narrated by al-Bayḥaqi (1/88) and this*

Firstly, let's quickly understand where this narration comes from. This narration is a fascinating one. Remember that in Islam, there are a number of *aḥādīth* that have become controversial or there is a lot of discussion around them. We're talking about hundreds of thousands of narrations and maybe only 4,000-5,000 of them are authentic. Amongst these 4,000-5,000 you can actually count 20, 30, 50, 100 [*aḥādīth*] that are infamous because of lots discussion around them, lots of controversy, lots of strange things, lots of very interesting things and so on. This is one of them. The reason for it is because that many criticised its authenticity, whereas those that defended it defended it on the basis that it was so well-known, well-spread and acted upon by the Companions ﷺ and the Tābiʿīn that the chain itself was not so important in this issue.

Watch what I mean. This *ḥadīth* was narrated by Imam al-Ṭabarāni, Imām al-Dāraquṭni and narrated by Imām al-Bayhaqi on the authority of ʿAbdullāh ibn ʿUmar ﷺ. Ibn Ḥajr al-ʿAsqalāni said that its chain was not too bad – *la ba's bih*. It was also narrated by Ḥakīm ibn Ḥuzām and ʿUthmān ibn Abi al-ʿĀṣ. It was authenticated by Isḥāq ibn Rāhway – the *imām* of the *Tābiʿīn*, Imām al-Shāfiʿi and Ibn ʿAbd'l-Bar, who is the muḥaddith of the West, the Māliki scholar, and Imām Aḥmad didn't authenticate the ḥadīth, but he acted upon it.

This *ḥadīth* has also been discussed in *al-Talkhīṣ al-Ḥabīr*, which is the best work of a *ḥadīth* checking of a *fiqh* text by the Shāfiʿi school. It's written by Imām Ibn Ḥajr. This is Ibn Ḥajr taking a *fiqh* text which normally doesn't quote ḥadīth, it just quote facts and statements and so he went through it and did the *taḥqīq* – authenticated the *aḥādīth*. It's very famous in its genre. The other famous book that genre is *Naṣb al-Rāyah*, which is the other reference where you find [a discussion about this *ḥadīth*].

The reason that I mention this is because these two books are very important for the Ḥanafi and Shāfiʿi schools. *Naṣb al-Rāyah* is the *taḥqīq* (authentication) of the Ḥanafi fiqh book *al-Hidāyah*, which has been translated into English as well. This authentication has been done by Imam al-Zaylaʿi. Why is this important? This is because the books of *fiqh* always come under criticism and especially when it comes to the Ḥanafis, that they have weak statements etc. So these imāms came along and said we'll deal with this one time. They went through all the statements and for each statement they produced a *ḥadīth* which not only defended and authenticated their position, but also looked at the opposing opinion and brought *aḥādīth* supporting their own opinion against them or weakened the *ḥadīth* of the opposition. Imām al-Zaylaʿi from the Ḥanafi school did an unbelievable job. He had the huge respect of Shaykh al-Albāni, who wrote about him saying he was inspired by him.

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narration is from Ibn 'Umar. The second narration is from Ḥakeem ibn 'Uthman ibn al-'As. A lot of scholars criticized the narrations about the letter of the Prophet. Isḥāq, as-Shafi'ī and Ibn 'Abdul-Barr said it is authentic. Imam Aḥmad did not say this was authentic but he acted upon it.

So this *ḥadīth* seems from the outset that it's an authentic narration. What does the narration say? It says *ṭāhir*. What does the word *ṭāhir* mean?

والطَّاهر: هو المتطهِّرُ طهارة حسِّيَّة من الحَدَث بالوُضُوء أو الغُسُل

Ṭāhir means the one who purifies himself, with water or something else, by either doing *wuḍūʾ* or *ghusl*. Shaykh al-ʿUthaymīn رحمه الله says that the *muʾmin* is a pure being in his nature and the *muṣ-ḥaf* is not touched except by the believers. So when we say *illā ṭāhir* (only the pure touch it), then we know that this is not talking about a pseudo state of purity. If the *ḥadīth* says that none but the pure touch it and we know that it's only the believers that are involved with the *muṣ-ḥaf,* then the idea is that because non-Muslim don't come into the discussion, it's talking about purity within the Muslims. That's the argument that's being forward, that it's talking about purity within the Muslims. Because someone can argue that the *ḥadīth* is not an evidence because the Muslim is *ṭāhir* and the non-Muslim *najis*, therefore this *ḥadīth* means that non-Muslims shouldn't touch the Qurʾān. A Muslim doesn't need *wuḍūʾ*, he is pure by himself, he can touch the Qurʾān, *khalāṣ*. The people who are arguing for the position that only the person with *wuḍūʾ* can touch the Qurʾān say that this *ḥadīth* is only referring to Muslims.

Finally, the third evidence is logic. From good rationale, it is obvious that there is no speech that exists which is more noble than the Speech of Allāh ﷻ. So if Allāh ﷻ made purification an obligation to make *ṭawāf* of His house and to read the Qurʾān, then to touch it is more obvious.

Some people say you must have *wuḍūʾ* to recite it [as] it is the word of Allāh and to touch it should be like that [as well]. Anyway, the main point is this – whose position is that one is not allowed to touch the *muṣ-ḥaf* without *wuḍūʾ*? This is the position of all four imāms, all of the *madhāhib*, it is also the position of the Companions. It has been expressly stated by ʿAbdullāh ibn ʿUmar, Saʿd ibn Abi Waqqās, ʿAli ibn Abi Ṭālib, Shaykhʾl-Islām Ibn Taymiyyah and he said 'it was not only stated expressly by them, but we don't have a dissenting opinion from the Companions' which leads to what we call a silent majority or consensus. It's a strongly held position.

This is the position of all the scholars and the four imāms as well. On the opposite side, it was one of the famous imāms, his name is Dāwūd al-Ẓāhirī, he is the founder of the Ẓāhirī *madh-hab*, the literalist school. He has a very interesting discussion upon this and he is very famous in his opposition to this point. He said 'It is not impermissible to touch the Qurʾān without *wuḍūʾ*.' What did he say? First of all, with regards to the first evidence, he said that a person is the status quo - there is no direct evidence that insists that I must have *wuḍūʾ* to touch the Qurʾān.

Secondly, he says 'As for the *āyah* that it is very clear that the one which is not touched is the *kitābin maknūn*, which is the preserved tablet; that is what it is being referred to'. That has also been said by the most of the *mufassirīn* as well, the people of tafsīr also said the same that actually refers to the preserved tablet. Also, there is support of that. Remember, when we look at *tafsīr*, we use the Qurʾān to explain Qurʾān first before we apply our opinion; we use another *āyah* of the Qurʾān. So for example, when we look in *Sūrat ʿAbasa,* Allāh talks about the Qurʾān as well and He says:

﴿ كَلَّا إِنَّهَا تَذْكِرَةٌ ﴿١١﴾ فَمَن شَاءَ ذَكَرَهُ ﴿١٢﴾ فِي صُحُفٍ مُّكَرَّمَةٍ ﴿١٣﴾ مَّرْفُوعَةٍ مُّطَهَّرَةٍ ﴿١٤﴾ بِأَيْدِي سَفَرَةٍ ﴿١٥﴾ كِرَامٍ بَرَرَةٍ ﴿١٦﴾ ﴾

No! Indeed, these verses are a reminder. So whoever wills may remember it. [It is recorded] in honoured sheets, Exalted and purified, [Carried] by the hands of messenger-angels, Noble and dutiful.

What does Allah say? He says that this Quran in *Sūrat ʿAbasa*, it is written in honoured, exalted, pure pages and by the hands of noble and virtuous scribe, which obviously is not talking about the humans, but rather the *malāʾikah* and that is what Shaykh al-ʿUthaymīn says. So what we have is two comparisons:

﴿بِأَيْدِي سَفَرَةٍ ﴿١٥﴾﴾

[Carried] by the hands of messenger-angels.

is the same as:

﴿ لَّا يَمَسُّهُ إِلَّا الْمُطَهَّرُونَ ﴾

None touch it except the purified. [56:79]

The people that don't touch it except the pure are the same as the people who are the scribes and these pages which are *'mukarramah'* is the same as *'kitābin maknūn'.*

﴿ فِي صُحُفٍ مُّكَرَّمَةٍ ﴾

[It is recorded] in honoured sheets. [80:13]

﴿ فِي كِتَابٍ مَّكْنُونٍ ﴾

In a Register well-protected. [56:78]

Meaning the preserved, sealed tablet; the original, *al-Lawḥ al-Maḥfūẓ,* which is out of the range of humans. So both of the verses support one another and refer to them like that.

Now that is their immediate response to the *āyah.* They said as for the *āyah* which said,

﴿ تَنزِيلٌ مِّن رَّبِّ الْعَالَمِينَ ﴾

[It is] a revelation from the Lord of the worlds. [56:80]

Remember we said last week that it says 'Qurʾān which was revealed by the Lord of the worlds' that would suggest that Qurʾān is the one which was sent down, but actually that is possible it is referring back to the original Qurʾān (meaning in its conceptual form). It is not a very clear evidence and this is the point that Shaykh al-ʿUthaymīn makes here, he says whenever you have the possibilities of understanding or possibilities of interpenetration from an *āyah*, then it is not possible to insist upon just one unless there is supporting evidence. If you have supporting evidence that takes it the other way (meaning like towards the angels, for example, not the humans), then it is not possible for you to then say that this can only be for the Qurʾān being revealed.

So what does Shaykh al-ʿUthaymīn say? He says as for the ruling, the real discussion has to be around the *aḥādīth*. He says 'the *ḥadīth* is *ḍaʿīf (weak)* because it is a *mursal ḥadīth.* Now a *mursal ḥadīth* means that there is no Companion in between the Prophet ﷺ and the *tābiʿi* narrating it, and every *mursal ḥadīth* is a form of a weak *ḥadīth.* So we are already in a problem from the beginning. Then Shaykh al-ʿUthaymīn says something very interesting; he says if we were to just assume for the sake of argument that the *ḥadīth* is authentic because it is so famous, well-known and well-spread amongst all the people, then the word in it that has been used (*none touch it except the ṭāhir one),*

'*ṭāhir*' we know possibly refers to a pure heart. [It may mean] a heart pure from *shirk,* or pure meaning clean, a body clean from *najāsah,* or *ṭāhir* from ritual impurity - meaning that there are three possibilities.

It could mean a person with *wuḍū'* or it could be a person whose body is clean from *najāsah* or it could mean a person who is just Muslim, free from *shirk.* Therefore when we have so many possibilities, it is not possible to single out one and say that we are going to base it upon this. Shaykh al-ʻUthaymīn also says that Allāh says in the Qur'ān

﴿إِنَّمَا الْمُشْرِكُونَ نَجَسٌ﴾

Indeed the polytheists are unclean [9:28]

This supports the idea that if the *mushrikūn* are *najis,* then the *mu'minīn* are *ṭāhir* and therefore that is a contrast between the two. The Prophet ﷺ also said,[2]

إِنَّ المؤمنَ لا يَنْجُس

The believer does not become impure.

Therefore, this taking away of *najāsah* from the believer obviously leaves him in a state of purity.

Thirdly, he says how can anyone use rationality in this discussion? That would never be a strong evidence. By the way, Shaykh al-ʻUthaymīn here is playing the devil's advocate and he says there is no point for us to go into analogy or rationale, because the *Ẓāhirīyyah* (literalists) do not even accept analogies and rationale when it comes to Islamic rulings - they only go by text and that is the whole point of being a literalist. If you don't know the text, then they are not interested. Shaykh al-ʻUthaymīn says I am not even going to respond to that because the *Ẓāhirīyyah* would not even accept that straight off.

Shaykh al-ʻUthaymīn says that their response to the *āyah* (talking about the *Ẓāhiris*) is as clear as the sun, and that is the absolutely correct response. There is no doubt about the fact that Dāwūd al-Ẓāhirī got that [interpretation] right, that to use that

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[2] *Ṣaḥīḥ al-Bukhāri, Book of Bathing, Chapter: (What is said) Regarding the Sweat of a Junub and a Muslim never becomes impure, hadīth no. 283. Also narrated by 3 of the authors of the Sunan, including Sunan Ibn Mājah, Chapter of Purification and its Sunnah, hadīth no. 534.*

verse and to make out that is referring to the believers and the Qurʾān that we have is wrong and for the majority to use that, don't waste your time. Shaykh al-ʿUthaymīn says I agree with them on that. As for the *ḥadīth* of ʿAmr ibn Ḥazm, his chain is actually weak as they have said

لكنْ مِنْ حيثُ قَبُولُ النَّاسِ له، واسْتنادُهم عليه فيما جاء فيه من أحكام الزَّكاة والدِّيات وغيرها

He says when we look at this *ḥadīth* and how widespread it is and how well-accepted it was by the *tābiʿīn,* the early scholars of the *salaf,* the imāms and how they accepted this *aḥādīth* and all of its rulings… This *ḥadīth* is a long one - it talks about *zakāh issues,* blood money issues, it is a comprehensive letter for the people of Yemen to do with the basis of their religion, the principles of their *dīn.* His point is that from the time of the *tābiʿīn* until our time now, this *ḥadīth* has been accepted and acted upon and they say it has no basis - it is a very inaccurate statement.

In this issue, Shaykh al-ʿUthaymīn talking about his younger days says, 'I used to lean towards the opinion of the Ẓāhiri *madh-hab* (meaning it is not *ḥarām*), but when I deeply thought about this whole issue, the wording in this *ḥadīth* that "none touches the Qurʾān except the pure one" and the word *ṭāhir,* it is always used to refer to a person who is free from *ḥadath.* It is used to refer to *wuḍūʾ*, purity [i.e. either you make *ghusl* or you make *wuḍūʾ*].' Allah ﷻ says in Sūratʾl-*Māʾidah:*

﴿ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُم مِّنْ حَرَجٍ وَلَٰكِن يُرِيدُ لِيُطَهِّرَكُمْ ﴾

… Allah does not intend to make difficulty for you, but He intends to purify you … [5:6]

ولم يكن من عادة النبيِّ صلّى الله عليه وسلّم أن يُعَبِّرَ عن المؤمن بالطَّاهر

He says 'Look at the Sunnah of the Prophet ﷺ. His way is not to call the believer pure; it's not a word which he uses'. If he is referring to a Muslim, he doesn't really call him pure,

لأنَّ وَصْفَهُ بالإِيمان أَبْلَغُ

He says if you want to praise him or want to talk about how pure he is, then we used the word *īmān* - because it is far more powerful, far more clean, far more strong, and far more important. He says 'then it became very clear to me that it is not permissible [for someone] to touch the Qurʾān [when he] does not have *wuḍūʾ,* whether that is from minor ritual impurity (passing wind, going to sleep) or major (sexual impurity). And what I depend on in my argument is not the verses of the Qurʾān, because they do not have a chance, but I depend on the *ḥadīth* of ʿAmr ibn Ḥazm, and its text is very clear and I am happy with that.

I don't want to refer to what the majority are saying about the verses because the *qiyās* upon that is not good enough. He says, 'what if someone says that the letter that was written to the people of Yemen - they were not Muslims at the time, so that itself is a proof that the word *ṭāhir* refers to Muslims. The letter was being sent to people who weren't Muslims. *'Hey non-Muslims, just to let you know, the Qurʾān is coming. None are allowed to touch it except the pure'.* Pure therefore meaning Muslims.

He says, 'Well hold on, why would it stop the Prophet ﷺ from saying that none will touch the Qurʾān except the believers? Why would he use the word pure? Why not just come out and say believers? Why not say people of *īmān*? I do not think that this is clear.'

فالذي تَقَرَّرَ عندي أخيراً: أنَّه لا يجوز مَسُّ المصْحَفِ إلا بِوُضُوء.

After much, much thinking and so on and so forth, it came upon me that one is not allowed to touch the *muṣ-ḥaf.* It is *ḥarām* to touch the *muṣ-ḥaf* without *wuḍūʾ*. This is the position of Shaykh al-ʿUthaymīn. This is my position as well. This is the **class position**. This is not the position of our *shaykh* and our teacher, Shaykh Kehlan and it never was as well. He considered it be a recommended action only. In fact, there is no difference amongst anyone that it is a recommended act. The difference only really comes into whether it is obligatory or not. It is obligated by the four *imāms*, by the Companions, by contemporaries, by Ibn Taymiyyah in the middle ages, by Shaykh al-ʿUthaymīn in this time, and this is the position of the class. For those who will be checking, this will be the position of the class.

Student: So would you get punished if you touched it without *wuḍūʾ*?

Ustādh: We are going to talk about that. All the exceptions and covers. We just wanted to establish the ruling. Once the ruling is established in our mind, then we can start talking about exceptions.

Student: What happened to our rule that there needs to be a clear *sharʿi* evidence to establish something which is *ḥarām*?

Ustādh: For him, even though the *sanad* itself he does not find this *ḥadīth* to be weak, it itself is a clear *sharʿi* evidence that, *la yamussuhu,* meaning it is not permissible. It is

a clear text for him. It is not permissible for the one who isn't *ṭāhir* to touch the Qurʾān.

Student: [inaudible] it sounds more like something, in this day and age that we would say is taboo. That you couldn't...

Ustādh: Agreed and that is what we said before. That is the difference between when you change the grammar to a statement of fact. As you said, a taboo statement and an order. Whereas the statement in the *ḥadīth* is an order. The grammatical construct of it is that it is an order and that is the clear *sharʿi* evidence that Shaykh al-ʿUthaymīn is looking for and he gets in the end. As he said himself, he was on the other opinion.

Student: [inaudible] you've already said there are differences in translation of that, it's an ambiguous statement...

Ustādh: Not in translation. In interpretation, interpretation. Yes. Do you know what Ibn Taymiyyah said? Let me tell you what Ibn Taymiyyah said. Ibn Taymiyyah said: I also believe that this is referring to the angels and I also think that the *kitābin maknūn* is referring to the preserved tablet and not the *muṣ-ḥaf* that we have. He said that even if that is the case, we still take the ruling from it. It's like almost to say (these are his words exactly), that the Qurʾān is hinting that only the pure touch it.

The angels, think about that. Only the pure touch it, the sacred tablet which has the Qurʾān in it. Think about that. Now that we are sending the Qurʾān down to you, this is what Ibn Taymiyyah said. [He said], that we've established a base principle of the foundations. The angels, who are our representatives and the Qurʾān itself, which is a representation of the speech of Allāh ﷻ in *al-Lawḥ al-Maḥfūẓ* the preserved tablet. Now we have with us kind of like a branch.

This is what Ibn Taymiyyah said. So he is also like Shaykh al-ʿUthaymīn. He's not trying to pretend around it that the majority of the people are referring to the Qurʾān. He is referring to those two, but we can still take a ruling from it ourselves. The main evidence is the statement of the Prophet ﷺ and this clear belief amongst all the Companions and the *tābiʿīn*, that one doesn't do it. It's almost like a silent *ijmāʿ*. It's the done thing and the known thing.

Right, now [there are] a number of *masāʾil* and also by the way, there is a *ʿaqīdah* issue here as well that some of the scholars talked about. Amongst them is Ibn Qudāmah. Imagine this was a *muṣ-ḥaf* and we've got Arabic words here (and obviously we've got to talk about this in detail now), but if you say that it is okay to touch this without *wuḍūʾ*, it's almost like you are transferring to this, like this is just ink and paper, mentally. It will lead to that.

When a person starts losing respect for the actual wording itself and just seeing it like ink and paper, it becomes ink and paper for him. Well, that becomes *kufr*. That leads to a theological problem because of course the Muslims and *Ahl'l-Sunnah* have agreed that the Qurʾān is the word of Allāh ﷻ. It must not be seen as ink and paper as much

as the spoken word of Allāh ﷻ. It's almost like they're trying to say that by establishing and obligating *wuḍū*ʾ for the actual, physical *muṣ-ḥaf* is like almost protecting the theological nature of our understanding of the *kalām* of Allāh ﷻ. So it doesn't become in their minds like this normal ink and paper. It is an interesting point.

A number of questions arise. First question, is it *ḥarām* to touch the Qurʾān or is it *ḥarām* to touch the *muṣ-ḥaf*? So the Qurʾān is that which is recited. Is it that which is *ḥarām*? Or is it the *muṣ-ḥaf* which the Qurʾān is in?

The Shāfiʿis say that what is actually *ḥarām* are the letters itself, not the margins. So if the margins have clear, empty space, then those are not a problem. Whereas the words themselves, those are what is *ḥarām* to actually touch. So if we look at this *muṣ-ḥaf* here, according to the Shāfiʿi *madh-hab*, then to touch the actual letters would be what is *ḥarām*. To touch these pages and these *ḥawāmish*, as we call them, that would be something which is permissible. He says because the *ḥawāmish* are just *waraq*, just paper and Allāh ﷻ said,

﴿بل هو قرآن مجيد ﴿٢١﴾ في لوح محفوظ ﴿٢٢﴾﴾

Very interesting *istidlāl*. In *Sūratʾl-Burūj,* He says the *ẓarf* is *ghayra maẓrūf*. He says that the entry is different to what it is entered into. The *āyah* shows that there is a difference between the two. If Allāh ﷻ says, 'Indeed, no it is the majestic Qurʾān which is in the preserved tablet,' there is a differentiation between the two. One is in the other and the second one was not called the Qurʾān. The first one was called the Qurʾān,

It's like saying that these are letters which are in a *muṣ-ḥaf*. This Qurʾān in a collection of pages. And therefore, the Shāfiʿi school say that touching the cover, the pages, and the *ḥawāmish* [is] not a problem, it is the letters themselves. Then the Ḥanbali school said it is *ḥarām* to touch the Qurʾān and that which is written upon.

وقال الحنابلة: يَحْرُمُ مَسُّ القرآن وما كُتِبَ فيه؛

So the full *muṣḥaf* is entirely *ḥarām* to touch except with *wuḍū*ʾ. It is only allowed for the young children, and they said not the Qurʾān - only for the *lawḥ* (meaning the board). You know the board that you write Qurʾān on? In our times, it can be the blackboard or the small whiteboard, you know that you carry around with you.

So according to the Ḥanbalis, they said this is as long as the hands do not touch the actual letters. That is the Ḥanbali position and you will find that in the reference number three there in *al-Iqnāʿ*, which is a Ḥanbali *fiqh* book.

Shaykh al-ʻUthaymīn says there is no doubt that this is the safer position. He says, that I prefer to have the ruling, not of the Shāfiʻi position but [of] the Ḥanbalis. He says that whatever follows something is itself part of it. So everything which is continuous to something takes the same ruling, not an individual ruling. That is his position.

Just to let you know that there is a difference of opinion within the Ḥanbali *madh-hab*, Ibn Qudāmah actually allowed a person, not necessarily to touch the *muṣ-ḥaf* but to carry it in this kind of manner. Carrying it with something separate. And of course all the scholars allow someone, with gloves for example, to touch it and they will often use twigs for example to turn pages etc. Or using some kind of cloth. Also a cover outside the cover of the norm.

Now Shaykh is saying, is it really true? Do we have to discuss this issue about young people because how are they going to memorise the Qurʾān? What does young mean? What about those who are pre-pubescent? He says, some of the scholars said that they are not included in this because they are not *mukallaf.* They are not legally responsible, *aṣlan*.

وإذا كانوا غير مكلَّفين فكيف نُلزمهم بشَيءٍ لا يتعلَّق به كُفْر، ولا ما دون الكُفْرِ؛

He says if they are not legally responsible, then they cannot be held for legal statements of *kufr* or not. He says, of course something less than *kufr* they are not going to be held responsible for.

So then what about something which is a minor sin? He (Shaykh al-ʻUthaymīn) says, of course it's not applicable to them. The pen has been lifted from them, as the Prophet ﷺ said.[3] He says the separate question should be: is their *walīy* (their guardian) sinning if he tells his kids, 'go ahead, knock yourselves out'? That's the real issue; does he have to [stop his kids from touching the *muṣ-ḥaf*]?

The Shāfiʻi school says no. Just like we do not obligate the child to make *wuḍūʾ*, then we do not prevent him from touching the *muṣ-ḥaf*. When we don't make [the child] make *wuḍūʾ*, why are we not going to let him touch the *muṣ-ḥaf,* because he's not *mukallaf*?

Also, we're going to put *shaqqah* upon this parent and commanding him to do things which are not obligatory him *aṣlan*. It's not obligatory upon him to do that and he says this would become a real problem.

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[3] *Jāmiʻ At-Tirmidhi, Book on Legal Punishments, Chapter: What has been related about Those from Whom Punishment is not Required, hadīth no. 1423. Also narrated by al-Nasāʾi, Book of Divorce, Chapter of the Husband whose Divorce is not Valid, hadīth no. 3432.*

The most famous opinion in the Ḥanbali school is that it is not permissible for the child to touch the Qurʾān at all, as we just saw, except with *wuḍūʾ*. Not only that, but the *walīy* must command the child not to do that [touch the *muṣ-ḥaf* without *wuḍūʾ*], and he will be held sinful if he doesn't do that. The same way that the *walīy* is held accountable in obligating *ṣalāh* and *wuḍūʾ* upon the child at the ages of 7, 8, 9, and 10 years old. And we know that he is obligated to do that, right? And if he doesn't, he will be sinful.[4] He [the parent] has to follow the system, and that's before puberty. This is the position of the Ḥanbali school.

However, the Ḥanbali school did make an exception for the board. You see, with the board, the discussion is all about memorizing the Qurʾān. Now obviously in our time, it's not what we do, but back in the day, to memorize the Qurʾān, you would hear it, learn Arabic and then write it out. And then you would rub it off, and then write it again. And when you're writing something, you're obviously touching the actual words, the letters. That's why they always allow it, but they say you mustn't touch the actual words and since there wouldn't actually be a reason to, they'd get around this issue all the time. He says that this is very different than the *muṣ-ḥaf*, because when the *muṣ-ḥaf* itself is written, it stays there as a permanent fixture, whereas the board is erased and is not so permanent.

What's similar to this - and this is interesting for our discussion about computers and so on - is if a person had written the Qurʾān back-to-front, and then he held it to a mirror, then you would only read it correctly in the mirror. Are we to then say that it's *ḥarām* to touch the mirror? Think about that. So if you write it back-to-front, and then you put it in the mirror, and now you're looking at the mirror, if you touched the mirror, is that allowed? Because now it's got the image of the *muṣ-ḥaf* on it. He said that that is something that is allowed, and he's basically trying to say that the ruling for the *lawḥ* (board) is different.

Shaykh al-ʿUthaymīn also says that the *fuqahāʾ* also said that it's impermissible to touch the black board (a *ṣubbūrah*) upon which [the Qurʾān] is written, but it is allowed to touch the letters on it and to write on it, the same way we have with the small boards. He says it's important to differentiate between something large that is immobile and something which is small and carried with one's self as well. There's lots of discussions around the actual nature and appearance of this. How can I conclude this point myself? I want to conclude by saying this: Shaykh al-ʿUthaymīn himself is clear, in my opinion, that he considers it obligatory for one to have *wuḍūʾ* before he can touch the Qurʾān. I think we can agree upon that.

As for the modern day presentation of the Qurʾān for which we have different categories, we're going to look at a few remaining ones. Let's look at what he says here:

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[4] *Sunan Abu Dāwūd, Book of Prayer, Chapter of When a Boy should be ordered to offer Prayer, hadīth no. 495.*

He says what about a book of *tafsīr*? For a book of *tafsīr*, it's simple. If the *tafsīr* is more than the Qurʾān (which it always is, of course), then it doesn't take the ruling of a *muṣ-ḥaf*. It's not considered a *muṣ-ḥaf* and one is not to touch the actual words of the *muṣ-ḥaf,* but turning the pages and reading from the rest of the whole book is something which is permissible and allowed without *wuḍūʾ*. Why? Because a book of *tafsīr* is not considered a *muṣ-ḥaf*.

Now the same thing can be applied in our time for translation. I had a long think about this when we started doing *daʿwah* and giving those *muṣ-ḥafs* out to other people. I cannot think of any example of any translation that has both Arabic and English, where the Arabic is more than the English. So I do not consider any of those [to be] *muṣ-ḥafs*. I mean nowadays you can give out English-only [translations], but I don't know about that. I mean, seeing the fancy Arabic there kind of adds a little bit of *mazza* to the English; that's what I prefer. But to be honest, there's translations like our Abdel Haleem Oxford University print which is English-only, and it looks alright. So is Sahih International. The point is, *tafsīr* doesn't have the ruling of *muṣ-ḥaf*.

Now imagine if it's 50-50. If we have a scenario where we have 50-50, what do you think?

Student: [inaudible]

Ustādh: Remember what I said in the definition. I made it very clear that when it's only the *āyah* by itself, if it's torn or from a page, then it has the ruling of a *muṣ-ḥaf*. But if it's on a page, like a letter [then it doesn't have the ruling of a *muṣ-ḥaf*]. And the evidence for this, by the way, is the letter the Prophet ﷺ wrote to the Caesar.[5] The letter had an *āyah* from the Qurʾān, but it was not considered a *muṣ-ḥaf*. It was carried by everyone. That's where the theory comes from; that's the evidence. So today, if a book is 50-50, what do you give precedence to? When there's a possibility of *ḥarām*, then you always put the *ḥarām* forward, because the issue is about *ḥalāl* and *ḥarām*, it's not about something else and something else. It's like, is it *ḥarām* or it is not? So you give the *ḥarām* the precedent.

Now let's finish this discussion of the *muṣ-ḥaf* on smartphones and apps. The real issue is this now: is it permissible for a person who doesn't have *wuḍūʾ* to use a *muṣ-ḥaf* on a tablet or an iPhone? The answer is yes, because it doesn't necessarily mean you touch it. Like on a computer, for example, in Qur'an Explorer, you press the button to go to the next page. So it's not a problem to actually physically carry around the whole computer or a tablet if you've got a button.

The real issue comes when you're swiping on it. So now we have to decide if the screen upon which the letters appear, are these the actual letters or is it the same ruling as the mirror? I'd like to open this up for discussion, because no scholar can

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[5] *Ṣaḥīḥ al-Bukhāri, Book of Oneness of Allāh, Chapter: What is allowed as regards the interpretation of Taurah and other Holy Books, ḥadīth no. 7541.*

give you answer. They'll give you a subjective understanding based upon what they think. Everyone agrees that a mirror is not a *muṣ-ḥaf*, and you should also know that the basic ruling of a *muṣ-ḥaf* is given to anything upon which the verses are written. Written means inscribed, and it doesn't mean just written in ink. Back in the day, the time of the Prophet ﷺ it was inscribed, in thick parch, or wood, or bone. It wasn't written in ink, at least not all of it. The ruling is about things which are exclusively Qur'ān, inscribed or written. The question is now, what is the nature of the screen? It's a liquid crystal display, which therefore means...?

Student: The light forms the letters.

Ustādh: It's just light, isn't it? I mean, when you look at that, what do you think? What's the first thing that comes to mind when you see that?

Student: It's temporary, so if you swipe it, it'll go away.

Ustādh: So when I swipe that, it's gone. Then it's the next page, and then the next page.

Student: [inaudible]

Ustādh: You mean the screen is something which is on top? So you're not actually touching something. What are you touching, then? Are you touching that letter? I think you are, you know. This is an LCD screen, yes? Liquid crystal is something which is not an image, it's a substance isn't it? I don't know, I'm asking a question. Is it not a substance? I get this idea that if I press it really hard, it'll 'bleed'.

Student: [inaudible]

Ustādh: There is actual liquid? Where does the liquid come from? It's from the LCD isn't it? So I get the feeling, and I've seen it, that if you press really, really hard, there's liquid. So I'm saying to you, that it's possible to say that this screen is touch sensitive, so when you're pressing down and it recognizes heat, it's your finger touching a screen, which is pressurized on a pixel, which is touching some form of electric connection, which is touching the liquid itself or whatever that creates light.

Student: I think it's like wearing a glove.

Ustādh: it's like wearing glove? Like a *muṣ-ḥaf* which is laminated?

Student: [inaudible]

Ustādh: That's a good point. If the screen cracks, you can still see the letters underneath it without distortion. Just the screen is cracked.

Student: It can affect it, though.

Ustādh: Okay, another question has come to mind. If I was to laminate this Qurʾān, would you touch it? Let's have a vote. We're talking technically, because there's no doubt that a Muslim should always have *wuḍūʾ* when touching the Qurʾān. So seven of you would, and the rest of you are saying you wouldn't? Why not? It's too close?

Student: It doesn't feel right.

Ustādh: It doesn't feel right, because it's absolutely touching, especially if you're following the Ḥanbali position.

Students: Yes.

Ustādh: So it's better or worse?

Student: Worse, because you feel it. It's fused to it.

Ustādh: That's even worse, meaning its *muḥram*, because the glass is a barrier, whereas the laminate is like proper fused and it is more part and parcel.

Student: The laminate comes more easily with [inaudible].

Ustādh: So if it didn't come with the [inaudible], then why is it that the scholars themselves consider this from page to be part of the *muṣ-ḥaf* and shouldn't be touched? According to Shāfiʿis or the majority in fact, it's not possible for us to walk around with the *muṣ-ḥaf* like this and say that we are touching the *muṣ-ḥaf.* They considered all this to be connected.

Student: [inaudible]

Ustādh: I can tell you that the scholars have given the *fatwa* on this; they are not giving it based upon *madh-hab*, and they are giving it using *madh-hab* to help them because it is a new scenario.

Student: What if we treat *tafsīr* as ….

Ustādh: That's a good point. The brother is saying what if we are treating *tafsīr* as a form which has so many other thing and we have [so many apps] ourselves that we have more pages in *tafsīr* than we have in *muṣ-ḥaf*.

The reason is not applicable here because what you are actually seeing is just not the *muṣ-ḥaf*, it's not like the pure *muṣ-ḥaf* in front of you. That's the same ruling as 'is it allowed to take this [into the toilet]'. You see, that's interesting. All of us are like, "Oh no, slow down, we are not doing that." But no one says the problem is that if you turn it off and then take this… because it gone off the screen and it's nowhere here.

Student: It's primarily a phone, so it can disappear.

Ustādh: So, that's the argument. It's primarily like a mirror, [in that] it shows here.

Student: So what the Shāfiʿis say is not about the *muṣ-ḥaf* but the letters itself [inaudible]

Ustādh: Yeah, good one. If you go the bottom, it changes the page.

So there is an acceptable difference of opinion in that. Look, in my mind, it is not a *muṣ-ḥaf* and I believe that it can be used and I believe that it can be touched, but my heart says, 'no I should still do *wuḍū'*"; my heart knows that it's safer.

Obviously, we are able to change the page for example, by pressing a button or whatever. Then there is no issue, and if you are able to avoid the words itself then there is not an issue. The safe position is obviously is to treat it like that and there is no doubt about that.

I remember a long time ago, Shaykh Kehlan himself, his opinion was that it takes the ruling of a *muṣ-ḥaf*. Shaykh Kehlan doesn't see the obvious thing to have *wuḍūʾ* for the *muṣ-ḥaf* anyway; he doesn't believe that it's obligatory, but as every scholars does it and he believes it, I mean it's good.

Likewise, he says anything which the Qurʾān appears upon take the ruling of the Qurʾān .

Now it's a nice and easy principle to have, but the root issue is that ethically, should we be thinking like that? Or we are trying to do some kind of Jewish number on that, like you know we say that it's really kind of Qurʾān, no fish on Friday, no fish on Saturday…?

Ustādh: If we projected the Qurʾān on the wall, would you say that wall is *ḥarām* to approach now? No, no one is going to say that.

I genuinely think that it's a good argument and my position is this: that it's always best to have *wuḍūʾ* and no doubt in it.

And the **class position** is that it's the general ruling and it's the part of the text here, and I personally think we should deal with the safe side on that issue. If we criticise someone, we didn't do it because of the *khilāf* in the issue.

ṢALĀH

It is impermissible to touch the *muṣ-ḥaf* without *wuḍūʾ* or to pray. So the prayer is forbidden for the *muḥdith* because Allāh ﷻ says,

﴿يَاأَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلاَةِ فَاغْسِلُوا وُجُوهَكُمْ﴾

O you who have believed, when you rise to [perform] prayer, wash your faces

So it is very clear from the Qur'ānic *āyah* that when you want to pray, you should make *wuḍū';* that's absolutely clear. *SubḥānAllāh* he makes a point here, and it is something we must spend few minutes on. He says, 'It is not permissible for a Muslim to pray whilst he does not have *wuḍū'.'*

You might think that it's obvious. What is more obvious is how many people that do that while they have broken their *wuḍū'*; they pass wind in the prayer and they feel embarrassed. And that embarrassment keeps them in that position and they carry on prayer. What's the ruling upon that person?

Shaykh says, 'This, according to some scholars, is mocking the prayer, and there is absolutely no doubt this person is *kāfir* by then'

فهو كافر لاستهزائه. وإنْ كان متهاوناً فقد اختلف العلماء . رحمهم الله . في تكفيره.

He says, 'If this person prays the prayer without *wuḍū'* to mock the prayer, he is a *kāfir*.' As for the one who is not wanting to do it because he is ashamed or embarrassed or he isn't aware or whatever, or he is sitting or he wants to but he is not bothered, or he wants to go to the toilet and the toilet is far away like in the *ḥaram*, Shaykh says the *'ulamā'* differed over whether he is a *kāfir* or not. Do you understand the seriousness of the discussion? They differed *fī takfīrih* (in his status as a Muslim or *kāfir*).

So in the *madh-hab* of Abū Ḥanīfah رحمه الله, he is a *kāfir* because he says there is no doubt about the *mustahzi'* (the one who mocks). Allāh ﷻ has made it very clear in the Qur'ān in *Sūrat'l-Tawbah*, ayah 65,

﴿قُلْ أَبِاللَّهِ وَآيَاتِهِ وَرَسُولِهِ كُنْتُمْ تَسْتَهْزِئُونَ ﴿٦٥﴾﴾

Is it Allah and His verses and His Messenger that you were mocking?

Abu Ḥanīfah said whoever prays while he doesn't have *wuḍū'* knowing that Allāh ﷻ has obligated *wuḍū'* for the prayer, is like the one who mocks the prayer. So he has taken the hardcore approach.

As for the *madh-hab* of the three *imāms*, they said it is not *kufr* because it's not a major sin,

لأنَّ هذه معصيةَ، ولا يَلْزَمُ مِنْ تَرْكِهِ أنْ يكونَ مُسْتَهزئاً

And he says - and this is the **class position** as well - it does not rationally lead on that the one who doesn't make *wuḍū'* and prays is mocking; it means other things like embarrassment, shame, etc.

The *kufr* has to be with something that you believe. When we talk about *kufr,* it has to be with something that you believe, and can't be mistakes, shame, embarrassment and things like that.

Shaykh al-'Uthaymīn says - and it's our position as well – that if he prays without the *wuḍū'*, mocking the prayer, he is *kāfir.* And if he doesn't, then he is not *kāfir* but he is in big trouble.

The second evidence for the prayer is the *ḥadīth* which says, 'Allāh ﷻ does not accept the prayer without purification.' This *ḥadīth* is narrated by Imām Muslim.[6]

And then the *ḥadīth* which has been narrated by Imām Aḥmad that there is no prayer without purification.[7] Another *ḥadīth* narrated by Imām Bukhāri:[8]

لا يقبل الله صلاة أَحَدِكُمْ إِذا أَحْدَثَ حتى يتوضَّأ

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[6] *Sunan an-Nasā'i, Book of Zakāh, ḥadīth no. 2524. A similar wording is narrated by Sunan ibn Mājah, Book of Purification and It's Sunnah, ḥadīth no. 273.*

[7] *Sunan Abu Dāwūd, Book of Purification, Chapter of the Obligatory status of wuḍū', ḥadīth no. 59. The same wording is narrated by Musnad Aḥmad, Ḥadith of Ibn 'Umar, Chapter 2, ḥadīth no. 57. Ḥāfidh Ibn Ḥajr said this chain (of Ibn 'Umar) is Ṣaḥīḥ.*

[8] *Ṣaḥīḥ al-Bukhāri, Book of Ablutions, Chapter: No Ṣalāh is accepted without ablution, ḥadīth no. 135. Also narrated by Ṣaḥīḥ al-Muslim, Book of Purification, Chapter: The Obligation of purifying oneself for the Ṣalāh, hadīth no. 225.*

Allah ﷻ does not accept a prayer of any one of you if you have broken your *wuḍūʾ* until you make *wuḍūʾ*. It's very, very clear.

The third evidence is *ijmāʿ*; the entire nation of Muslims have agreed that it is *ḥarām* for the *muḥdith* to pray without *wuḍūʾ*.

He says the real issue that we need to define is what prayer is; that is the real discussion. Everyone is thinking about prayer and that is the end of the end. No, he says we should define what prayer is. He says the prayer that the Prophet ﷺ told us about was the prayer that starts with of *tabkīratʾl-iḥrām* (*Allāhu akbar*), and it ends with the *taslīm* (*assalāmu ʿalaykum wa raḥmatullāh*), regardless of how many *rukūʿ* and *sujūd* there are therein.[9] That is the prayer the Prophet ﷺ is talking about.

What kind of prayers are those? [They are] the five daily prayers, *jumuʿah*, the two *ʿĪd* prayers, the prayer for rain, the prayer for the eclipse and the funeral prayer. He says the funeral prayer and he repeats the funeral prayer because the *janāzah* opens up with a *takbīr* and it ends with the *taslīm.*

مُختتمة بالتَّسليم

And therefore according to the *sharīʿah,* it is what we call a prayer. Why does he make that point?

Student: Because there is no *sujūd.*

Ustādh: Because there is no *sujūd* in it and why else was he making that point? Because Abu Ḥanīfah does not consider - as does Ibn Taymiyyah, by the way - *ṣalātʾl-janāzah* as *ṣalāh*. They did not consider it to be a *ṣalāh*; they considered it to be a *duʿāʾ*. There is some discussion about that.

Some of the scholars said

إِنَّ الصَّلاةَ هي التي فيها رُكُوع وسجود

A prayer must have *rukūʿ* and *sujūd*. Others said it must be a prayer that has two units or more.

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[9] *Sunan Abu Dāwūd, Book of Purification, Chapter of the Obligatory status of Wuḍūʾ, hadīth no. 61.*

تكون رَكْعَتَيْن فأكثر، إلا الوِتْر فهو صلاة، ولو رَكْعَة

They said it must be two units or more other than *witr*. *Witr* is an exception and that is allowed as well.

Shaykh al-ʻUthaymīn says that the first position is the correct one, that the *ṣalāh* is something which opens with *takbīr* and ends with the *taslīm*. It does not matter whether it has *rukūʻ*, *sujūd*, zero or twenty - if it begins with *takbīr* and ends with *taslīm*, it has words in-between and actions in-between in a set order then it is considered to be a prayer.

You may be thinking, why is this discussion happening? The answer is because we want to try to understand the ruling for *sajdat'l-tilāwah* and *sajdat'l-shukr* that has got to be the discussion. You see people doing it all the time, the real question is, do they need to have *wuḍū'* for those?

First of all, he says in our *madh-hab* (the Ḥanbali *madh-hab*), *ṣalāh* definitely opens up with *takbīr* and it ends with *taslīm*.

ولهذا يُشرعُ عندهم أن يُكبِّر إذا سجد وإذا رفع، ويُسلِّم. وبِنَاءً على هذا يَحْرُمُ على المحْدِثِ أن يَسْجُدَ للتِّلاوة أو الشُّكْر وهو غير طاهر. فالخلاف في اشتراط الطَّهارة

This is very interesting. He says therefore, in Ḥanbali *madh-hab* they consider *sajdat'l-shukr* and *sajdat'l-tilāwah* to be prayers. So that means you have got to say *Allāhu akbar*, make the *sajdah* and give the *salām* and you have to make *wuḍū'*. That is the Ḥanbali position for the *sajdat'l-tilāwah* and *sajdat'l-shukr*.

What is *sajdat'l-tilāwah*? *Sajdat'l-tilāwah* is when you come across a verse of the Qur'ān in which the scholars have agreed that one should make a prostration after you read it, of which there are 15 in the Qur'ān.

What is *sajdat'l-shukr*? It is the prostration for thankfulness, which is what someone does if they have heard some brilliant news or something harmful has been kept away. That is what those two *sajdah*s are.

According to the Ḥanbalis, you have to say *Allāhu akbar*, go down, say *salām,* and you have to have *wuḍū'*. The real question that Shaykh al-ʻUthaymīn is trying to say… he says that if you really think about this, you can see that the *Sunnah* indicates that they are not actually prayers. They are not prayers. Why? He says the first evidence is that the Prophet ﷺ would make *sajdat'l-tilāwah* all the time and it has not been narrated

that he used to make *takbīr* when he would go down for *sajdah* or when he would come up, and we do not know that he ever gave the *salām*. Except in one *ḥadīth* which is narrated by Imām Abu Dāwūd, in which he made a *takbīr* on the way down, but not on the way back up.[10]

This is actually my own personal position as well, but when you are praying with Paks they have a little bit of a heart attack. So you should use the other one. I remember for 15 years I was leading *ṣalāh,* and for years I would carry on doing that. I would stick to this very strictly - *Allāhu Akbar* upon going down.

By the way, the *ḥadīth* of Abū Dāwūd is narrated by ʻAbdʼl-Razzāq and by Abū Dāwūd in the Book of *Ṣalāh* and it is narrated on the authority of Nāfiʻ, on the authority of ʻAbdullāh ibn ʻUmar that he said that the Messenger of Allah ﷺ was reciting Qurʾān to us and when he would come across a *sajdah,* he would make *takbīr.*

كبّر وسجد وسجدنا

He would make *takbīr* and he would go in prostration and we would go to prostration as well. The *muḥaqqiq* says that the narrator in one of the *sanads* that is called ʻAbdullāh ibn al-ʻUmari is weak and Imām Al-Nawawi said that this *ḥadīth* also has a weak chain. This *ḥadīth* is weak.

I used to act upon this *ḥadīth*, meaning that I would go down and then actually did not like to actually say *takbīr* on the way down. What is clear from the Prophet ﷺ is that he never used to (say the *takbīr*). This is the only *ḥadīth* that said he did, but I wanted to act upon this *ḥadīth*. I made *takbīr* going all the way down, like what you see Paks doing. On the way back up, I could not justify it. I said if they could hear the recitation, it is obvious they have got to stand back up because you are praying.

If you are praying and you come to a verse in the Qurʾān, first of all you have to understand why I had to actually make *takbīr*. If I go down, they have to go down. But then I thought "Yeah, you know what? It makes sense. Sisters and people in the back cannot see." So I used to say *Allāhu akbar* long and loud and go down. If I come back up and carry on reciting, you expect people to come back up. I did once and everyone was still in *sajdah*, 10 seconds, 15 seconds, 20 seconds and then *subḥanAllāh* I was saved by one guy. One guy *miskīn* he said 'You know what, forget it. I am going to do it,' so he stood up. When he stood up, everyone else stood up. Then I said "Come on

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[10] *Sunan Abu Dāwūd, Book of Prostration while Reciting the Qur'an, Chapter of A Person on a Mount hears a Prostration..., ḥadīth no. 1413. Also narrated in the Musannaf of Abdur* Razzāq, *ḥadīth no. 5911. The muḥaqqiq said the narrator before al-Nāfi', Abdullāh ibn 'Umar al-'Umuri is a weak narrator. Imam an-Nawawi said this chain is weak.*

guys, when I stood up reciting all you guys did not." They said they did not know, "You did not say *Allāhu akbar.*" I said "What are you talking about? You are meant to be following me, man, not following my statements." After that I said to myself that I am going to say *Allāhu akbar* on my way back up.

Student: [inaudible]

Ustādh: Yes, this is *sajdat'l-tilāwah,* correct. This is obviously only if the *sajdat'l-tilāwah* comes in the *ṣalāh*.

This issue is just talking about if a person is reading Qurʾān. Should he say *Allāhu akbar* or not? The correct position is that if I am reading Qurʾān now and I come across a *sajdah,* I just go down. There is no *Allāhu akbar* on the way down, there is no *Allāhu akbar* on the way up, and there is no *salām* at all. That is the correct *Sunnah*.

The second evidence is that the Prophet ﷺ did *sajdah* in *Sūratʾl-Najm* and the Muslims and the *mushrikīn* made *sajdah* with him, and the *mushrik* cannot even do a prayer.[11] The Prophet ﷺ never said anything against them. This is a weak evidence, of course. Shaykh al-ʿUthaymīn says if you really think about it, it is not really a good, strong evidence.

He says if the person thinks about the Prophet's ﷺ *sajdat'l-shukr,* then it will become very clear that he does not make any *takbīr*

وعليه لا تكون سجدة التِّلاوة والشُّكر من الصَّلاة

Meaning if you look at every single time that he made *sajdat'l-shukr,* there is no narration of *takbīr*. Basically his evidence is that whenever the Prophet ﷺ did either, it was never done. He says, therefore, it is very clear to me that it is not *ḥarām*. A person does not need to have *wuḍūʾ* to do *sajdat'l-tilāwah* or *sajdat'l-shukr,* even though it is recommended to have *wuḍūʾ,* of course, like it is always recommended to have *wuḍūʾ* when making *dhikr*. If he does not have it, it is not *ḥarām* and this is the position of Ibn Taymiyyah and it is also authentically narrated from ʿAbdullāh ibn ʿUmar ibn al-Khaṭṭāb ؓ that he would make *sajdat'l-tilāwah* without *wuḍūʾ* at all. He (Shaykh ʿUthaymīn) says this is something which is a clear point.

He says that if you also think about it, this makes sense, especially with *sajdat'l-shukr.* You don't have to think; you have just heard great news, you just go quickly and make

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[11] *Ṣaḥīḥ al-Bukhāri, Book of Prostration during the Recital of Qur'ān, Chapter: Prostrations during the Recital of Qur'ān, hadīth no. 1067. A very similar narration was recorded from Ibn 'Umar by Ṣaḥīḥ al-Muslim, Book of Mosques and Places of Prayer, Chapter: The Prostration of Recitation, hadīth no. 576.*

wuḍū', then you might get hooked up in the bathroom and then, you know, whatever, then you might want to go toilet and then all the excitement drains out, then all the excitement is gone and then you come back out and then you say it wasn't all that good news anyway. You miss out on the good moment and then it is all over. I think this is a good position.

I'll tell you something interesting. I remember when Pakistan was in the World Cup or T20 and all the players all went into *sajdah* all in different directions. Then there was this big discussion. I remember writing an article on my blog the next day. I said you know they followed the *Sunnah* to be honest, no *qiblah* needed, no *wuḍū'* needed, just do it, there and then.

Obviously I said that if *sajdat'l-tilāwah* is in the *ṣalāh,* you must make *wuḍū'* because you will be praying. I thought I would just mention that just in case.

ṬAWĀF

Finally, *ṭawāf* is something which, according to a number of the scholars, it is not permissible to do around the house whether it is in *Ḥajj* or *'Umrah* or general visiting unless you have *wuḍū'*. It does not matter what day it is (inside of *Ḥajj*, outside of *Ḥajj*). Why is that? Because it has been narrated by Imām al-Bukhāri that when the Prophet ﷺ wanted to make *ṭawāf,* he would make *wuḍū'* and make *ṭawāf* – first evidence.[12] The second evidence is the *ḥadīth* of Ṣafiyyah[13] when it was said to him ﷺ

إِنَّ صَفِيَّة قد حاضَتْ وظنَّ أنها لم تَطُفْ

That Ṣafiyyah she is menstruating and then he did not know; he thought that means she had not done *ṭawāf al-ifāḍah,* which is the main *ṭawāf*. So he said,

أحابِسَتنا هي؟

"So she is holding us back, then?" 'Holding us back' would suggest that if she is menstruating, then that means she cannot do the *ṭawāf al-ifāḍah,* she is part of our

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[12] *Ṣaḥīḥ al-Bukhāri, Book of Ḥajj, Chapter: Ṭawāf of Ka'bah on Reaching Makkah,* [hadīth no. 1614 and 1615].

[13] *Ṣaḥīḥ al-Bukhāri, Book of Ḥajj, Chapter: If a Woman gets her Menses after Ṭawāf al-'Ifāḍah,* [hadīth no. 1757].

caravan, and therefore she going to hold us back. Obviously if she is in menstruation, she is *muḥdithah* – she is not in state of *ṭahārah.*

Number three evidence is the *ḥadīth* of ʿĀʾishah.[14] When she was menstruating, the Prophet ﷺ told her do everything that you would normally do in *Ḥajj,* just do not make the *ṭawāf*. Which is obvious what he is trying to say.

Fourthly, the statement of the Messenger of Allah ﷺ:[15]

الطَّواف بالبيت صلاة؛ إلا أنَّ الله أباح فيه الكلام؛ فلا تَكلَّموا فيه إلا بخير

That *ṭawāf* around the House is a prayer other than the fact that Allāh has allowed you to speak in it, so only speak good therein.

If it is *ṣalāh,* then of course it should be having *wuḍūʾ*. This has been narrated by Imām al-Tirmidhi.

Finally, the fifth evidence is as Allāh ﷻ said in *Sūratʾl-Baqarah*,

﴿وعهدنا إلى إبراهيم وإسماعيل أن طهرا بيتي للطائفين والعاكفين والركع السجود﴿١٢٥﴾﴾

And We commanded Abraham and Ishmael: 'Purify My House for those who walk round it, those who stay there, and those who bow and prostrate themselves in worship.'

These are the five evidences that they used. Some of the scholars said that there is no condition of purity for *ṭawāf*. They said that there's no doubt that it's good, but it's not a condition. It's not *ḥarām*. If you make *wuḍūʾ*, then it's going to be more perfect.

What's the evidence? They said first of all, there is no clear evidence that the Prophet ﷺ said that Allāh will not accept the *ṭawāf* from someone who doesn't have their

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[14] *Ṣaḥīḥ al-Bukhāri, Book of Menstrual Periods, Chapter: Menses Ordained for Women (and Instructions) when they get their Menses, ḥadīth no. 294.*

[15] *Jāmiʿ At-Tirmidhi, Book on Ḥajj, Chapter: What has been Related about Talking during Ṭawāf, ḥadīth no. 960. An-Nasāʾi, al-Bayhaqi, ibn Ṣalāh and an-Nawawi all said this is not an authentic ḥadīth of the Prophet. Ibn Ḥajr, ibn Sakan, ibn Khuzaymah and ibn Ḥibbān all said it is an authentic ḥadīth. Shaykh ʿUthaymīn holds the position that this is a statement of Ibn ʿAbbās and not a hadith of the Prophet.*

wuḍū'. Never in his life did he say that Allāh will not accept the *ṭawāf* of the person who does not have *wuḍū'.* That's the killer line, right there.

They said 'Let's respond to the evidences.' The first one – the Prophet ﷺ making *wuḍū'* before *ṭawāf* was just a recommended action. There's no evidence to obligate it. This was just to show that it is recommended.

They said the *ḥadīth* of ʿĀ'ishah and the *ḥadīth* of Ṣafiyyah just shows that the people of menstruation are holding them back, not because of the *ṭawāf,* but because the menstruating women are not allowed to go into the *masjid*. So because they can't go into the *masjid* (the *Kaʿbah*), they can't even make the *ṭawāf*.

The *ḥadīth* that the *ṭawāf* around the house is a prayer is not a *ḥadīth* which is authentic, and in actual fact, this is the statement of ʿAbdullāh ibn ʿAbbās and it's not a *ḥadīth.* Who agrees with him on that? It was considered to be a weak *ḥadīth* of the Prophet ﷺ and an authentic statement of Ibn ʿAbbās by Imām al-Nasā'i, by al-Bayhaqi, by Ibn Ṣalāh al-Munẓiri and Imām al-Nawawi - they all said this is a weak *ḥadīth* of the Prophet ﷺ.

As for those that said it has been risen to the Prophet ﷺ, they are: Ibn Sakan, Ibn Khuzaymah, Ibn Ḥibbān, al-Ḥākim, and Ibn Ḥajr. Shaykh al-ʿUthaymīn says there are many reasons for the weakness of this hadith. Forget the chain – look at the text. The text says the *ṭawāf* around the house is a prayer, so don't speak except good in it. He says that's not a correct metaphor. He said it's not a prayer because you can walk in it, eat in it, you can drink in it. He said this kind of statement can not have come from the Prophet ﷺ. That's a big call, what he said there. But he's just trying to say that it's contradictory.

As for the *āyah* that Ibrāhīm and Ismāʿīl were commanded to purify the house, that doesn't mean anything. It doesn't mean that a person has to make *wuḍū'*. It could just mean that a person should be clean. It says 'make the house clean.' For who? *Al-ṭā'ifīn* (people who make *ṭawāf*), the people who do *iʿtikāf*, and the people who pray. Is it permissible to go into the *masjid* for *iʿtikāf* if a person doesn't have *wuḍū'*? The answer is yes. Is it possible for the person who is about to pray to go into the house and not have *wuḍū'?* Yes, it's allowed. So they said just like it's allowed for the second and third categories, it's allowed for the person who is making *ṭawāf.*

Therefore, Shaykh al-ʿUthaymīn says *wuḍū'* is not a condition for *ṭawāf*, which let me tell you brothers and sisters, is a massive statement. That is his position, and I certainly lean towards it. And there's no doubt as Shaykh al-ʿUthaymīn says, that to make *wuḍū'* is so much better. If you have that, that is an absolute game-changer when it comes to *Ḥajj* and *ʿUmrah*, I'll tell you that right now. That actually takes out *wuḍū'* from most of the actions other than the prayers.

Shaykh al-ʿUthaymīn finishes off the chapter. The only question that remains is the following: if your woman is there with you and she's menstruating and it's *Ḥajj* time,

the bus is about to go and she has just started and you can't delay, what happens? The scholars talked about it. Basically, to summarise, Shaykh al-'Uthaymīn goes with the position of Ibn Taymiyyah which is the position that I also give ruling by, and it is the position that the majority give *fatwa* by. And that is that due to the necessity (*ḍarūrah*), it's allowed for her to make the *ṭawāf* in her current state. This is the position of Shaykh al-Islām and he says this is correct.

لكن يجب عليها أن تتحفظ وحتى لا ينزل الدم إلى المسجد فيلوثه

He says something that sisters will find offensive but it needs to be said – that they must not soil the *masjid*. Basically, wear good sanitary pads. That is the end of the chapter on *nawāqiḍ al-wuḍū'*.

Q & A

Q: What is the class position regarding children touching the *muṣ-ḥaf*?

A: I believe that it is permissible for kids to touch the *muṣ-ḥaf* and that they should be asked to make *wuḍū'* as much as possible but it is not *ḥarām* for them because they are not *mukallaf*.

Q: If you take a picture of the *muṣ-ḥaf* or a picture of a building which has *āyāt* on it, is that the same as the mirror?

A: It's like a mirror, I think. I mean, what else could it be?

Q: For the *sajdat'l-tilāwah*, I just want to clarify. There's no *takbīr* on the way down or up?

A: There is no *Allāhu akbar* on the way down, there is no *Allāhu akbar* on the way up, and definitely no *assalāmu 'alaykum wa raḥmatullāh* when it comes to the *sajdat'l-tilāwah.* I just want to make it very clear that there's a big difference between reciting Qur'ān and touching the Qur'ān. For everything to do with the Qur'ān and *dīn* and *dhikr, wuḍū'* is legislated. You should make *wuḍū'* for every *dhikr* and every act of *'ibādah*. Our discussion is not about that. Our question is what is a condition? What is obligatory? When do we sin? So when we talk in those kind of black and white terms, we have determined that to recite the Qur'ān is permissible for the one who does not have *wuḍū'*. That's no problem. To touch the physical Qur'ān, you should be having *wuḍū'.* When it comes to reciting the Qur'ān by heart and an *āyah* of *sajdah* comes along, you make the *sajdah* without the *wuḍū'* and that is no problem. But if you are

reading the Qurʾān, we said that you must have *wuḍūʾ,* so you will have *wuḍūʾ* for *sajdatʾl-tilāwah* anyway.

Q: [inaudible]

A: Yes. I don't want to get into too much detail about that because *sajdatʾl-tilāwah* and *sajdatʾl-shukr* have their own section. But yes, you can recite it 50 times and only make one *sajdah* because you're learning it. In one sitting, yes. Right then and there when you recite the same *āyah*, you only make one *sajdah*.

13. The Chapter of Bathing I

Bāb al-Ghusl

Alḥamdulillāh, we have a new chapter today. It's the ninth chapter that we are starting a now and it is the Book of *Ghusl* or the Chapter of Bathing.

I will read out the Arabic text, then I will read out the English.

So *Bāb al-Ghusl* - the *mu'allif* Imām al-Ḥajjāwi رَحِمَهُ ٱللَّهُ, this is what he said:

ومُوجِبُه خُروجُ الْمَنِيِّ دَفْقًا بلَذَّةٍ لا بِدونِهما من غيرِ نائمٍ، وإن انْتَقَلَ ولم يَخْرُجْ اغْتَسَلَ له، فإنْ خَرَجَ بعدَه لم يُعِدْه، وتَغْيِيبُ حَشَفَةٍ أَصْلِيَّةٍ في فَرْجٍ أَصْلِيٍّ قُبُلًا كان أو دُبُرًا ولو من بَهيمةٍ أو مَيْتٍ، وإسلامُ كافرٍ، وموتٌ، وحَيْضٌ، ونِفاسٌ، لا وِلادةٌ عاريةٌ عن دَمٍ.

ومَن لَزِمَه الغُسْلُ حَرُمَ عليه قِراءةُ القرآنِ. ويَعْبُرُ المسجدَ لحاجةٍ ولا يَلْبَثُ فيه بغيرِ وُضوءٍ.
ومَن غَسَّلَ مَيْتًا أو أَفاقَ من جُنونٍ أو إغماءٍ بلا حُلْمٍ سُنَّ له الغُسْلُ.
والْغُسْلُ الكاملُ أن يَنْوِيَ ثم يُسَمِّيَ ويَغْسِلَ يديه ثلاثًا وما لَوَّثَه، ويَتَوَضَّأَ ويُخْثِيَ على رأسِه ثلاثًا تُرَوِّيْهِ ويَعُمَّ بدَنَه غُسْلًا ثلاثًا، ويَدْلُكَه، ويَتَيَامَنُ، ويَغسِلُ قَدَمَيْهِ مكانًا آخَرَ.

والْمُجْزِئُ أن يَنْوِيَ ويُسَمِّيَ، ويَعُمَّ بَدَنَه بالغُسْلِ مَرَّةً،
ويَتوضأَ بِمُدٍّ، ويَغتسِلَ بصَاعٍ، فإنْ أَسْبَغَ بأَقَلَّ أو نَوَى بغُسْلِه الْحَدَثَيْنِ أَجْزَأَ،
وَيُسَنُّ لِجُنُبٍ غَسْلُ فَرْجِه، والوُضوءُ، لأَكْلٍ ونَوْمٍ ومُعاودةِ وَطْءٍ.

The Book of *Ghusl* (ritual bath)
Ghusl is obligated in the following cases:

- The ejaculation of sperm in spurts and accompanied by pleasure from someone who is awake. Without these two characteristics, this is not the case.
  If one feels the sperm moving but it doesn't exit, one still takes *ghusl* because of that. If the sperm exists afterwards, it is to be ignored.

So that is the entire chapter. The translation of the chapter is:

- The glans of the penis completely penetrates the normal vagina or anus even that of an animal or a deceased one
- A non-Muslim enters Islam.
- Death
- Menstruation
- Postpartum bleeding, but not if one delivers without any bleeding.

Whoever is obligated to do *ghusl* is also prohibited from reading the Qur'ān. They are allowed to pass through the mosque if there is a need, but must not remain therein without *wuḍū'*.

It is a recommended *Sunnah* to make *ghusl* if:

- One washes the dead body,
- One regains their intellect after losing their sanity
- One regains consciousness and they haven't had a wet dream during that period.

A complete *ghusl* comprises of making the intention, then saying *bismillāh*, washing the hands three times as well as other impure parts, then making *wuḍū'*, then pouring water over the head three times, ensuring that it gets right through, then pouring water over the body completely three times, having cleaned the entire body starting on the right-hand side first and washing the feet in a different place.

It is sufficient, however, for the *ghusl* to just make the intention, then say *bismillāh*, and wash the entire body just once.

One should make their *wuḍū'* with a *madd* of water and make the *ghusl* with a *ṣā'*. If one washes with less than these amounts, and one wishes to lift both states of ritual impurity, minor and major at the same time, then that is sufficient.

It is recommended for the sexually impure to wash the private parts, and then make *wuḍū'* before

- he eats
- he sleeps
- he repeats or she repeats intercourse

That is the entire chapter of *ghusl*.

So because you guys are maybe not obviously used to this lesson, students at LP are very used to speaking very frankly about these things. There are a lot of sensitive matters here, and people are like "Oh my God." And also we have young children here and so on. The conversation will get quite explicit, and I don't know, it might be an idea for the young ones to maybe have some fun outside in the hall.

Let's start from the beginning *inshāʾAllāh*. *Bāb al-Ghusl*. Shaykh Muḥammad Mukhtār Al-Shanqīṭi رحمه الله starts off by explaining that the *ghusl* means to pour water over something. To do *ghusl* of something is to pour water over something without having to touch it. Pour water over it and you've washed it.

INTENTION

As for the technical meaning of *ghusl*, in order to establish the actual meaning from a *sharīʿah* point of view, it is – *taʾmīm ul-badn biʾl-māʾ bi niyyatin makhṣūṣah* - to completely cover the body with water with a very specific *niyyah*. That's a very good and accurate definition because we do *ghusl* for different reasons.

Sometimes we do *ghusl* because we are hurt (but we don't call it *ghusl*). Sometimes we do *ghusl* for *jumuʿah* and we expect to be rewarded for that. Sometimes we do *ghusl* to lift the *janābah* which is the most normal one and that would need to have a specific intention. These are all things that we will be covering as we go along.

Obviously, the *niyyah* is a very important aspect. The reason that we talk about the intention is that especially in hot countries like Malaysia, you might come in and you're hot anyway. You are going to go in and just shower automatically one or two times a day because it's hot. You also have a *sharīʿah* reason to take a shower. I'm calling the modern day *ghusl*, a shower. You have that reason and you go in but you are not mentally focused. You go in thinking beforehand that this is going to be for a reason like *janābah* or *jumuʿah*, but in actual fact, by the time you get in (and it's so hot) your mind is completely dominated by the fact that you are washing to clean or cool yourself down. The *niyyah* is very important.

This is according to the majority of the scholars. In the Ḥanafi school, the *niyyah* is not a condition for lifting the state of *ḥadath*. What is *ḥadath*? It's a state of ritual impurity. It's not physical impurity. It's being in this impure state that requires you to do *wuḍūʾ*. You have *ḥadath al-asghar* and *ḥadath al-akbar*. *Ḥadath al-asghar* is, for example, when a person passes wind or wakes up from sleep - a minor state of ritual impurity for which they do the minor purification, which is *wuḍūʾ*, to lift that spiritual state of impurity. *Ḥadath al-akbar* is, for example, *janābah* (sexual impurity). It's a major impurity and it requires major *ṭahārah* which is the *ghusl*.

WHAT OBLIGATES *GHUSL*?

Shaykh al-ʿUthaymīn starts off by saying that the author says,

موجبه الغُسْل

[Meaning], what obligates the *ghusl*… The word *mūjib* can actually be stated as *mūjab* and *mūjib* in the Arabic language. It is defined as those things which obligate the action (*ghusl*) itself. The first of these things which obligates *ghusl* is ejaculation. The word is *khurūj*. I should translate it as 'the exit'. The exiting of *al-manīy*.

It happens quite often where a person will talk about a subject using a very important word but the word and its synonyms are defined later on in *fiqh*. We are talking about *manīy* (sperm). It's actually a confusing concept because it gets mixed up with *al-madhīy* and *al-wadhīy* and also with other female discharge, etc. Women are always asking about normal female discharge. Men mostly ask about sperm and also about *madhīy* which is prostatic fluid and *wadhīy* which is somewhere in between. People also ask about other stuff such as bleeding and urine and the rulings. This actually has a separate chapter but because we are learning about *ghusl*, you can't teach the book of *ghusl* without actually mentioning what *manīy* is. The author can't spend the time now talking about *manīy* because that will have its own section. Remember this system that there is always going to be this mentioning of a concept before the time actually comes.

Another question which you might have is why we are actually learning about *ghusl* after the *wuḍū'*? As we said, *ghusl* is the major purification. So major that when you do it, you actually encompass the small one as well. We are doing that after we learned about *wuḍū'*. We've just spent the last two years covering *wuḍū'*, just learning about water and purification, dirtiness and *najāsah*. Now we've just finished *wuḍū'* and wiping the socks. All in lots of detail. Now we have come to *ghusl*. *Ghusl* is the major one. There are two reasons for that.

The first reason is that when the *'ulamā'* - which you can divide into *fuqahā'* and *muḥaddithīn* - write their books, the jurists put *wuḍū'* first and *ghusl* afterwards. When you look at the *muḥaddithīn* and their collections of *ḥadīth*, like *Bukhāri* or *Sunan Abi Dāwūd*, they also put chapters of *wuḍū'* before *ghusl*. The reason they do that is only because they want to copy Allāh ﷻ. In *Sūrat'l-Mā'idah,* verse 6, Allāh ﷻ also says that if you stand for prayer, then purify yourself and then wash your hands, etc. At the end of the *ayah*, Allāh ﷻ says,

﴿وَإِن كُنتُمْ جُنُبًا فَاطَّهَّرُوا ۝٦﴾

"If required, wash your whole body"

The *ghusl* is at the end of the *āyah*. They follow this order. They say that we trust in Allāh ﷻ. That's the textual, 'close your mind' kind of reasoning.

The second reason, which is more *ʿaqli* (more open your mind and let me think about it) is the common sense one. We might do *ghusl* once a day; some people only do it once a week. That's the reality depending upon where you live and water availability, etc. Whereas *wuḍūʾ* is done many times a day. Obviously, because of the many times a day that we do *wuḍūʾ* and how important it is for us on a day-to-day basis. The fact that we break it so easily and can do it so easily means that it's much more important than the *ghusl* itself.

EJACULATION NECESSITATES *GHUSL*

The first one is then the exiting of *manīy* (sperm). Not only is it the exiting, but it has to exit in a specific way. He translated and said *difqan* and some said *dafqan*, but *difqan* is more accurate. You will see in your class notes that is says *dafqan* but put a *kasrah* underneath it to make it *difq*.

So, it's not just the exiting of sperm but *difqan* and *biladhdhah*. Two conditions have been mentioned: that it comes out with force and pleasure. Those made me change the word exiting of sperm to ejaculation. The word ejaculation describes this concept more technically.

What is the evidence that it is not just the exiting of sperm, but that it has to exit in this manner and that it breaks the person's *wuḍūʾ* thus requiring *ghusl*? Allāh ﷻ says,

﴿ وَإِن كُنتُمْ جُنُبًا فَاطَّهَّرُوا ﴾

"If required, wash your whole body." [Qurʾān 5:6]

Junub is when *manīy* comes out of someone in spurts with pleasure. That's actually what *janābah* is. I don't like to call it sperm, because it makes is exclusive to the males. Semen is a more accurate translation. So, the semen is exited in spurts and not just flowing, and it is accompanied with pleasure. That pleasure is generally referring to an orgasm. But it's not a condition. Pleasure is the point at hand.

The second evidence is the statement of the Prophet ﷺ which is narrated in *Muslim* in the Chapter of Menstruation where he said, [1]

[1] *Ṣaḥīḥ Muslim, The Book of Menstruation, Chapter: At the beginning of Islam, Intercourse did not necessitate Ghusl unless Semen was emitted...abrogated and ghusl becomes obligatory for intercourse, ḥadīth no. 343 a.*

الماءُ من الماءِ

Water is based upon water.

You can translate it literally and say, 'water is from water.' But what does this *ḥadīth* actually mean?

المراد بالماء الأوَّل ماء الغُسل؛ عبَّر به عنه، و بالماء الثَّاني المنيّ، أي: خرجَ المنيُّ وجبَ الغُسْلُ.

Water is based upon water. The first water is referring to the water of *ghusl*. The second water is referring to the semen itself. The *ḥadīth* is a response to the wife of the Prophet ﷺ when she asked him: "When we see that type of dream, do we do that as well? At what point do we take the bath?" And he ﷺ replied by saying that water is based upon water. Wash yourself with water if you see the presence of that water. That water coming out is what is going to obligate the *ghusl*. That is why it is the first obligator of *ghusl*.

If you look at this *ḥadīth*, does it mention *difqan* or *ladhdhah*? Does it mention the nature in which the water needs to come out? If you read this *ḥadīth* in a literal way, it would suggest that it is not a condition or necessary [for those two to be present].

That is why Imām al-Shāfiʿi said that for him, it is not a condition based upon this *ḥadīth* and a few other conditions. It is not a condition that semen has to come out in spurts or with pleasure. Any presence of semen obligates *ghusl*. It doesn't matter how it got there or what its nature is. He took that from the *ḥadīth* itself, because it doesn't mention the nature of how the semen got there. This has been stated by Imām al-Nawawi's book *al-Majmūʿ*.

As for the majority of the scholars, they stated that the two conditions of *difqan* and *biladhdhah* have to be present in order for *ghusl* to be performed. Where do these concepts come from?

﴿فَلْيَنظُرِ الْإِنسَانُ مِمَّ خُلِقَ ۝٥ خُلِقَ مِن مَّاءٍ دَافِقٍ ۝٦ يَخْرُجُ مِن بَيْنِ الصُّلْبِ وَالتَّرَائِبِ ۝٧﴾

"Man should reflect on what he was created from. He is created from spurting fluid, then he emerges from between the backbone and breastbone." [Qurʾān 86:5-7]

These verses are to bring down the people of *kibr*. This is where the word *difq* comes from and that is why the *'ulamā'* considered it a condition that the semen itself has to come out in this manner. That is textual evidence. Practically speaking, those who are married will know there is a massive difference between the exiting of something and the exiting of semen that obligates *ghusl*. That is where the nature of the obligation comes from.

Now, Shaykh al-'Uthaymīn says: some of the scholars said that you don't need to mention the word *difq* - you don't need to say the word "spurting" and "pleasure" is enough. The reason for that is a semantic reason; they said it's not possible to enjoy or feel pleasure at the ejaculation of sperm except that it is actually going to be spurting anyway, so it's just semantics. These scholars always have these discussions in order to reduce the number of words they have to write because these texts are tiny, they are only small phrases, and the more they can cut down then it just makes it easier for people to memorize. When it comes to explanation, it's going to take ages to explain anyways regardless. But when it comes to memorizing, if we can cut it down, if we can take *difq* out and only leave *ladhdhah* (pleasure), then we know that pleasure is not going to happen except when it comes with the *difq*. Anyways, as Shaykh al-'Uthaymīn says: 'but to mention the *difq* is better and more deserving, so that it can marry up to the statement of Allāh ﷻ':

﴿فَلْيَنظُرِ الْإِنسَانُ مِمَّ خُلِقَ﴾

Man should reflect on what he was created from.

﴿خُلِقَ مِن مَّاءٍ دَافِقٍ﴾

He is created from spurting fluid,

Therefore, Shaykh al-'Uthaymīn says (and this is the **class position** and my position): if sperm/semen is ejaculated without any kind of pleasure while someone is awake – by the way, everything that we are talking about now is about someone being awake, there is a whole separate ruling for when someone is asleep – then this does not obligate *ghusl* according to what the author says, according to what the majority of the scholars say, and that is the correct position and Allāh knows best.

Shaykh al-'Uthaymīn says: let's talk about semen itself (and now specifically he is actually talking about sperm). In a technical sense, sperm itself (*manīy)* has three very clear characteristics:

1) when it comes out, it comes out in spurts,
2) its smell
3) its colour and its consistency.

The *ʻulamāʾ* mention that physically speaking, it has a colour and a consistency and a smell. The male semen/sperm is white in colour, it is thick in consistency, and it has two smells depending upon whether it is wet or dry. If it is dry, then it smells like egg (which we are just going to have to take Shaykh al-ʻUthaymīn's opinion on that because I've got no idea), and if it is wet, then it smells like dough – because the dough has yeast added to it and it's not been baked so it has the smell of dough. As for the female semen, then it is in its consistency thin and its colour is yellow or a transparent yellow.

The third characteristic (of the sperm) is that once it exits, there is a tiredness of the body, what we call *futūr* – that kind of emptiness that one feels when someone runs and they fully exert themselves and they stop and they are breathing and they are catching their breath and they feel very, very tired – there is a lack of energy. So after the exiting of sperm this is actually one of its characteristics.

This, and actually most of this chapter, is important to teach especially young children who have just gone through puberty, so they can start getting used to the idea of making *ghusl* and so on. Many people focus on teaching them how to pray and read Qurʾān and how to recite correctly, but because of their shyness and lack of knowledge, they don't talk about the actual conditions or the prerequisites before you can pray, and this is very important. It's essential that your children know so that they don't get confused.

Personally, from a parenting point of view, I believe that the more aware a person is, the less likely they are to experiment with certain ideas and concepts. And the more you make it a taboo subject and the more you don't talk about it, they are going to be forced to go and ask elsewhere because it's human nature. Either they will find someone nice and sensible to tell them, but the reality is that most of the time it will be someone of their own age who don't have the same kind of values or don't care and will give them the *ḥarām* version, and then it's just the wrong direction.

So it is important to empower children at that time that they go through puberty to know exactly what is happening to their bodies. Tell them to check themselves and see and understand what is happening and so on and so forth. I know that's difficult and it's not going to be easy in any society or in any culture.

لا بِدونِهما

This is a little bit of Ḥanbali politics going on making it very, very clear again that if the sperm comes out and it doesn't come out in spurts and it doesn't come out with

pleasure, then there is no *ghusl.* So he's repeating it again. This is almost a response to al-Shāfiʿi who is very clearly saying 'no, if it comes out, it comes out.'

I just want to say, by the way, that practically speaking there is actually little difference between the Shāfiʿi position and the majority, because sperm does not come out during the daytime unless there is some kind of spurting and sexual activity of some sort. Normally what will come out will be *madhīy*, which is prostatic fluid. So practically speaking, I don't think there is much to debate about.

Shaykh al-ʿUthaymīn says: this is all for the person who is awake. So what does this mean for the person who is asleep? What is the ruling for the one who is asleep?

Student: If he wakes up and sees the sperm or semen, then he has to take *ghusl.* Otherwise he doesn't.

Ustādh: What about the conditions that we just talked about? He's sleeping - so what?

He's not aware of what's happening. That's the difference, right? Because he's sleeping, he's not going to be aware of whether something comes out in spurts or with pleasure or not. Unless, of course, he's having what we call a *ḥilm* (wet dream). A wet dream is obviously something that someone sees that causes sexual pleasure in the dream itself, and a person might, in the dream itself, be ejaculating, or wake up as a result, or nothing at all. And so the scholars created a scenario or list of the possible states a person can be in when they wake up.

The first one is when you wake up and you see nothing, then everything is normal.

The second state is that if you see some kind of fluid. You see something and you are not sure whether this is *manīy* or *madhīy* (sperm or prostatic fluid). What do we know about the ruling of *ghusl*? Only sperm or semen obligates the *ghusl*, whereas *madhīy* (pre-fluid, similar to the sperm but lighter in consistency and colour, but everything else is virtually the same) doesn't obligate *ghusl*.

I'm going to tell you something in advance; *manīy* (sperm) is a substance which is pure. So if it was on your clothes, you could actually pray because it's a pure substance. But if it comes out of the body, it obligates *ghusl*. *Madhīy* is the exact opposite. It is the fluid which comes out before or at the thought of sexual activity or excitement, but it doesn't come out in spurts, thickly, or with pleasure. It's a thinner fluid, called prostatic fluid, and it (*madhīy*) is a *najis* substance. It is dirty, so whatever it is on needs to be washed, but it itself coming out [of the body] doesn't obligate *ghusl*. So they're exactly opposite in their characteristics.

The question is: if you see fluid when you wake up and you don't know whether it is *madhīy* or *manīy*, what should you assume? Let's say you check and you can't ascertain. You look at everything, because we've described the physical characteristics but if you're not sure...

Maybe I should make the second scenario that you wake up and there's semen there. So you recognize it by its consistency, by its smell, by everything. Then you have to make *ghusl*. That's the main lesson in this chapter. If you wake up and there's [semen], then it doesn't matter whether you saw it come out, felt it, realized it, or whatever. If it's there, it's proof that it happened, and therefore, you have to make *ghusl*.

Scenario 3 is when you wake up and there's something there, and you look and smell and check, and you can't tell whether it's sperm or prostatic fluid, *manīy* or *madhīy*. What do we do? It is better to perform *ghusl*. That answer, there's no doubt about, but that's not the answer of *fiqh*. That's the answer of *taqwa*. That's a person being on the safe side, because there's some doubt in the issue, so he goes and does the *ghusl*, and that's fine. We'll talk about that in a second, but what about the ruling?

Student: He would clean it up and make wuḍūʾ.

Ustādh: Why?

Student: [inaudible]

Ustādh: Correct. There's no sign or proof that something happened in the sleep, he can't remember a wet dream or anything, and that is the normal scenario. The normal human scenario is that they don't ejaculate in their sleep. The normal human scenario is that prostatic fluid (*madhīy)* will come out, whereas there needs to be something that causes the sperm to come out. When you need something to cause something, you need the evidence. In the absence of the evidence, we go to the default, which is *madhīy*. As we just heard, you would clean the area because then the ruling is given like it is urine. It's like urine came out, and if urine came out, what would you do? You would clean the urine, wash the part from your clothes and your body, but you wouldn't make *ghusl*. You would make *istinjāʾ*, and you would make *wuḍūʾ*, and you would carry on as normal.

Other scenarios: if he's absolutely sure that it is not *manīy*, then that's the one we just described.

Another scenario that Shaykh Muḥammad Mukhtār Al-Shanqīṭi says is that a person goes to sleep a lot, and he wakes up at *Fajr* time and he makes *wuḍūʾ,* and then he goes and prays *Fajr* and goes back to sleep again. Then he wakes up, and as he wakes up for *Ẓuhr*, he checks and he sees that there is semen there. So he makes *ghusl* and then he prays *Ẓuhr*. The question is, does he need to repeat *Fajr*? So two sleeps, two prayers, and he only saw the semen before *Ẓuhr*, what do you think?

Student: No.

Ustādh: No? Why not?

Student: If he didn't know, then it's not to be accounted for.

Ustādh: Okay, that's possible. What else?

Student: [inaudible]

Ustādh: That possibility that it happened in the second sleep is the most likely. If we look at it from the point of view of last week's lesson, there are two possibilities here: one which is certain, and one which is doubtful. The certain one is that something happened before *Ẓuhr*. The doubtful one is that it happened before *Fajr.* And one should rule on the certain one and not on the doubtful one.

The certain one is that we have just come off this now and so I will now make *ghusl* and I will pray *Ẓuhr*. As for *Fajr,* there is no proof; [there is] no reason for combining the idea that you mentioned, so therefore that's the correct ruling and he would not need to repeat *Fajr* and he is done with his *Ẓuhr* and that's okay.

So the next statement is,

وإِن انْتَقَل، ولَمْ يخرج، اغْتَسل لَه

This is an interesting one; this is something which *Ḥanbali madh-hab* is specific about.

If one feels the sperm moving but it doesn't exit, one still takes bath because of that.

He means that if the male actually feels the coming of sperm and it does not come out but he feels the movement as if it's going to come, then according to Ḥanbali *madh-hab,* you have to make *ghusl*. This is the same thing, because for them the *janābah* started once it left its origin; once the action started, then the *janābah* basically came into play.

Shaykh al-ʻUthaymīn says, 'Is it even possible that the semen or sperm could move without coming out'?

He then says, 'Yes it's possible, and that's basically by stopping the desire by any kind of means after it has started'

بأن تَفْتُرَ شهوتُه بَعْدَ انتقاله بسببٍ من الأسباب فلا يخرج المنيُّ

He says that whatever a person could do, whether physical, medicinal, or whatever way, then there must be ways of actually initiating the sperm coming and stopping of sperm coming out.

The *fuqahāʾ* gave an example; they said that if a man was to take his penis and squeeze it so that no sperm comes out, then that would be a classic example.

وهذا وإن مَثَّلَ به الفقهاء فإنه مُضِرٌّ جدًّا، والفقهاء ـ رحمهم الله ـ يمثِّلون بالشَّيء للتَّصويرِ بِقَطْعِ النَّظَرِ عنْ ضَررِهِ أو عدم ضرره، على أنَّ الغالبَ في مِثْلِ هذا أنْ يخرج المنيُّ بَعْدَ إطلاق ذَكَرِهِ

I like this statement. He says that the *fuqahāʾ* or the scholars are going to give some crazy examples out there, and some of these examples are very harmful.

بِقَطْعِ النَّظَرِ عنْ ضَررِهِ

They don't give examples caring about the political correctness of the example or the painful or non-painful nature of the example; they give examples so that the people understand the issue.

Because if you think holding the penis to stop the sperm coming out is bad, then you are going to see in a minute that he is giving the example of anal intercourse, and he is going to give the example of intercourse with an animal and a dead woman. The mind doesn't even imagine that you would find any of these in a religious text of *fiqh*, but the point is that *fiqh* is obviously an expression of the people's needs. And the people are sick, the people are crazy, they are absolutely polluted and they do things and when people do crazy things, you have to account for everything. You have to literally account for everything; that's just the nature.

Shaykh says, 'Frankly, I want to say something about what the *fuqahāʾ* said about holding the penis so that it doesn't come out: once you let go, it's going to come out anyways. So how long are you going to hold it for? So I don't know what the point of that is.'

Shaykh says, some of the *ʿulamāʾ* said that there is no *ghusl* if a person feels the movement of the sperm and it doesn't come out. And that is the position of Shaykh al-

Islām ibn Taymiyyah, and that is also the position of Shaykh al-ʿUthaymīn's, and that is the **class position** as well.

The class position is opposite to the Ḥanbali position, and that is: if nothing comes out, nothing is obligated. What's our proof?

The first proof is the *ḥadīth* of Umm Salamah ﵂,[2] in which she asked the Prophet ﷺ, "Does the woman have to do the same thing as well?" He said to her,

نعم، إِذا هي رأت الماءَ

Yes, if she sees the water

So it means that if she doesn't see the water, then there is no *ghusl*. He didn't say:

أو أَحَسَّتْ بانتقالِه،

And he didn't say 'If she sees the water or feels it moving,' he just said, 'if she sees the water.' He didn't say it has to move, this and that or whatever.

And this is an important point; if it was just because of movement, the Prophet ﷺ would have said it because Umm Salamah had asked about it specifically. She asked, 'When does the woman have to the do *ghusl?*' and he said, 'When she sees the water.' And if was when it was moving, he would have said.

The second proof is the *ḥadīth* that we covered before by Abu Saʿīd al-Khudri, in which the Prophet ﷺ said,

إنما الماءُ من الماءِ

So here you don't see any water, so we are not going to pour water on ourselves because no water came out.

And number three,

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[2] *Ṣaḥīḥ Muslim, The Book of Menstruation, Chapter: Women are obliged to perform Ghusl if they emit Fluid, ḥadīth no. 313 a.*

أن الأصل بقاءُ الطَّهارة،

The original principle is that the purity continues. Once we have not seen anything that breaks the purity, then we cannot obligate for it.

He then says,

فإن خَرَجَ بَعْده لم يُعِدْه،

This is now following the Ḥanbali line. Remember the Ḥanbalis said that if it moves, you have to make *ghusl*. What did the text say?

If one feels the sperm moving but it doesn't exit, one still takes a bath because of it.

And then they finished off this point and said that if sperm exits afterwards, it is ignored.

They said we are going to make *ghusl* if it doesn't come out because we felt its moving, then they make *ghusl* and then afterwards (after *ghusl*) it comes out. What did the Ḥanbalis say that you have to do? They said you don't need to make it again. That's basically what the point is. And why is it that they said that? They said that because the reason for the *ghusl* was the same as sperm, whether it came out afterwards or not, it's all the part of the same action; the *sabab* is *wāḥid* so therefore there is no need.

And secondly (and it's a technical point), if it comes out afterwards, how will it be coming out? It won't be coming out spurting and it won't be coming out with pleasure, so it will basically be of what has already started. So therefore according to all the conditions, it isn't a proper one.

Shaykh al-ʻUthaymīn makes a point; "However, if, in between the *ghusl* that he makes for that, there was another sexual activity and it's a new ejaculation, then of course then there has to be a new *ghusl."* So this final point is more specifically for them.

Penetration

So the next section, number two, the second thing which is obligating [is],

وتَغْيِيْبُ حَشَفَةٍ أَصْلِيَّةٍ

And this is obviously a bit crazy as well. The second thing which obligates *ghusl* is the glans of the penis completely penetrating a normal vagina or anus - even that of an animal or a deceased one.

So there are so many things happening here, I don't even know where to start. Let's start from the top. The glans. The glans (*al-ḥashafah*) means the head of the penis. And I say head and I show my fingers like this because the *ʿulamāʾ* said (and this does happen of course), if someone has an amputated or mutilated penis - if you can imagine that - then the ruling is based upon distance, because it wouldn't be a head anymore. So it would have to be the height of the head.

Can you believe the kind of details the *fuqahāʾ* go into? [Laughter] My god, I get stuck with all the great stuff, man. They could have given me the heart and let's talk about love and let's talk about *tazkiyah* or whatever and relationships and transformation and whatever and I get all this bakwas.

Right okay, so we are talking about the glans. He didn't just say the glans of a penis. He said the glans of an *aṣli* penis, which is like a proper penis, an original one. So obviously if this is your first time in this lesson, you're going to be thinking, *what the hell? What is going on?* But, for those who went through the pain of the last six weeks when we were talking about hermaphrodites, then you will know that this is a follow on from the Chapter of *Wuḍūʾ* and the Invalidators of *Wuḍūʾ*.

There are things that people will be thinking that they never even knew existed. There are hermaphrodites. These are multi-genital, meaning they have both sexual organs. So you have both sexual organs of a vagina and a penis. Now here in this scenario, because you are not what they call 'sexually differentiated' into a clear gender (male or female, and you have both organs), then both are not seen as *aṣli* and that is why the wording in this entire chapter is 'the glans of an original penis completely penetrating a normal vagina'.

We're talking about *al-khunthāʾl-mushkil,* for those who are covering the text. The Arabic term is *al-khunthāʾl-mushkil*. [This] means the hermaphrodite that we cannot work out whether he is a man or a woman.

You know what we said earlier on? That the scholars - and by the way, even medical science cannot make this very clear because they do an early test. Can you imagine the child is born and it's not very clear and then it goes later on and it’s not very clear? They do a test to see how many chromosomes. Is it dominant? Male or female?

Still not very, very clear. They then basically say, let the child develop and see what kind of characteristics it takes and then if it moves in a certain direction, that it is more male or more female, they will have an operation to remove the extra one. Then maybe we'll give supplementary hormone therapy [to] make it stronger in that particular chosen gender.

Now that's today and even today they are not very clear on what is to be done. So imagine back in the time, all that kind of thing. So they would have to use physical things. They said when we see that, then we'll just let it grow. Let a person develop and see what happens. Then it would happen. Then they would say, let's watch it urinate. And where it urinates from is where we are going to put the ruling. So if it urinates from the vagina it goes female and if it urinates from the penis it goes male. Obviously I'm not going to repeat that again, it's all there on the Logical Progression portal. You can see all the videos there and enjoy yourself with that mind-numbing discussion for two weeks that we did.

So here we're talking about if there was such a hermaphrodite and it was their penis which penetrated into a normal or not, or a normal man or woman penetrating into a hermaphrodite vagina, then both are not original. And therefore according to the scholars - and this is actually the majority position. The Ḥanbalis have stated it, but it is the majority position. This would not obligate *ghusl.* That's the only point you need to know. That if there is intercourse involved with a hermaphrodite, then because the organs are not original organs then the *ghusl* is not achieved. Is that done and dusted? Can we not know talk about that ever again?

Okay, so let's now talk about normal man and normal woman. If we have a man, then it is the head of the penis. And this is the most important point that you will learn of tonight, because a lot of people don't know this. If there is intercourse between a man and a woman, according to people's minds, intercourse is the complete penetration of the entire penis.

Number one, you've just learned it isn't. It's just the head and that's the most important thing that you've learned. The second important thing you will learn is that it is not necessary for there to be ejaculation. People think that if there is no ejaculation done, then there doesn't need to be *ghusl*. So a person could enter and then come out and therefore nothing happened at all and they say, *okay right, well there's no need to do ghusl because nothing happened. I didn't feel anything. I didn't get the pleasure of sexual intercourse. There were no fluids involved etc.* So therefore they wouldn't make *ghusl.* This is wrong.

You might say, where does this come from? Well actually it comes from the Qurʾān and *Sunnah.* Actually because we know that at the beginning of Islām, the Prophet ﷺ didn't obligate upon the Companions to make *ghusl* when they had intercourse without ejaculation. So they would have intercourse without ejaculation and the Prophet ﷺ would tell them what? All these *ḥadīths* are authentic.

إِذَا جَلَسَ بَيْنَ شُعَبِهَا الأربَع، ثم جَهَدَهَا، فقدْ وَجَبَ الغُسْلُ

The Prophet ﷺ said that if he sits between her four parts and they meet and then he enters her, then the ghusl has been obligated.[3]

So there is no mention of any *inzāl* (ejaculation); just purely the entering/touching. That's why the four parts have been mentioned. It's talking about his thighs and her thighs and the entering has happened, then that's it. That *ḥadīth* is narrated by Bukhāri and Muslim. In the narration of Muslim, there is a *ziyādah* (addition) in the text:

وإِنْ لَمْ يُنْزِلْ

Even if there is no ejaculation.

وهذا صريحٌ في وُجوبِ الغُسْلِ وإِنْ لم يُنْزِل، وهذا يَخْفَى على كثير منَ النَّاس

Many people are not aware of this but it's very clear. Many married partners are doing this and this is a mistake.

I just want to mention something. Historically, in the beginning of Islām, this is what they used to do and there was no problem. Then this *ḥadīth* came and made it clear. Amongst the Companions there was a difference of opinion. In fact, after the time of the Prophet ﷺ, the Companions still differed over this.

Ubayy ibn Kaʿb ﵁ from the senior Companions considered that if a person has intercourse without any ejaculation, then he has to make *ghusl*. Sayyidinā ʿUmar ﵁ didn't know this. When the issue was bought to him (in my opinion, he was also following Ubayy ibn Kaʿb ﵁) but he heard a few voices amongst the Companions saying that [the ruling] has changed because it's normal [that you wouldn't ask twice about an issue], you don't expect it to change.

For example, KFC launch here and because it's an American company, the meat would be considered to be *ḥarām*. However, when it launches here, they would say, we are

[3] *Ṣaḥīḥ al-Bukhāri, Book of Bathing (Ghusl), Chapter: When male and female organs come in close contact (bath becomes compulsory), hadīth no. 291.*

the Malaysian KFC, we use only Malaysian meat, we are *ḥalāl*. So they have to make a big PR campaign and they set the procedure up and now the whole word knows that it's *ḥalāl*. Everyone who comes to Malaysia will eat KFC knowing it's *ḥalāl*. You don't expect to have to go back to KFC 5-10 years later and ask the same question again, is your meat *ḥalāl*?

Similarly, it was the same. The Companions at the beginning of Islām, when they were speaking to the Prophet ﷺ they were getting all the facts. We're Muslim now, what does it mean being Muslim, what do we do, how do we pray, how do we do this, what about relations, what about drink, etc. So they asked [regarding this issue], and the Prophet ﷺ said that you wash and there is no [need for] *ghusl*. So they're not going to go back and ask [again].

So Ubayy ؓ didn't go back and neither did 'Umar ؓ and so they just stayed upon the original ruling. Whereas other Companions who did ask later on got the later ruling, the abrogated ruling. When the Prophet ﷺ passed away, Sayyidinā 'Umar ؓ realised that he had thought it was a clear cut issue but some of the Companions were telling him that you have to make *ghusl*. So he sent someone to 'Ā'ishah ؓ and I'll tell you the narration because it's very interesting what he said to her.

I just want to quote you the *ḥadīth*, narrated by Bukhāri and Muslim, the Prophet ﷺ said that a man had intercourse but there was no ejaculation so he ﷺ told him to make *wuḍū'* like the *wuḍū'* for *ṣalāh* and just to wash his private parts.[4] This was at the beginning, that's why the scholars differed over this. When 'Umar ؓ heard about this, he sent for Umm al-Mu'minīn 'Ā'ishah ؓ and when he asked her she said: Once the circumcised part reaches the circumcised part then ghusl has become obligatory.

'Umar ؓ became very angry and said: If I find out that any single person does not make *ghusl* after what has just been said then they are going to be punished. He was angry with himself, angry with the fact that he missed out, that he's not been following this, so he made it very clear and set the ruling out - 'Ā'ishah ؓ has spoken so it's the end of the matter. Anyone who has any form of intercourse and even if there is no *manīy*, it doesn't matter. It's the intercourse that is going to obligate the *ghusl*.

There are so many narrations [regarding this], like when Abu Mūsā al-Ash'ari in the *Muwaṭṭa'* of Imām Mālik asked ['Ā'ishah]: [5]

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[4] *Ṣaḥīḥ Muslim, The Book of Menstruation, Chapter: Abrogation of "water is for water"... it is obligatory to perform ghusl when the two circumcised parts meet, ḥadīth no. 348 a. Ṣaḥīḥ Al-Bukhāri, Book of Bathing, Chapter: Washing away what comes out from the private parts of a woman (woman's discharge) if one gets soiled with that, ḥadīth no. 293.*

[5] *Muwaṭṭa' Mālik, Book of Purification, ḥadīth no. 105. A narration with slightly different wording is in Ṣaḥīḥ Muslim, The Book of Menstruation, Chapter: ...intercourse did not necessitate ghusl unless semen was emitted, then... ghusl becomes obligatory for intercourse, ḥadīth no. 349.*

I don't want to ask a question like this, I'm so ashamed to stand in front of you but I have to ask you this question. Then he asked her, if a man has intercourse with his wife and he enters and exits but there is no *inzāl* (ejaculation) then what happens? She replied that as soon as the circumcised part enters the circumcised part then ghusl becomes obligatory, regardless of any ejaculation.

Abu Mūsā al-Ashʾari said I will never ask in my life ask any single person this question after this day of me asking you. He had a big confidence in ʿĀʾishah ﵂.

So, I just wanted to get that in because if you don't take LP again, at least you learned something beneficial – that a person does not need to have an ejaculation for the *ghusl* to become obligatory and the rest we will do later (the dirty stuff, going into the next lines, the front, the back and the animals and the dead) next week in Cheadle.

Q & A

Q: I was once told that if a husband and wife have intercourse and they were to have intercourse again, then in between they would just have to do *wuḍūʾ*?

A: Correct and that was the last line of the chapter. The last line of this particular chapter is that the Ḥanbalis have said here in the text that it is recommended for a person who is in a state of *janābah* before they eat, before they sleep or before they repeat intercourse to actually make *wuḍūʾ* and wash their private parts. That is actually a *Sunnah*. It was the *Sunnah* of the Prophet ﷺ to do that, but that will come in a couple of weeks – make it two to three weeks' time *inshāʾAllāh*.

Q: [in audible]

A: We are going to come that later, but to answer the question, the majority of the *ʿulamāʾ* - and this is the correct position - considered it be prohibited to recite the Qurʾān whilst in a state of *janābah* and I follow that position myself. It is certainly the safest in an area where there is some modern day discussion. It is certainly the safest position.

Q: Listening to the Qurʾān?

A: The problem with listening to the Qurʾān is that it is difficult not to make *talaffuẓ* (pronunciation/articulation) when you are listening or come across something that you know. Practising Muslims find it difficult, in my opinion. You really have to be far away fro m the Qurʾān to not repeat something that you hear. Sayyidinā Abu Bakr as-Ṣiddīq, you know when he used to go and sometimes – some of us I think will have

this experience – if he would go to the bathroom, he would put stones in his mouth. Something to force him not to [make *dhikr*]. He wasn't hearing anything, but that was because of his habit of making *dhikr* (remembrance) and Qurʾān to stop himself. When you are in a habit, you don't realise what you are doing and where you are – you do need to be careful in these kind of physical situations.

Q: But doing it in the mind is it alright?

A: Yes. The majority of time, the recitation of the mind is an invalid recitation, like *ṣalāh* is rejected. Especially you guys know, the Shāfiʿi are very strict upon that, but there are some unique cases where in the mind might be accepted. It is ironic actually that you are asking, because in the mind part would be for the intercourse for example - the *duʿāʾ* for intercourse. The *duʿāʾ* which one would say – *bismillāh* for example for when they are starting *ghusl* in the bathroom.

Listen, don't forget that when the Prophet ﷺ would do *ghusl or* something like that and he would say *bismillāh*, like you are meant to, this is not a bathroom. This is [his] house. Remember the house of the Prophet ﷺ does not have a separate room. So what would happen is he would either put a curtain up or lock the door and the bath tub would be put in the middle of the room or the corner of the room and pour water over themselves. So it is not a major issue to say *bismillāh* there because it is in a house. Yes, you are naked, but that does not prohibit you from saying *bismillāh.* The problem with *bismillāh* is when you are in the act of the toilet or in a toilet and because of our time, we are having a separate area and even in that time as well, then issue arises that a person say out loud or not. Shaykh will discuss that when a person is making *ghusl* in a modern day bathroom, should you say *bismillāh* out or not.

The issue is, as I said, most of the time the actual articulation is necessary and anything which is not articulated in the mind is not to be considered legally. And that makes sense as well. Imagine if we allowed this to legally make sense, then people would go any say anything and the *dīn* would become a joke; it would become chaos – When did you agree? I agreed in my mind. What was the contract? Married you for how much *mahr*? Only 5 pounds. Where five pounds? In here [Ustādh pointing to his mind]. No, no it was 20 million ringgits. Nope it wasn't. It was only 10 ringgits in my mind. It would turn the *dīn* upside down, it would. So there needs to be *talaffuẓ* in everything in principle.

Q: [inaudible]

A: The question is that if you are fasting in Ramadan and one is to go to sleep and they have an ejaculation, how does it affect the fast?

The answer is that it affects the fast not at all because purity is not a condition for fasting, other than for a woman that is *ḥayḍ* (menstruation) and *nifās* (post-partum bleeding). But sexual impurity and any other physical impurity is not a condition.

That is why, for example, when a person goes to sleep at night-time and does not wake up for *suḥūr*, misses *suḥūr* and wakes up in time for Fajr and prays Fajr, missed the beginning of the fast being pure, does not affect the fast and in fact that used to happen as well.

In the daytime as well, a person has a wet dream or any other form, it does not break the fast. Make *ghusl* and carry on. Of course if he had intercourse then that is one of the major *kabā'ir* and is a very serious kind of penalty. As you know, two months of continuous fasting and making up the fast again.

Q: [Inaudible]

A: They are, because the nature of the *ghusl* is based upon a physical reality with a person as oppose to the physical liquid itself.

Q: [Inaudible]

A: Yes. The brother *jazāk Allāhu khayr* asked a really good question. The detailed answer to this comes up in about 3 weeks' time, in the same chapter. Just to summarise the point, the point basically is the female anatomy being different; then it is to make the same kind of analogy to the female for the various kinds of characteristics for the sperm per se in the male is a lot more difficult. It is very easy to see in the male from the spurting point of view and the pleasure point of view but not so much in the female. The problem is that if you apply that to the female she will hardly ever have this kind of spurting. Therefore you will be missing many times where there might be semen being ejaculated or semen being present that should obligate *ghusl* in the female but in actual fact it does not.

There are two things I want to say because I do not want to explain the lesson now. You mentioned that it is very easy for the man to see anything of that nature and very difficult for the woman to see of that nature, yes. Have you ever thought that this is a good thing?

If you actually think about it, this is a blessing for the woman. In actual fact, as we know woman are having discharge

of all sorts, all the time. Therefore this is almost like protective of her. What do we know about women, practically? We know that sexually they are far less excited and enticed than men are and it is far unlikely for her to be ejaculating like a man does. Therefore it would already fall into something rarer than compared to a man; add that to the fact that she is having a multitude of different discharges whether that is *ḥayḍ,* whether it is *istiḥādhah* whether it is *damm,* whether

it is discharge of its' different types which is separate from *al-wadhīy* and *al-madhīy* and her own specific form of fluid which we can call *manīy* but which we cannot see in terms of sperm but more in semen. It makes actual sense in the *ḥikmah* of Allāh ﷻ and Allāh knows best, it is the conditions are still being applied to the women and only something super obvious would obligate it in her case.

What would that be? That would be like when I mentioned to you that some scholars said *difqan* is not a necessity; it is *ladhdhah,* because *ladhdhah* will actually encompass everything. If we take that position, it is practically the same position anyway. If a woman has an orgasm, that is the easiest, simplest form of saying there was discharge with pleasure and it is very clear to see. Whether it is ejaculating or not in a form but the pleasure has overcome it. Shaykh al-ʻUthaymīn made it very clear, it is not possible for anyone to have an orgasm without there being ejaculation, whether it is without being with *difq* (spurts) and so on.

I personally think that this is the reason why the *qiyās* is done and continued for the woman without any extra details required; that would respect her different anatomy, her different reaction. It is almost like protective of her state. I think that fits her normative state, I think that fits her nature, I think that also fits the fact that she has far more discharge than a man ever will. I think it all fits. Allāh knows best. I think that is a really good question. I am glad because it will give more things to look into for the lesson when it comes up.

Q: A person is sexually impure and they are not taking their *ghusl* for a period of time and what is the ruling on that?

A: The ruling is depending on what time the time is saying. For example, if it is an empty time, like after *ʻAṣr,* you know you cannot pray after *ʻAṣr*. It is an empty time. There is no doubt that it is going to be disliked for a Muslim to be in state of *janābah* longer than absolutely necessary because the Angels are not going to be there, the *barakah* is not going to be the same, you cannot recite Qurʾān, make *dhikr*, you cannot do anything of any good. You are restricted by what you are - but is it *wājib* for him to make *ghusl* immediately? No. It is *wājib* for him to make *ghusl* for *Maghrib*, it is not *wājib* for him to make *ghusl* two hours before; but it is definitely recommended for him and it would be disliked for a Muslim to keep himself away from *dīn* of Allāh for so long. It is like the simple emotional question that people would throw: would this person want to die in that state? The answer is no. I would not like to die in the state of *janābah* – it is just a mental point. Is it *ḥarām*? No, it is not *ḥarām,* and a person can remain in *janābah* until he is obligated to make *ghusl* because of *ṣalāh.*

14. Chapter 9: The Chapter of Bathing II

Ghusl, the ritual bath, is obligated in the following scenarios:

- The ejaculation of sperm, gushing in spurts and accompanied by pleasure.

This is the translation of the statement *difqan*, or *dafqan*, or *dafaqan bi-ladhdhah*, that it is gushing, and *ladhdhah* meaning pleasure is associated with it, from someone who is awake. That's a condition. Without these two characteristics, then this is not the case. If it does not come out in spurts, it is not accompanied by pleasure, then it's something else, and that's what we're going to talk about today.

- If one feels the sperm moving, but it doesn't exit, then one still takes a bath because of it.

That was the Ḥanbali position. That's not a position that I hold, and it's not the class position, and it's not the position of Shaykh al-ʿUthaymīn either. If the sperm exits afterwards though, then it is ignored, and we spoke about that as well.

- The glans of the penis (meaning the head, the tip) completely penetrates a normal vagina or anus, even that of an animal or a deceased one.
- A non-Muslim enters Islam
- Death
- Menstruation
- Post-partum bleeding, but not if one delivers without any bleeding.

I'm going to explain all these later. Before we go to number two, I want to go back quickly to number one and explain this concept. I want to talk about fluid, the different types of fluids, the difference between men and women. That's what I want to cover in this section. It's like going back and filling in knowledge gaps. There are people who were asking, what is an erotic/wet dream? Do women have wet dreams? And so on and so forth. I'm going to try and explain this as best as I possibly can.

Something which is very interesting, which ʿAbdullāh ibn ʿAbbās said, is that anything which goes in is what causes the breaking of a fast, and anything which comes out is what obligates *wuḍūʾ*. This is a little *qāʿidah* (maxim) he made. There are exceptions, but this is a good overall principle to hold. If we just look at fasting, for example, then it's clear. Anything that goes in, and in here is really talking about in, food and liquid and nourishment, and whatever. And it doesn't even have to be food, because [he said] anything which goes in, and that's why some of the scholars said that even someone swallowed a ring or a fly or something that you don't want to eat and it goes in, the fast is broken. So it's a general statement that kind of covers everything. Anything that comes out - so urine is from them, some scholars used blood as an example, some scholars also said that being sick, if you vomit, then that's something that breaks the *wuḍūʾ* as well, then we're also

talking about things that come out of the penis, or the private parts. What kind of exclusions do we have? Let's list them:

So out of the front, we have urine, which everyone shares in, and sperm, or what's actually called semen, which is actually called seminal fluid, which comes out both a man and a woman as well.

We'll call it semen, because sperm is the term used for men, but if you use the word semen, which is short for the term seminal fluid, then this is the sexual fluid of the man and the woman. It is the sexual fluid. When a man has a sexual orgasm, when he ejaculates, an ejaculation is when the sperm is ejected but in a gushing format. When that happens to the male, there are a few things that happen, and that's what the first point is. When it comes out, it has very specific characteristics. It doesn't just leak, it spurts, and if it leaks, then it's probably not semen, or there's some kind of problem. When it comes out, there's an intense feeling of pleasure and Shaykh 'Uthaymīn says it's followed by complete exhaustion.

Actually Shaykh bin Bāz added something, and I just want to mention the scholars to give the legitimacy, because this is not really the area of scholars, it's the area of medicine. Doctors will confirm this, and in fact, human beings will; everyone will eventually go through this and know that it is a feeling of tiredness. What's very interesting is that the feeling of desire is completely dissipated, so desire comes and increases during the process, during the ejaculation, and there's an intense feeling of pleasure, but then after it, it disappears. And then associated with the feeling of pleasure is extreme tiredness and emptiness. That is the ejaculation of sperm for the male.

When it comes out, the fluid itself has a very clear characteristic in terms of its colour: it's mostly white, and if not white then cloudy, and if not cloudy then grey. It can be slightly colourless in terms of transparency, and it can also have blood in it. In terms of its smell, it has a very distinct smell of damp dough, also a smell which is known as the smell of pollen of the date tree. It has a consistency: it's not thin, it is thick. Thick here doesn't necessarily mean sticky, but it is thick in is consistency. This is [the description of] semen from the male.

The reason there is a lot more focus when it comes to the word semen - when you think of the word semen - we think male because the word is so commonly sperm. When you say sperm, you don't ever think of a woman because sperm is seen as the male version of semen. Although technically sperm itself has no [gender?]...anyway sperm is immensely associated with the male version of semen. The reason sperm is more known in the hearts and minds of people, in terms of education, is because it is more prominent. It happens far more often to a man than it does to a woman. And I don't mean just as part of a sexual act itself but without the sexual act. And that is now what we are talking about when we go to sleep.

Men experience what is called a nocturnal emission. Now a nocturnal emission is what we call an erotic dream a wet dream or a nocturnal ejaculation. Meaning that it happens, not necessarily at night-time, but the reason nocturnal is used is because the length of time allows a person to go so deep to sleep. If you were

sleeping that length of time during the day time, then it would still be called a nocturnal ejaculation or emission, except that it is not happening in the nocturnal time. Or when the mind has become so relaxed or whatever. What is basically happening is that a man is orgasming in his sleep and he then ejaculates sperm and that happens very regularly, especially to teenagers and 20 year olds and 30 year olds and so on and so forth and it is actually quite normal.

It does happen to women and that was the *ḥadīth* of Umm Salamah that we mentioned last week. "Does this happen to women?" she asked the Prophet ﷺ and the Prophet ﷺ said yes. When she sees the water then this is what it is. So, she also has a wet dream. We'll talk about this *ḥadīth* a little bit later *in shāʾ Allāh*.

The fact is that men are seeing it more regularly, it is in the minds of people more regularly and it is easier to understand - I guess the organ and everything about it. It makes it more common and that is what a brother mentioned (and I really appreciate him mentioning last week and he was a scholar) in the lesson; he said that the problem is that most of the books of *fiqh* mention the male and they don't say anything about the female and that is actually true. If you look at this text, nothing is mentioned about the female.

And even this, even though it technically covers the woman, can you see anything which links to a woman? If one feels the sperm move and it doesn't exit - even that phrase almost describes a penal structure. It doesn't come across as much as a female one. Although if you know what you are talking about and you look between the lines, it can absolutely apply to the woman because it doesn't talk about the consistency of sperm, the smell, the colour, etc. It just says sperm and I said the word sperm is not accurate and I will try and change that translation later to semen.

So that is the nature of the male semen. Obviously the reason it gets a lot more focus is because it is fundamental for the creation of life. It is the male's contribution whereas the female's semen has nothing at all. Her egg production, is it based upon an orgasm? It has nothing to do with her being sexually excited. Correct. So, because everyone studies biology, everyone is going to study the creation of life, egg and sperm and so on. As I said, the egg doesn't have anything to do with the sexual kind of act and the sperm does. So again, it is in the minds of people and that just leads to a greater ignorance of: how is it then that a woman has semen? Do women have seminal fluid? Do women have a sexual fluid?

Now this is complicated because there are other types of fluid. The whole issue is covered because there are about four, five types of fluid that can come out. When semen comes out it has these characteristics. I told you it is male and it's feeling and everything. But for a female, she is also obligated to do *ghusl* when this happens. But for her it will also spurt, but not in a way as that for the man because you never see anything like that happening. But it comes, and it gushes. It gushes into her vagina. It is also associated with pleasurable feelings, so there is also an orgasm. She also has that pleasure, also that tiredness afterwards, but the consistency is different. It is fluid, it is thin, watery, more transparent, and more yellow. That is its nature in terms of its colour.

The key lesson to learn here is that if the woman has intercourse or the male whatever, it does not actually matter whether there is any semen produced. The *ghusl* is obligatory. That was the main lesson of last week, but if we are talking about people by themselves in night-time, they are going to sleep and they have what is called a wet dream. Then when a female has that, those things happen to her and she has that wetness, associated with that feeling, coming in that manner, then she has to do a *ghusl* just like the male does.

And of course the man is doing it far more regularly, because that is the reality between them.

Now, last week we introduced another fluid called *madhīy.* We said *madhīy* is a different type of fluid, its actual name is called pre-seminal fluid. Some people called it prostatic fluid, I don't know about that. It's pre-seminal fluid. What does pre-seminal mean? It is also linked to the sexual experience, it is also linked to desire and erotic feelings, but it has no pleasure associated with it when it comes out. It does not come out in spurts whatsoever. It is very clearly different to sperm. Its consistency is that it is sticky and far more colourless than the sperm. It is white with greater transparency. It is more colourless.

This occurs in the male and the female. This is an example so you understand it. This is what they say – if a man was to go to sleep thinking erotic thoughts, sexual thoughts and then he went to sleep, this is the kind of fluid that starts to gather, starts to emit, starts to come out during erotic thoughts without any erotic feelings, without any sexual feelings. It just starts to flow and that is the kind of thing if you wake up and you see, you rule upon that basis. The *ʿulamāʾ* said if someone saw or thought of something before they went to sleep and they woke up and saw the fluid, the ruling would be based upon *madhīy* and not *manīy*, not semen as we are going to talk about. They said semen is when you didn't have any kind of thoughts before going to sleep, but in the night time, there was a dream or someone kind of contact, it could be anything, but you ejaculate and you have the all of the feeling associated with it.

The question of course is when you wake up and you don't remember anything, can't remember what it was before you went to sleep, you can't remember what it was during sleep, what ruling do you base it upon? First of all, you need to go back and think what was the actual basic principle? What is it that I remember happened before I went to sleep? We said last week that if you see *manīy*, if you see sperm and you are able to ascertain that it is sperm from its colour, its smell, and its consistency, you have to make *ghusl.* It does not matter if you remember the dream or not – that is what I mentioned. By the way, if you did not watch last week's lesson, then you are going to be confused. You do need to go back and watch last week's lesson. If you see *manīy,* then it doesn't matter if you didn't remember anything, it is confirmed.

What if you see fluid and you can't work out whether it is *manīy* or not? If it is not very clear to you if it is *manīy* and it is not very clear to you that it's *madhīy,* then it is permissible for you to assume it to be *madhīy* and not have to make *ghusl*. It is - as some of the *ʿulamāʾ* said - the correct position, but it is best to be on the safe

side and if you are in doubt of what it is, then you make *ghusl* anyway and that is something which is acceptable. But if you cannot remember any kind of dream and you can remember that you were having some sort of sexual thoughts before you went to sleep, then we can safely say that this is more likely to be *madhīy* and then it has a different ruling.

What are the rulings? I told you last week *manīy,* semen is actually a pure substance, so that means that whether it is on the skin and whether it is on the clothes, it doesn't affect the clothes or the skin. You don't need to wash them, but it's coming out obligates *ghusl* that is the reason why it is number one. You have to make *ghusl.* Whereas *madhīy* is like urine. What is urine? *Najis*. It is filthy, meaning if it gets onto you, onto skins or onto clothes, then those places need to be cleaned and washed, but you do not need to make *ghusl.* What do you need to do? Just make *wuḍūʾ* and that is the ruling one applies to it.

There is a different fluid as well and it is called *wadhīy.* Now *wadhīy,* I don't think I can think of an English name for it, maybe prostatic fluid. Some of the people said that it follows after urine. It comes after urine and it has a thicker consistency and the *ʿulamāʾ* differed over whether it is pure or not. Some said it is pure, some said it is *najis*, some said what is one hundred per cent clear is that you do not need to make *ghusl* for it. *Wuḍūʾ* you will have to make anyway because you just urinated. As for its purity, they differed and in general the *ʿulamāʾ* gave it the ruling of impurity and treating it like urine.

The other big emission is female vaginal discharge. That is the big one. Why is it big? Men obviously don't know about it because they don't talk about it, but for women it is happening all the time, day and night. And what is the basic principle? The basic principle is that when it comes out, it obligates *wuḍūʾ.* As for the fluid itself, it is not najis, it is pure, it is clean - almost like semen in terms of its purity. When it does come out, it does not obligate *ghusl.*

Sometimes this vaginal secretion or discharge, its colour varies and the ages people get it also varies, but sometimes it can be continuous. Now if any fluid is continuous and obligates *wuḍūʾ,* it gets a specific ruling. It's like the ruling of incontinence and I have written about that extensively. You can search Google for that and have told you about that before. The majority of the scholars say that if a person has continuous vaginal discharge (and by that I mean secretions) or fluid, then they would make *wuḍūʾ* for each prayer and they would clean themselves and continue to do all the actions in that prayer time they need to and then for the next *ṣalāh,* they would do the same, and then for the next *ṣalāh* they would do the same.

This is the same ruling for this vaginal discharge, and it is the same ruling for *istiḥādhah*, which is irregular vaginal bleeding. It is bleeding after menses, and the bleeding is not stopping. This is the same for incontinence of urine or faeces. This is the same for [passing] wind (Someone passing wind continuously because of IBS (Irritable Bowel Syndrome) or because of any other condition, male or female).

So, the *ʿulamāʾ* said that a person should make *wuḍūʾ* every single time for each prayer if it is continuous, because otherwise to keep going back and making *wuḍūʾ* every five minutes would be too much of a difficulty. My personal ruling is that a person does not need to make *wuḍūʾ*, he only need to make *wuḍūʾ* once (and by *wuḍūʾ,* I mean *istinjāʾ* and *wuḍūʾ)* The only time he needs to make *istinjāʾ* and *wuḍūʾ* again is when he or she breaks their own *wuḍūʾ* – meaning they go to sleep or go to the toilet, etc. But what is happening below is ignored – you have made your *wuḍūʾ* once and this is not something which is under your control and this is the position of Imām Mālik and also one of the opinions of Ibn Taymiyyah. Certainly in this kind of time, this is what I am more comfortable with.

That is basically the different types of fluid.

Urine: impure substance, has to be clean from the clothes, only need to make *wuḍūʾ.*

Semen [or female ejaculate?]: whether male or female, whether thick white, or whether yellow thin water – pure substance, does not need to be cleaned from the clothes or the skin, must make a complete *ghusl* once it has been seen.

Madhīy: pre-seminal fluid – impure substance (like urine), has to be cleaned from the skin and the clothes, does not require *ghusl*, only requires *istinjāʾ* and *wuḍūʾ.*

Vaginal discharge: pure substance, does not need to be cleaned from the underwear, a person needs to make *istinjāʾ* and *wuḍūʾ* as a result of it.

Wadhīy: fluid which comes after urination sometimes – thick in its consistency, more white in [colour], something which itself the *ʿulamāʾ* differed over in every aspect. It should be made *wuḍūʾ* for and in terms of its impurity or purity, it is best to assume it is impure, even though some *ʿulamāʾ* said that there is no evidence for it – Shaykh al-ʿUthaymīn being one of them – but we will come to that in its right time.

I will create two scenarios to define what would happen in a so-called wet dream where someone sees something.

If you wake up in the middle of your sleep and you are realizing that you are gushing and you are having a sexual experience and feeling pleasure – man or woman – you are having an orgasm. It is clear that you have to make *ghusl*. But the idea is that you are sleeping and you don't feel it happening; the only way you are going to know is when you wake up and you see the fluid and the stains or whatever. So man or woman, it doesn't matter, you will now go back and you will think – if you remember that there was a wet dream, that there was some form of sexual activity… and *subḥān Allāh* I want to talk a little bit about dreams here.

Dream interpretation is an Islamic science – Yūsuf ﷺ is the one who started it in the Qurʾān. In the Qurʾān, Yusuf saw really strange things and he was able to make *ajeeb* interpretations. If you are seeing things making prostration to you and then you are comparing it to something else, the metaphor is a very strong metaphor meaning something else. This is not my area and I am not very good at it. I have learned a little from Shaykh Kehlan, who I think is really good at it *mā shāʾ Allāh*

tabārak Allāh. Dream interpretation is not necessarily knowledge, it is its own area and skill – it is an ability to be able to hear many, many dreams interpreted and you start to get a feeling for a pattern because there is very little from the Qurʾān and the Sunnah to build upon. That is why the famous book written by Muḥammad ibn Sirīn, the famous *tābiʿi*, on dream interpretation, it itself is not a book you can base your *aqīdah* on because it is such a subjective field and you are going to be putting your trust in someone.

People will see different colours, rooms, oil on the wall and water on the floor – are you drowning? Is this a negative sign? Or is this *barakah*? Water is always *barakah* but if you are drowning in it and people are being killed, then it is difficult to give it a positive feel. So on and so forth.

The point I am trying to make is that in *sharīʿah,* we understand that what you see in a dream is not what is actually meant to mean literally, but it has a very metaphorical meaning. The reason I say that and I wanted to say this very openly and frankly to all of my brothers and sisters to teach them something – that wet dreams will sometimes come in a very bad way. You will see yourself doing very sexual acts with people that you don't ever expect it – even of the same sex, even homosexual acts – and obviously you will get freaked out by that. That is the classic nature of dreams.

It is like… you know they say that if you want to see the Prophet ﷺ, the pious, special people regularly see the Prophet ﷺ in their dreams. A question was asked - how can I do that? The answer to that is a cliché answer but it is the truth; the closer you are to the *Sunnah* and the more you love the Prophet ﷺ, the more you read about it, the more you are going to be likely that everything you are going to see is going to be interpreted in that kind of way. They gave the example that if you keep thinking about and eating a lot of salt and the rest of it, when you sleep you are going to be absolutely really thirsty all the way through if you keep thinking (about salt).

That is what they say. I do not know whether that is true or not. There is some subliminal thing going on which causes a reality in a dream. I know that has certainly happened to me when I am thinking about someone specifically or a conversation, then I see them in a dream. There is a connection. I am only saying that because people need to know that an erotic dream is not the most *ḥalāl* thing you are thinking of.

Maybe you are with your husband or your wife, in the act or whatever and that is it. No, it can be something with a celebrity, it could be someone you could not wish to [have anything to do with], it could be with someone else's wife for example; *ḥarām* things can happen.

Also, some *ʿulamāʾ* mentioned that if the mind is a very conservative and Islamic, then it will not even show sexual organs; it will show things instead of sexual organs. For example, for the male organ it will show like a spike, tower, or chimney or whatever. They said for example the female body, they said that the mind will try and suppress the blasé nature of the thought, that instead you will

see hills for example with respect to breasts, valleys and so on for other aspects of her body; likewise with the man as well. Despite seeing that in a very innocent way in your dream, one might ejaculate. Meaning men and women need to be educated on the fact; do not think you will see a straight form of sexual kind of material and suddenly you are going to have some wet dream. It does not work like that. All kinds of crazy things can happen, *ḥalāl* and *ḥarām* that can be seen.

What happens I know is that some people come and see me over the years, this has been a long time now where they come and they come really depressed and say: "I saw the craziest thing and if I was awake, that would never ever happen. There was no way I would see that as something sexual, it's *ḥarām*, it's *kufr*, it is this, it is that, but it happened in my dream. What is wrong with me?" I am trying to say to you that the nature of dreams is that there is very little connection between the reality of what is being seen and what happens to your body. I am just saying do not get too stressed out by that. We only should be worried about the ruling itself; when it happens, we are only concerned with the cleansing of the body.

In fact I think it was Ubayy ibn Kaʿb ﵁ who said (I am paraphrasing here) "When I thought about the wisdom of making *ghusl,* I understood that it was for the impurity of the ejaculation." Meaning the sexual act is not something impure, it is something rewarded. It produces good and it prevents *ḥarām,* so we must not look at it in a negative way. But if we look at it [in the sense] that it is the fluid itself which is causing the problem, or the way it comes out, then we kind of understand that it is the holistic reasoning behind why we are having the shower we have, the *ghusl*. It is like the physical purification. It is like a process where we say 'I did something impure, now I am doing something pure.' It is not necessarily the cleansing of the body. We have mentioned that a number of times that nothing in *sharīʿah,* whether it is *wuḍūʾ* or whether it is *ghusl,* physically cleans or cleanses the body.

I am going to show you in the next few weeks that you can wash your body with four of these (cupped hands). I am sorry, but I cannot wash one of my legs with one of these. Obviously you can see that the focus is not on cleaning per se; it is a spiritual exercise which purifies the actual act itself. For me, that ties in well with [the idea that] people should [never] have feelings of guilt when it comes to wet dreams and things like that. Therefore the male and female, whatever happens, as long as they remember something happened in the night and then they see the fluid, they look at the fluid and [if they] see that it has the characteristic of semen, yellow nature, more liquid for the female, more specific smell thick and white for the male, the *ghusl* then comes into play – that is both for the male and female. Sisters do get it, males get it far more often. Call it an erotic dream, wet dream, call it nocturnal emission, call it what you want.

[As for] *madhīy,* that is something entirely different. I cannot emphasis that enough. *Madhīy* can start immediately with sexual thoughts both for males and females. It is actually really common in females, and it can happen immediately just upon talking. Actually the entire act of foreplay is considered to be the arena of *madhīy*, whereas the sexual act itself is the arena of sperm or semen. That is the

easiest way to understand it. That is why we said *madhīy* would be the kind of thing of when you have sexual thoughts whilst you are awake and you are pretty much in control or whatever, and then you go to sleep and nothing much happens because your thoughts are now finished and you see fluid, it is always going to be *madhīy*. If you never saw a wet dream at night-time and you woke up with liquid in the morning, then you would not rule upon sperm. First of all, you will look at it and say it does not look like sperm and then you are going to say what else is it going to be, then you just wash yourself.

What I mean [is that] you do *istinjāʾ* and no *ghusl* is required.

Student: Is semen not always preceded by pre-seminal fluid?

Ustādh: What the brother asked is really good question. The brother said pre-seminal fluid, as doctors confirm, is always emitted before seminal fluid, and we have just said that pre-seminal fluid is impure and sperm is pure. That means it's a mixture of both. So then it isn't appropriate for the stuff.

I want to say to you as a cop out that this is why some of the *ʿulamāʾ* said that *madhīy* is pure. They actually said that *madhīy* is pure. Does that make sense?

We are going to come that part where Shaykh al-ʿUthaymīn discusses this and I can tell you that Shaykh al-ʿUthaymīn himself consider *madhīy* to be pure. He is not going to say that. I am just saying that some *ʿulamāʾ* therefore considered *madhīy* to be pure. That is one explanation for this.

Another explanation would be that it is been dominated, it is not there, it is not present, can't be seen, ruling is not given, etc. But those are also cop outs. But your point stands clear. If there is pre-seminal fluid, then the area has become unclean.

So why is then that the Prophet ﷺ did not then clean the area or wash the area? When I am saying 'clean the area,' it doesn't mean that it's left as it is; I mean that one doesn't have to physically wash the area. I want to say that even *madhīy* (the pre-seminal fluid) doesn't need to be washed from clothes. The Prophet ﷺ wouldn't pour water upon it, he doesn't make *ghasl* of it, it is sprinkled with water. So even that is not like urine, because urine is washed. So it is like a position in between, but it is impure. Meaning if it is on your skin, it has to be taken away, but if it is on clothes, then the Prophet ﷺ made sprinkled over it.

So we can almost say, to answer your question, that it has a unique state, somewhere between pure and impure. Or it is an exception to the general rule by the action of Prophet ﷺ only sprinkling water upon it. That is definitely a position that could be held.

But the fine ruling is based upon sperm. The reason for that is because the Prophet ﷺ made it very clear that if, as we confirmed, no semen can come out without pre-seminal fluid coming out, then the Prophet ﷺ definitely did not act upon *madhīy*, he acted upon *manīy,* and now we know that *madhīy* was there. It is almost like it is ignored, or it is like it's pure - whatever opinion you choose is an exception to the rule.

Student: If you look at the first paragraph dealing with women, what in that paragraph in English obligates the *ghusl* for women? Because there is no sperm in women.

Ustādh: Which is why I said take the word 'sperm' out and make it 'semen'. As semen, what I mentioned in last week's lesson is that really sperm was a mistake to translate it as that, and actually represents my own kind of thinking.

Student: Even the seminal fluid is in the female?

Ustādh: Seminal fluid can also be in the female. The woman does have seminal fluid. She has a sexual fluid, she has an ejaculate which comes out of orgasm.

The main thing to understand here is that the only thing that's going to obligate *ghusl* in the woman is that which comes out in spurts after climax or after orgasm. That is *manīy.* Now what we call that is ejaculate. It cannot be put as seminal fluid at all? That's only in the male?

Student: Yes.

Ustādh: That's another accurate statement that we need to add, is ejaculate. I don't think we can translate *manīy* as ejaculate because that is semen.

I guess the point that we can add is that we won't call it semen for the women. We'll call it sexual fluid or ejaculate. There has to be a name for it. Is there anything that ejaculates other than sperm in a male? No, so it's only sperm. Is there anything that ejaculates in a woman other than that which happens upon climax and orgasm? No, so ejaculate is the correct word because the ejaculation from the female has to have the same conditions - gushing, accompanied by pleasure, and its physical characteristics are always going to be changing. The smell will be roughly like dough, etc. It's going to have a dry feature in it and a wet feature. A females is more liquid and more yellow whereas in the male it is thicker and whiter.

Student: One of the things you mentioned is this pre-seminal fluid. The description that you've given, if I'm correct the ejaculate changes. Initially when it comes out, it has the characteristics that you said. It has enzymes within it that break down so after a period of time it becomes thinner. That's obviously because, in women, it has to go to the fallopian tubes. It changes. If you are trying to identify it by its characteristics after so many hours, how can you?

Ustādh: It's very difficult. I'll ask you a couple of questions. Whilst *manīy* is breaking down, is *madhīy* breaking down as well? If so, after five to six hours, does the level of breakdown makes them the same or distinct? If they are still distinct, then we have something to go on. If they are not distinct, then the *'ulamā'* have ruled, like I said at the beginning, that there is no doubt that the safest and best position is that after there is fluid found in the morning then it is safer to do *ghusl*.

I wrote three or four scenarios. I said that when you wake up, you are going to be in one of three or four states. Let's do it again. From page 335 of *Sharḥ*,

فإذا استيقظَ ووجد بَللاً فلا يخلو من ثلاث حالات

When a person wakes up and he finds moisture, then he will be in [one of these] three particular scenarios. Number one,

الأولى: أن يتيقَّنَ أنَّه مُوجِبٌ للغُسْل، يعني: أنَّه مَنِيٌّ، وفي هذه الحال يجبُ عليه أنْ يغتسلَ سواء ذَكَرَ احتلاماً أم لم يذكر

The first of these scenarios is that he is 100% sure that it is *manīy*. It does not matter whether he remembers the wet dream or not. He wakes up and he sees clear sperm. It could have happened before he woke up or it didn't break down, etc. I do get what you were trying to say about the enzymes but I just wonder how much of the characteristics are there. Is the smell gone? The smell of dough is very prominent. That's the first state. The second:

الثانية: أنْ يتيقَّنَ أنَّه ليسَ بِمنِيٍّ، وفي هذه الحال لا يجب الغُسْل، لكنْ يجب عليه أنْ يَغْسِلَ ما أصابه، لأن حُكْمَهُ حُكمُ البولِ

The second scenario is that he is 100% positive that it is not semen. This is either because of what it looks like or because he can't remember anything. We are not exactly sure that it's not semen. In this case, there is no *ghusl* but the area needs to be washed because it is given the ruling of urine. I mentioned this last week. The third scenario,

الثالثة: أنْ يجهلَ هل هو مَنيٌّ أم لا؟ فإن وُجِدَ ما يُحَالُ عليه الحُكْم بِكَوْنِهِ منيًّا، أو مذياً أُحِيلَ الحكم عليه

He's not sure if it is *manīy* or not. If there is something which indicates that it is either *manīy* or *madhīy* from whatever the indicators may be, then he acts according to that.

وإنْ لم يوجد فالأصل الطَّهارة

If he does not find anything which clearly indicates that this is *madhīy* or *manīy*, then what's the basic rule? That person is pure and everything that is happening

around them is pure. We don't have this clear evidence which takes his purity away. There is no way you will make him impure unless you can prove it 100%.

وعدم وجوب الغُسْل، وكيفيَّة إحالةِ الحُكْمِ أَنْ يُقال: إنْ ذَكَرَ أنَّه احتلم فإننا نجعله منيًّا

Therefore *ghusl* is not obligated upon him. What are some of the ways that you can look for indicators? One of them is to try and think of the wet dream. Did you have a wet dream and can you remember it? If you can, then it is considered *manīy*. It is considered semen so he has to make *ghusl*.

لأنَّ الرَّسول صلّى الله عليه وسلّم لما سُئِل عن المرأة تَرى في مَنَامِها ما يَرى الرَّجُلُ في مَنَامِهِ؛ هل عليها غسل؟ قال: «نعم، إذا هي رأت الماءَ

When he ﷺ was asked about this exact scenario then the Prophet ﷺ said yes, if she sees the water/fluid.

وإنْ لم يَرَ شيئاً في منامه، وقد سبقَ نومَهُ تفكيرٌ في الجِمَاعِ جعلناه مَذياً، لأنَّه يخرج بعد التَّفكيرِ في الجِمَاعِ دونَ إحساس، وإنْ لَمْ يَسْبِقْه تفكير ففيه قَوْلان للعلماء

قيل: يجبُ أن يغتسلَ احتياطاً.

وقيل: لا يجب، وقد تعارضَ هُنا أصْلان

If he doesn't see something in his dream or can't remember if there was a dream but remembers that before he went to sleep there were some thoughts, then the ruling is the ruling of *madhīy* (pre-seminal fluid). This is because *madhīy* comes out upon thoughts and not actual physical feeling.

If there was no dream and no thoughts before he went to sleep, then the *'ulamā'* had two positions. The first position is that he has to make *ghusl* out of safety/caution (*iḥtiyāṭan*) and the second position is that he doesn't have to. These two positions are obviously diametrically opposed, however both positions are acceptable. This is because if you say you don't, then it's because you're saying that I'm pure - can you prove it wrong? And if you say that you should do it out of caution, then that's always going to be a winner with the scholars. It's not going to be a winner with the Paks, but is it with the scholars.

So that explains all of the potential scenarios.

Student: When we say the scholars prefer caution, how can we understand [inaudible]?

Ustādh: That's why they will always be at pains to say that we're not going to obligate it. So the people who say that we prefer X, when you push them on it, they will say 'never will it be *farḍ* upon the person.' That's their get-out clause. They just say that 'yes, we're still going with 'certainty can't be removed by doubt,' but we're just saying that it'd be great if you do it and get a cautious practice going.

Student: So what's the class position?

Ustādh: The **class position** is that definitely it is not obligatory and you know my personal position is that I'm always Mr Caution. Anything that can be done as an additional is good, but obligation? No, as there's no evidence and the basic principle is *ṭahārah*. There's a very clear process that the Prophet ﷺ applied. Did you see the water? This is the manner. Does the woman have these thoughts? Yes… etc. There's a very clear acceptance that there is reason and a cause and then a consequence. Therefore, I'm comfortable with that.

That's really the lesson today to be honest. We've spent more than normal lesson time just talking about that which is fine, but I do want to make sure that this whole issue is covered up, so let's take alternate questions.

Q & A

Q: Does the ruling of needing to make *wuḍūʾ* after vaginal discharge apply to all types of vaginal discharge? For example, women can get vaginal discharge related to 1) infections, 2) physiological (e.g. depending on the time of menstrual cycle, or when a woman ovulates). Some women can have regular discharge but not necessarily on a daily basis, and this is considered medically normal.

A: That's not for now, we're going to have to look at that later because there's a section on that, but I'm talking about the normative vaginal discharge which happens all the time. It's a pure substances that required *wuḍūʾ*.

Q: When one makes *wuḍūʾ* after urination and then sees the fluid (*wadhīy*), does he have to make *wuḍūʾ* again?

A: When a man sees fluid coming out after he has made *istinjāʾ*, then as I said it goes back to the issue of what the nature of it is. The *ʿulamāʾ* talked about, for example, if any kind of fluid is seen after *ghusl*. Does a person need to make *ghusl* again? None of the *ʿulamāʾ* said that the *ghusl* needs to be made again, but the *wuḍūʾ* should be made again. So if a person does see that, then they should make *istinjāʾ* and make *wuḍūʾ* again. Allāh knows best.

Q: Are there any other opinions on female secretions (normal daily ones) based on a medical gynaecological point of view as being as normal as nose secretions?

A: The answer is no. Vaginal discharge is not seen as normal nose secretions

Q: Seminal fluid only occurs while sleeping (wet dream) whereas vaginal discharge can happen any time of the day, right?

A: Correct, vaginal discharge is not linked to sexual activity, it is a constant produced discharge which I believe can increase at certain times such as stress, sexual experience, etc.

Q: The former requires *ghusl* while the latter doesn't break *wuḍūʾ*?

A: I want you to know that the vaginal discharge question is one in which there has been huge difference of opinion over and we're not doing justice talking about it here. It has its own chapter and we'll talk about it properly then and maybe we'll give it some proper airing and some serious discussion. I'm saying that the majority of the scholars consider it to be a substance which is pure that requires *wuḍūʾ*. There are also a number of other (prominent) scholars that don't consider it need to *wuḍūʾ*. That is something that we will cover in detail. For now we will act understanding it to be a pure substance that requires *wuḍūʾ*.

Q: I know it's a bit crude, but the text mentions certain orifices in which the glans enters a bodily object, therefore would *ghusl* be obligated if the glans entered the mouth?

A: Correct. We'll come to that.

Q: Is it possible that urine get mixed up with the semen and so it becomes impure?

A: It is possible if there is urine there, but I don't think that's a biological fact that when there's semen there has to be urine, unlike *madhīy* (pre-seminal fluid) which is there before it.

Q: What is the ruling for a woman that sees a wet dream but does not see anyone who is doing it with when she wakes up in the morning?

A: It doesn't matter. That is the reason we discussed that. A wet dream is not based upon the characters or the action. It is understood that there is an experience and then a consequence. It is not about characters in the actual dream which is why I went into that detail.

Q: If one cannot perform *ghusl* because of a headache worsening or because of extreme sinus effects, are they excused?

A: Yes, we'll come to the exceptions to *ghusl* later.

Q: Should *ghusl* be done immediately?

A: The etiquettes and nature of *ghusl* will also be covered later, but yes, in principle, one performs *ghusl* quick, because *janābah* is a state in which angels aren't comfortable with, neither is the Qurʾān is recited and dhikr is not healthy in etc. That is not the right state for a Muslim to be in.

However, the last line of this chapter is a concept of lightening the state of sexual impurity. There is an idea that you can do something to your body which allows you to do certain things which you might not have done before, because you're in a state of impurity. Before you get yourself ready for *ghusl* the next morning or a couple of hours later, you can make *wuḍūʾ*, but not just *wuḍūʾ*. You would either wash your hands, face and mouth or you would do a *wuḍūʾ* without washing your feet, or you would perform the complete *wuḍūʾ*. All of these have been narrated from the Companions. And they would do all of these things before they would repeat intercourse, before they would go to sleep or eat. There is a clear indication that the *janābah* (state of sexual impurity) is an inhibitor from doing everything. So you've got to try and get rid of that state as best as possible. But to really make yourself free again requires *ghusl*.

Q: As women are continuously […] and sometimes there is some kind of secretion, although the nature of it changes over the cycle based on what Shaykh said, a woman should be making *wuḍūʾ* each time. I don't really understand when Ustādh said his position was to just perform *wuḍūʾ* when it is broken in other ways, so can you clarify?

A: When I say my position, that position is a *fatwā* for an abnormal situation. The abnormal situation is that this woman is in a constant state of vaginal discharge. She makes *wuḍūʾ* and it happens again. This will drive her insane. She'll be spending more time in the bathroom than out of it. So for this woman, it doesn't matter whether it's happening every day or for seven days only. Due to her discharge increasing or decreasing, due to a menstrual reality which would have some factors, then for that period of time, if it is constant, we would have to treat it as if it was urine. If it was urine, you wouldn't think twice about it.

Let's change the parameters in the question: let's swap discharge for urine. If someone said that they only urinate for four days out of the month but are urinating constantly for those four days, they wouldn't hesitate to say that they need a fatwa to help them out.

We would let them know that majority of the scholars still require them to make *wuḍūʾ* for each prayer. I'm saying you can either follow that opinion or follow the Māliki position which is that you make *wuḍūʾ* once and don't perform it again unless you go to the bathroom on your own accord by breaking your *wuḍūʾ* intentionally. Allāh knows best.

Q: Let's say that if you are urinating all the time then pass wind, then you'd have to make *wuḍūʾ*?

A: Correct. If a person is suffering from urinary incontinence and they go for a number two, or they pass wind, or go to sleep, that is when they would perform *wuḍūʾ* again as they have wilfully broken it. Why is the reasoning there that allows them to make *wuḍūʾ* once? Because whatever is happening to their body is out of their control and is involuntary.

When you do something that is in your control i.e. pass wind, sleep, then yes you need to make *wuḍūʾ*. That's where the reasoning is coming from.
Actually if you want to read the article, there is more than reasoning. There is a critical study of the *ḥadīth* of which the scholars use to make the *wuḍūʾ* every prayer time, it is a problem of the text. You look at it and you study it, it is a really interesting *masʾalah.* There is a *ḥadīth* in Bukhāri as well.

Shaykh Abdulghaffar: [inaudible]

Ustādh: Shaykh is basically saying that if you look at the Qurʾānic narrative, you will see that Allāh ﷻ is always talking in a manner about the organs in a way that is not explicit. The Prophet ﷺ talking about the sexual acts and so on, again not explicit.

When you approach… *tubāshir* is… I don't know how to translate that best but it is 'physical', 'physical touch', and 'touching' and 'approaching' and so on and so forth. Or 'when you sow', for example.

All of these are phrases that are used [in the Qurʾān] to take out the explicit vulgarity of the organs and the act itself.

So why is it that people today and as we are reading this, are more explicit? That's the question. Who's got the answer?

Student: Because he is AE and is not PC.

Ustādh: That's the answer (laughter). I personally believe *Allāhu aʿlam* that the Prophet ﷺ and the *kibār ṣaḥāba* have referred to the sexual organs in a very explicit way sometimes. I don't want to repeat that *hadith* of the Prophet ﷺ - the *hadith al-aṣābiyah,* for example.[1] We know what the Prophet ﷺ told people to do, what they were doing, the call of *jāhilīyyah* and other actions like that. Also the *ḥadīth* of Abu Bakr.[2]

Let's make it clear - it is not *ḥarām* to use these phrases. So let's make that clear as the starting point. The question is why is it that it is being used in a metaphorical way in the Qurʾān, and used in a metaphorical way means to reduce vulgarity? Why is it that you find that the Qurʾān and *Sunnah* is full of *kināyah* and not explicit if it is permissible to use the explicit phrases?

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[1] *Narrated by Musnad Aḥmad, Sunan al-Kubra of an-Nasāʾi and Mushkil al-Athar of at-Tahāwi.*
[2] *Narrated in Sīrat an-Nabawiyyah by Ibn Hishām and al-Maghāzi by al-Wāqidi.*

I would say that the answer to that is you should go by culture and time and people and so on. That's my personal position. I don't believe that to a group of elders even in this age, you would speak to like that.

To people who are seeing and hearing these phrases day and night, they are not very poetic and not very imaginative people. Yet when you say to people “when you touch her,” there are some people who would immediately know what you mean by that - when you touch her means intercourse. You will also see some people who when you say “touch her”, they say “touch her?” They do not have the language and culture and that poetic kind of feel or whatever, that they would be able to understand that this means something more than a little touch.
That's my experience, that's what I have seen from students and I don't see the point in wasting time, trying to be all artsy about it and trying to be clever. I just want to make a point, and move on.

Shaykh Abdul Ghaffar is not happy about it. You said the *ʿulamāʾ*. This is the book of *fiqh*, right? He said *wa dakhalaʾl-ḥashafah*. Use his words. He said the glans of the male sex organ. The reason that he doesn't is because this is a legal text. When you’re discussing legal texts, there is a difference between reading something which is more for *tafakkur*, and there is something when you're looking at something from a legal point of view.

Legally speaking, you don't mess about. Legally, it's all about being as clear as possible. So I think there is a difference. The point will always stand. But I have no problem at all. The ruling is different and the *adab* of the discussion is something different. He’s talking about the *adab* and that is a point well taken. In my opinion, the *adab* is far more important in other areas but when we're talking about legalities, in my opinion, you should make it as clear as possible.

There is no doubt. Because I have wasted many, many years flaffing about. When you have spent as much time teaching and just wasting time, you just tell someone ‘boom, boom’ and that’s it. *Allāhu Aʿlam*.

15. Chapter 9: The Chapter of Bathing III

There were a couple of questions that were asked last week, and those were what formulated my thoughts for the lesson this week.

So I just want to come and talk about this now. We are now discussing *ghusl,* point number two.

The glans of the penis (which is the head of the penis) completely penetrates a normal vagina or an anus, even that of an animal or a deceased one.

This discussion is all about that. Let's now look at the text, and keep looking at that text. And we see that the Shaykh himself made everything very clear about *farjin aṣliyyin* in Arabic, and not the *ḥashafah*. It is also *aṣliyyatin*. Meaning that the penis itself is an *aṣli* penis and the vagina is an *aṣli* vagina. You can say 'normal' in contradiction to what? To an abnormal one, i.e. that of a hermaphrodite, and we discussed that as well.

Here is our clue. The Ḥanbalis have put this on the issue. We're talking about the sexual act. And the sexual act is something that everyone who is married does in different ways and there are many real issues. There are *ḥalāl* scenarios and there are *ḥarām* scenarios.

The *ḥalāl* is all of the forms of vaginal intercourse at the right times and foreplay. Foreplay being all of the various things a couple would do. And also *ḥalāl* use of various toys and things, because ultimately their objective is their satisfaction in order to not have to go elsewhere in a *ḥarām* way.

As the Prophet ﷺ said, why are you surprised that a person is rewarded for having intercourse with his wife? Do you not expect him, if he goes in a *ḥarām* way, to be punished? The Companions said, yes *yā Rasūl Allāh*. And then he said, yes, if he does it properly, legitimately, then he will be rewarded.[1]

The objective is to protect yourself from *ḥarām*, and if intercourse with the wife was not satisfying the man or the woman, then it is permissible for them to use XYZ or whatever to make sure that that is done, and that the couple are happy and satisfied.

[1] *Ṣaḥīḥ Muslim, The Book of Zakāt, Chapter: The word charity (Ṣadaqah) may apply to all good deeds (Ma'ruf), hadīth no. 1006.*

So this would be permissible aspects, and it is a very wide area, and Shaykh Yasir jazāh Allāhu khayr has done a really great job on his series Like a Garment, and is also releasing 3 to 4 videos at the moment. They will release them one by one, and you can see that on his Facebook page.

As for the *ḥarām,* some are obvious and some are not so obvious. The obvious is intercourse with an animal. *Ḥarām* is intercourse with a dead person. *Ḥarām* is intercourse with a living person, like your wife but anal intercourse. *Ḥarām* is intercourse during her menstruation, or her postpartum bleeding after she's had a child. These are the kind of *ḥarām* clear in our minds. What is not a clear, however, is, for example, the use of a condom, or sexual contact of the private parts without insertion or without intercourse actually occurring. This, by the way, was something that was very commonly practiced among the Companions and the Prophet ﷺ. In fact, one of the most famous *aḥādīth* that we have is one narrated by ʿĀʾishah ؓ in *Ṣaḥīḥ al-Bukhāri,* when she was menstruating, she would protect herself. There would be no insertion.[2]

The intercourse during *ḥayḍ* or menses would be impermissible, so that's fine and that's one thing that we need to understand. This is a *fiqh* lesson that we need to understand in detail.

But there is another aspect as well, because this is not the chapter of sex or permissible acts; it is the chapter of *ghusl*, and we need to try and focus on what actually obligates a *ghusl* or not.

Now we can combine these two and create a number of scenarios; for example, masturbation, fellatio or oral sex, use of condoms - so all of these fall very squarely into [the category of] sexual acts and enjoyment but the real issue is do they obligate the *ghusl* or not? Are they like the issue of intercourse? That's what we want to examine today.

And it's already been given a clue from the Ḥanbalis. They already said that only a normal vaginal or normal penis [will obligate *ghusl*]. Which, if they are going to say that a *ghusl* is not going to be obligatory after having intercourse with a hermaphrodite who have two sexual organs, then it shows you that anything that is not a normal private part doesn't apply. This is the position of the mass majority of scholars.

They basically say that it is obligatory to have a bath if any form of intercourse occurs with a private part, meaning it has to be vaginal intercourse and there is an absolute agreement upon this. The issue, as I told you in the last week's lesson, was that amongst the Companions [they were saying] no, there has to be ejaculation as well. And we talked about that and we said that at the beginning of the Islam, the ruling was that ejaculation was necessary. If there had been intercourse without ejaculation, then a person could then just wash their private parts, and then it will be okay.

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[2] *Ṣaḥīḥ al-Bukhāri, Book of Menstrual Periods, Chapter: Fondling a menstruating wife, hadīth nos. 299, 300, 301.*

At the beginning of Islam, the Companions were told that intercourse itself would require just washing the private parts. Whereas if there was proper *inzāl* or ejaculation, then there is *ghusl*. But if there is only insertion, then there's no *ghusl*. In the end, we know that those *aḥādīth* are abrogated and the *ḥadīth* that I mentioned last week [states]:

إِذَا جَلَسَ بَيْنَ شُعَبِهَا اَلْأَرْبَعِ, ثُمَّ جَهَدَهَا, فَقَدْ وَجَبَ اَلْغُسْل

When a man sits between the four parts of the woman and then had intercourse with her, then *ghusl* becomes obligatory.

This *ḥadīth* is narrated in *Bukhāri* and *Muslim*.[3] This *ḥadīth* is a very important *ḥadīth* because this is a *ḥadīth* which is considered to abrogate all of the previous *aḥādīth* on the issue of intercourse. This *ḥadīth* is considered to be the 'abrogator' because, taken literally, it doesn't mention ejaculation; it just mentions entering.

And so many of the Companions said that and they made it very, very clear that it is about the actual entrance and the *khittān*; the two circumcised parts meeting inside, not actual ejaculation. I just want to make it clear that this *ḥadīth,* despite its importance, there is some difference about what it actually means. "Her four parts," what does that mean? Some said her two arms and her two legs. Some said the two thighs and the two legs. Qāḍi 'Iyāḍ (I think) said it is referring to the four parts of the vagina itself.

ثم جَهَدَهَا

Jahada is from which word? It is the verb for the verbal noun *jihād*. *Jahada* means to strive and to exert. The scholars differed on the meaning of this as well. What does it actually mean? Is it exert as long as any form of exertion occurs or does it literally mean to just actually insert? There is almost a consensus that the meaning of this word 'exert with her' means that he enters her, then *ghusl* becomes obligatory. Now we know that therefore ejaculation is not necessary. The point here is that it is the private parts which are clearly the focal point. Every other *ḥadīth* is referring to the focal point of the private parts.

Now when we have a modern day scenario where we have people doing all kinds of crazy things with dead people (necrophilia), with animals (bestiality), etc. these actually did exist [back then]. It is clear; these are texts from the old times and it's clear it existed, but it exists more commonly now and added to this is the reality of other things.

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[3] *Ṣaḥīḥ al-Bukhāri, Book of Bathing (Ghusl), Chapter: When male and female organs come in close contact (bath becomes compulsory), ḥadīth no. 291.*

For example, I was reading *al-Umm,* the book of al-Shāfiʿi. Imām al-Shāfiʿi رحمه الله makes reference to this as well saying that *ghusl* is obligatory in whatever orifice that he enters (the *faraj)*. The word *faraj*, we talked about weeks ago. It refers to the back and front. Therefore anal and vaginal intercourse is a given. Now we need to say, what about other orifices? The mouth is the obvious one. Is it possible to try and understand from the earlier scholars that therefore every form of intercourse makes *ghusl* obligatory? That is the question we have. According to the statement of Imām al-Shāfiʿi in *al-Umm* he says,

وفي فرجها ودبرها وغيره

"And other than that." And other than that could be [referring to] other orifices on her or it could be other orifices in another person, or in another dead person, or in an animal - that is possible. Initially when I read that, I thought *ghayrihi* means another orifice in the same woman, meaning her mouth for example. The statement is not clear. Then Shāfiʿi himself continues; he said but as for the entrance of one having intercourse with inter-blood (meaning thick liquids… basically today's sex toy industry, things which do not have any form of life but they are being used because they are not able to get married, or they are desperate or whatever x, y, z), the text there said, no *ghusl* upon them.

So when I realised this, I thought to myself that this will require some explanation and that is why we are going to spend some time one this. The first thing we need to understand is the parameters. Let's make it very, very clear that we are not talking about *ḥalāl* and *ḥarām* actions here. It is *ḥarām* to have anal intercourse, bestiality is *ḥarām*, necrophilia is *ḥarām* – we are not talking about that and Shaykh will say that in a minute as well. We are talking about whether intercourse in other than one's normal wife's vagina is that going to be the thing which obligates *ghusl*.

Likewise, we need to ask ourselves a question. What is the reason that obligates *ghusl*? Is it the intercourse itself? Is it the enjoyment? What we call *taladhdhudh,* the pleasure itself? That is a massive question, because the answer to that will change everything. Now, I have to say that I spoke to Yasir about this as he studied this a lot for his class and I was always of the opinion that is was pleasure. And we had one hour, like I said, and we went proper [back and forth] and I have got to say that he has changed my mind. He has changed my mind personally and the reason we had to have that is because Shaykh al-ʿUthaymīn sits on the fence and he doesn't make it very clear.

Actually, I can tell you that the majority of the scholars consider that it has nothing to do with pleasure and my personal belief that it has to do with pleasure is not supported by hardly any scholars whatsoever. So it is an easy position to leave and best to come over to the majority of the scholars which is that it has nothing to do with pleasure.

That position is [that of] the majority of the scholars and clearly it is the Ḥanbali position, because they made it very clear. If it is to do with pleasure, then it does not matter if it is a hermaphrodite or not a hermaphrodite. If you have vaginal intercourse with a hermaphrodite and if the pleasure is there, then it should be a *ghusl*. But the point is that they made it very, very clear that it is not to do with pleasure; it has to do with the actual legitimate proper vaginal or private part intercourse. That is what it is about – proper original private parts and that is why bestiality and necrophilia are included, because they are proper, even though they are *ḥarām,* but it is a proper one.

So now the question that arises is with that *ʻillah,* then can we give rulings to other forms of actions? Can we give rulings for *ghusl* in other scenarios? For example oral [sex]? For example, masturbation? I don't want to get too explicit, but the point is that every other form of other sexual activity between a husband and a wife - anything and everything it can possibly be. If pleasure is not the issue then therefore intercourse itself is the only thing which is going to obligate. I just want to make it very, very clear though that no-one gets confused.

If there was another way like masturbation or some other sexual act that was committed by the wife for the husband and vice versa, and it led to an orgasm or ejaculation, then of course *ghusl* becomes obligatory. No one should ever forget that. It's a given. Any time there is ejaculation for whatever reason, the *ghusl* becomes obligatory.

What we are not talking about in this entire chapter is pure intercourse without any ejaculation. Even when we are talking about oral sex, masturbation, etc., we are talking without ejaculation. If we look at what the Shaykh says, the statement is that [penetration] into the animal or into a deceased one - even though it is *ḥarām* - it is the ruling that it will obligate *ghusl*.

We can conclude that to obligate *ghusl*, there has to be proper vaginal intercourse. Anal intercourse, bestiality, and necrophilia would also obligate *ghusl* but it would be a *ḥarām* act. Everything other than that, as long as there is no ejaculation, would not obligate *ghusl*. That is the Ḥanbali position, Shaykh ʻUthaymīn's رحمه الله position and the **class position**.

I will repeat that. Vaginal intercourse, regardless of ejaculation or regardless of her climaxing, obligates *ghusl* on both people. Anal intercourse (regardless of ejaculation) obligates *ghusl*. Bestiality (animals) and necrophilia (dead people), in their private parts (vagina or back), obligates *ghusl*. Any other sexual act in any form and in any way with anyone, regardless whether it is *ḥalāl* (ex. sex toys between couples) or *ḥarām* (ex. person masturbating by himself), obligates *ghusl* if there is ejaculation. Any other sexual act that does not lead to ejaculation does not obligate *ghusl*. That is as best and succinct summary I can give of the entire subject. Let's ask some question.

Q & A

Q: Anal intercourse obligates *ghusl* on both parties?

A: Yes. Intercourse obligates it on both parties. It's not conditional upon climaxing of one or the other. It's the act of intercourse, itself. We've already defined intercourse. It's with just the glans (head of the penis alone).

Q: What do they say about the ruling of *zinah* with a hermaphrodite?

A: So we're going to come to that, like hopefully [in] 15 years' time. I don't even want to get involved in the rulings of *zinah*, and then *zinah* with a hermaphrodite. I know you're interested, I know... [Laughter]

Q: So can penetration, with or without ejaculation necessitate *ghusl?*

A: Penetration meaning the head of the glans, the full head. Yes

Q: So this includes bestiality, necrophilia, normal vaginal intercourse, oral sex, etc.?

A: Anal intercourse, not oral sex. I said oral sex, masturbation, any other form of intercourse - like between the thighs for example, between hands, everything without trying to... (You know, the lesson has already fallen as far as it could possibly go. I don't think it could fall any further, but if it could, add all the fantasies of everyone in there). All of that is not included in intercourse.

That's the whole reason I wanted to do this lesson, because I know that people are still not getting this. Everything else is not going to obligate *ghusl*. That doesn't mean it's *ḥalāl*, it's *ḥarām*, or it's X, Y. It just means that *mujarrad al-fi'l*: meaning that just the act itself, it does not obligate *ghusl.*

Now remember what I said, and I make it very, very clear, [that] this is of course without ejaculation. If there is ejaculation in anything - [like] we said that if a person wakes up in the night time and he has ejaculated, he has to do *ghusl*. So that doesn't really matter.

Q: In your previous position, what you said...

A: So I am going to tell you why I said that. Actually, why I've always thought that is because I thought it was obvious. I want to make it clear that I didn't just think - and we were having this debate and I got very angry at Yasir because he said something which made me laugh and he was making too many assumptions. He thought that I said that just pleasure by itself obligated *ghusl*. That made me laugh and made me angry because he goes, what if a sister is on a motorbike, going all over the place and then she has to make *ghusl*. I nearly strangled the guy on the phone.

I said that my position is that intercourse of any other type with pleasure (i.e. fellatio, basically) obligates *ghusl*. And his argument - and it it's a good argument and the majority of the scholars are with him, and you will see one of the reasons

why it could be argued [that this is Shaykh al-ʿUthaymīn's position]. He is adamant that Shaykh al-ʿUthaymīn did not hold this position. I will show you how it is possible to understand that this is the position of Shaykh al-ʿUthaymīn from his own words.

He himself made a good point, and he's right, and I am going to make this point a little bit later that Shaykh al-ʿʿUthaymīn, this is not a book that he wrote. He is teaching this like I am teaching now and someone is transcribing him. When you are thinking off the top of your head and teaching off the top of your head, the likelihood of mistakes and contradiction is massive. For example, it happens, there are Master's that have been written about Shaykh al-ʿʿUthaymīn's *fiqh* because all of Shaykh al-ʿUthaymīn's *fiqh*, or nearly all of it, is all transcribed. He never wrote a *fiqh* book. So therefore it is very clear to see from him and his style of *fiqh*, and the kind of mistakes he falls into. And in the Master's study that did an analysis of his *fiqh*, they show that he contradicts himself here and there. Yasir used that as his defense. It's weak, but at the same time it is a good point. I said it is a clear statement, he said no, you know that in his other *fatāwa* he has made it very, very, clear this is his position, so you have to interpret this statement in light of those *fatāwa*, this was one of his kind of slips.

Let me read that and we'll come back to this.

He asked the question on the bottom of page 339: This entire ruling about intercourse is this with or without a *ḥāʾil*? A *ḥāʾil* is a cover and in our modern times it is a condom. I don't want you to necessarily think condom, but *ḥāʾil*, meaning a sheath or cover.

He said that there are some of the scholars (at the top of page 340) that said if there is a condom or a cover, then *ghusl* is not obligatory and the reason they said that is because the two circumcised parts, which is the other *ḥadīth*, they didn't meet or touch because there is a cover.

Others said - and he is referring to the majority - it didn't matter either with a condom or without a condom, because the statement of the Prophet ﷺ is a very clear and general one in that he said *jahadahā* (he has intercourse with her). It is the act of intercourse itself; it doesn't matter if there is a covering or not.

He says that there was another group (a third group you could almost say) that went into the issue in a bit of detail. Shaykh al-ʿUthaymīn says: They said no, it is neither, they said if the condom is thin enough so that pleasure can be felt, *ghusl* becomes obligatory, but if it is not thin then *ghusl* is not obligatory, and for me this makes more sense. But obviously no doubt that what is better and what is safer is to make *ghusl*. That is Shaykh al-ʿUthaymīn's exact statement.

Let's do that again and you tell me what you can understand from that statement. Shaykh al-ʿUthaymīn رحمه الله said that if this condom is like a modern day condom that is super sensitive and so on and pleasure is definitely felt, then *ghusl* becomes obligatory. However, if it is so thick, then it is not obligatory and this is *aqrab* (closer), i.e. make more sense to the *shaykh*. Then he said the statement which we will all be happy to say, which is that we're not going to bother with the thickness,

if you're wearing it or not - it is better that if there is intercourse then make *ghusl.* That is safer and better.

Now my question is this: if pleasure was not important, why would this discussion take place? Yasir said that the Shaykh ﷻ mentioned the word pleasure but not in the sense that it is the *ʿillah* of the act, rather he mentioned it as a *ṣifah*, and that is a good response actually. So what does that mean? What he is trying to say is that Shaykh al-ʿUthaymīn ﷻ is saying that it's has to be thin enough to feel sexual pleasure is not him saying that's the *ʿillah*, rather he's trying to describe how thin something should be so that you can feel sexual pleasure. He's not saying that it's about sexual pleasure, but he's trying to describe something that is so thin that wouldn't stop sexual pleasure.

And the second statement that it is not *raqīq*, for example someone used a glove or a scarf and then he doesn't make *ghusl*. Well now maybe it's out of the issue of pleasure, it's out of the possibility of whether there was any insertion in the first place. Something that's so wrapped up and covered maybe there wasn't even a technical insertion. So if you put all these caveats into this then yes it can be read that it's not about pleasure. I want to say to you that that argument still stands, there's a debate there. I'm not just going to give up just like that, but I have to say that I do feel more comfortable in my mind that yes the position of the majority is fine. It's not to do with sexual pleasure it's to do with intercourse. Therefore what can we can conclude? We can conclude that it doesn't matter whether the person is using a condom or not, if there is vaginal or anal intercourse, bestiality or necrophilia without ejaculation (it doesn't matter) there has to *ghusl*. Regardless of whether it's permissible or not there has to be *ghusl*.

Q: Just to clarify, in the previous position, fellatio with pleasure…

A: Correct. In my mind that would be something that would obligate *ghusl*. Masturbation, etc. would have obligated *ghusl*, this is all before any form of ejaculation. However then I think about it now, and the majority of scholars are likewise on this position, they say no. It is only ejaculation [that obligates *ghusl*] and intercourse itself, in the normative fashion or the illegal fashion. But oral intercourse, other forms of intercourse, XYZ and so on, then no [it doesn't obligate *ghusl*].

Q: Does oral intercourse etc. require *ghusl* by both parties?

A: Oral intercourse does not.

Q: What is the ruling if i.e. a husband reaches climax through oral sex not necessarily unprotected [either because he is wearing a condom and/or withdraws] though he clearly needs to take *ghusl*, would his wife also need to take ghusl?

A: Allāh knows best. I don't know about that but it's definitely safer for her to take the *ghusl*. But is it obligatory upon her? The reason I'm saying that I don't know is because if this was being asked in a vaginal intercourse where he climaxed and she didn't, they still would have to make the *ghusl*. Actual insertion is what necessitates *ghusl*.

The questioner makes the same *qiyās* for oral sex, but it's not the same *qiyās*, because it's not intercourse. Even though he climaxes and if it was normal intercourse, then it would be upon both of them. But because it's not, we don't have the same principle. I would say it's safer to apply the same principle and perform *ghusl*. He has to make *ghusl* because of the ejaculation and orgasm. And technically speaking, she doesn't. And the thought of that doesn't sit well with me. Allāh knows best with respect to the obligation and no doubt it's better for her to make *ghusl*.

Q: If a woman was to perform fellatio for her husband or vice versa and that person then ejaculated, would this obligate *ghusl* for the one who ejaculated?

A: Same answer. Oral intercourse is a form of intercourse and that's why there is some doubt about it. But what if the husband or the wife does a sexual act on the other and it's not intercourse and they climax but the one who's doing the act doesn't? Then there's no doubt that there's no *ghusl* upon the first but *ghusl* on the second. Touching private parts with sexual desire requires *wuḍūʾ*. For example, if a woman was masturbating her husband and he ejaculated, then he would have to make *ghusl*, whereas she would make *wuḍūʾ* because she has touched the private parts with desire.

So why did I not give the same answer to the previous question? Mentally, there is far too big a similarity with intercourse. Technically, the scholars say no and that there's absolutely no difference in what we just said there. They would say that oral sex itself from the woman would require no *ghusl*, just *wuḍūʾ*, whereas the man would have to perform *ghusl*. I myself am not comfortable with that. It's far too similar.

Q: What about oral sex with no climax?

A: Then nothing. Why are we making it obligatory upon her when only he [climaxed]? That's what the majority of scholars said. But even in the presence of that, we're talking about making it obligatory. No scholar wants to avoid *ghusl* after these acts, but we're talking about obligatory, and that's ultimately what we need to know from a legal point of view.

Q: Does the use of a condom require *ghusl*?

A: Most of the scholars were trying to consider that the presence of a condom did not change the ruling. Therefore, wearing the condom itself would still obligate *ghusl* because intercourse has occurred. It's a simple question: if a person wears a

condom, do you still call it intercourse? The answer is yes. So if we do culturally still call it intercourse, then why do we change the ruling? The *ḥadīth* didn't say anything other than 'he has intercourse'. Likewise, if he ejaculates for example, regardless of whether inside or outside the condom, the *ghusl* is still there. So it makes sense and follows well, that it would be obligatory in each case. The condom doesn't prevent *ghusl* in any form.

16. Chapter 9: The Chapter of Bathing IV

Shaykh al-ʿUthaymīn says that according to the Ḥanbalis, this is the third reason that obligates *ghusl*. Simply a non-Muslim. The word that is being used is *kāfir* and of course the word *kāfir* comes from the word to deny, to hide, to push away, or to bury. A farmer, for example, is sometimes referred to in this manner, because it is the way he sows his seeds and he hides it. When *kufr* is used in the noun sense, it also means ingratitude. Someone who does not give thanks. So that also makes sense. [It refers to] someone who is putting the truth away and hiding the fact that somebody might be given a gift and they don't want to make it clear that they are given it, so they hide it from the public and use it in private. That kind of thing. Hiding something away for whatever reason. So all of these are the meanings behind *kufr*.

So the *kāfir* is the one who hides the truth and is ungrateful for what Allāh has given that person. The biggest sign for the presence and existence and the proof of Allah ﷻ are all of the *niʿam* (blessings) that Allāh has given to a person. Therefore when a person rejects them, we call them a *kāfir* because he is a rejecter of the blessing.

So technically here the word *kāfir* also means non-Muslim. I know that *kāfir* is a very loaded word, emotionally. Islamically we do not have *ghayr Muslim*, we don't have this kind of concept. *Ghayr Muslim* is like translated backwards, so we have Muslim and non-Muslim and if you translate backwards, you have Muslim and *ghayr Muslim* and that is not a phrase that we understand. It's *kāfir.*

I am saying this because this is the first time we are talking about the word *kāfir* in this class. The problem is that you have some people who really insist on using it. They say Allāh said it, the Prophet ﷺ said it, so why are you kind of holding back? You have others saying you shouldn't say anything like that. We can say 'non-Muslim' in English and why are you using such a word which has some connotation?

In my personal opinion, and this is a matter of politics – so my opinion is as good as anyone else's opinion. It is not a *ʿaqīdah* issue. In my personal opinion, I do believe that it is an emotional word and I do believe that it needs to be dealt with responsibly and I don't believe that you are a traitor if you don't use the word *kāfir* to describe a non-Muslim. This is a world of PR and the world of sound bites and the world of trolls. Also, we need to be politically and historically aware that the word *kāfir* is actually a very offensive word in other cultures, especially when it comes to a black-white paradigm in South Africa. I saw a video just the other day *subḥān Allāh* of this white racist guy and he went past a black South African and he called him a *kāfir.* You know, like they do. Is it Dutch? Is *kāfir* Dutch? Afrikaans, I mean. It was clearly done as a racial slur. It is as strong as the N word and the guy

just went ballistic and knocked him out. One punch, boom. It is clear that it is an offensive word.

Also in this country, I can tell you that I know one speaker or teacher who has been denied entry into this country for using this word in a lecture. That is how crazy the whole Prevent program is. That is wrong. Some aspects of the Prevent program are that crazy that they are reading into the use of certain words far more than what it actually says. Now I am not saying this because of Prevent or because of this, I do believe that if a word is producing a very negative connotation, drop the word, use non-Muslim and that is fine.

Within Muslims, there is no excuse to play to some liberal, sanitised Muslim kind of sentiment within the Muslims. Use the word exactly as it is and in non-Muslim kind of gatherings or in public gatherings use word 'non-Muslim'. That is fine and I also personally believe the same for Allāh and God. In fact, I think we should use the word God far more. I think we should calm down on the word Allāh and I don't think you become a traitor and your *al-walāʾ waʾl-barāʾ* (loyalty and disassociation for Allah's sake) is gone if you do that. It is just that the people we are speaking to, they refer to and understand that and it fits their frame of reference, they can feel it.

You know I was having a chat yesterday with a brother that I work closely with and know very well, talking about mosque visits and training kind of RE (Religious education) teachers, and Muslim teaching civil servants about Islam. And what he was mentioning is that from the feedback that they got after all of the training that there were doing to these non-Muslims, the biggest impact upon them… you can imagine the kind of areas they choose - the interesting nature of the subject, the food that had been offered (which is my guess), and all of this kind of stuff. What is interesting is that they said that the most amazing thing that we saw was the prayer. The observation of the prayer.

To Muslims, that will not be a surprise but I really think that we do not get it, though - that the prayer is a completely natural state of the body. I wrote about this a couple weeks ago about the prostration. It is home, not for the Muslims – it is home for everyone because every single person declared that Allāh ﷻ is the only one worthy of worship and the natural, intrinsic, innate form of worship is the prostration to the Creator. When people see that, I have no doubt whatsoever that something happens to them if they are pure and they are simple and they are not polluted and they have not been brainwashed. A fair person will connect. That is a reflection of the point that we are spiritual people in principle.

You can reach out to virtually everyone in very simple terms and why would we want to block that avenue? You might write something or say something on your Facebook, Twitter, or email or in a message or whatever and you feel the need to say Allāh, but you can take the word Allāh out and use the word God and automatically the message becomes universal and people then start to actually reflect. Whereas as soon as the Arab word comes in or the foreign word comes in, or the word where they have got a negative connotation with – I mean how can anyone have a positive connotation with the word Allāh when they see a guy

cutting a guys' head off with a pen knife saying *Allāhu Akbar*? That is all they hear; the bomb before it goes off, *Allāhu Akbar*, kids and women dead, whatever. That is a reality that we have to live and work with. The word Allāh, unfortunately, is not associated with the positive feeling that it should be. There will come a time when the Muslims have reached enough social credibility to be able to use the word Allāh again and we are not going to close that door. I am saying that at the moment, we do need to appreciate how to utilise some other words which are safer, more de-politicised, emotions been taken out, and people can reflect upon. I do feel that is an important reflection for us all, to consider when it comes to our vocabulary.

So in Islām, *kāfir* is of two types: an *aṣli* or a *murtad*. The *aṣli* means basically that they have always been a non-Muslim. It goes back to the whole convert and revert debate. We all know that as the Prophet ﷺ said that every child is born upon the *fiṭrah*. The *fiṭrah* is the innate nature that we are born upon. What is that innate nature? I have told you that already - it is to worship Allāh alone, singularly.

That is what I often used when I used to give *daʿwah* on the streets as a young man. My go-to debate (everyone has a go-to debate or a go-to argument) was a very simple one specifically aimed at Christians because they were the kind of people I would get involved with. It was always The Robinson Crusoe argument, as I would call it. It would be this guy who is born on an island, who has zero interaction with no one ever, he lives his entire life surviving and I kind of go through the story that he is going to observe everything, similarly like the Abrahamic story in the Qurʾān, looking at the moon, looking at the stars and eventually settling on the sun, seeing it setting, then realising something is controlling it, etc., but I am talking about it in more detail. I am talking about the rain, I am talking about watching the seasons develop, watching the fruit develop and come back again, realising you are hungry, how do you get rid of the hunger, you start to put things in your mouth, you taste some nice taste – whatever.

If a person was to develop in our theology, two things are going to happen - 1) they are going to recognise that there is one Creator and they are going to be grateful for that Creator, so when the rain would come they would be grateful. They would not thank the rain because they know that something is controlling the rain. If that person dies upon that, they will never know that He is called Allāh or that that there is Prophet, but that is not a problem and they will never know anything else, but they will die upon *tawḥīd* because they have had no other specific information. This person would be a person of Paradise because they died upon *tawḥīd*. Or, 2) this person will not go to paradise for X, Y, Z reasons but they never received a Messenger so they will be tested again, and I spoke about this before. The *ḥadīth* mentioned that people who are mentally handicapped, people who did not receive the message etc., they will be tested by Allāh ﷻ with a specific test on the Day of Judgement.[1]

It's a simple question as the Prophet ﷺ said, and the *ḥadīth* isn't very authentic. It's graded *ḥasan*, but it says that Allāh ﷻ will tell the people to enter the fire. They

[1] *Musnad Aḥmad, also narrated by Ṣaḥīḥ ibn Ḥibbān. Graded as authentic by 'Allāmah al-Albāni.*

will leap into the fire and it will be cool and it will effectively be Jannah and the test will be passed. And we hope that it's going to be an easy test for the people because hopefully they will see Allāh ﷻ and they will accept such a command without second guessing it.

Where on earth would a necessity to believe that God sacrificed a son to be part of the essential salvation for Paradise… where would that come in as part of saving this person? Because for them, it is a must to accept Christ; otherwise they consider you damned. It's a technical argument and a very effective one.

Everyone will recognise that as a simple *fiṭrah,* we are upon *tawḥīd*.[2] That's why when a person becomes Muslim, they say he reverts because he was either a Jew or a Christian. Personally, I don't like the word revert; I prefer the phrase convert but there's no issue in either. What I dislike even more than the term 'revert' is people making an issue out of whether it must be defined as a convert or revert. Either way, you reverted back to your *tawḥīd* or converted back to something else.

The first type of *kāfir* is the one who was a Jew or a Christian all their life and didn't know anything else and they accept Islām in a real way. The second type is the *murtad* and that is someone who was Muslim and left the faith by apostasy and making *shirk* of Allāh ﷻ by refusing to pray, rejecting the prayer, and believing it's not part of Islām. So, those are the two types. Some of the scholars differed on the ruling between both.

It is an obligation upon the new Muslim to have a complete *ghusl*. What *ghusl* actually is will come afterwards, but we need to understand what actually obligates it. The first evidence is at the bottom of pg. 340 of *al-Mumtiʿ* and it's the *ḥadīth* of Qays bin ʿĀṣim.[3] He became Muslim and the Prophet ﷺ ordered him to wash with water and *sidr* (lotus).

Lotus today is soap. You see the word lotus often in *sharīʿah*. We have no care about lotus. It's all over the *aḥādīth* but no one refers to it. It's only when you die and they're washing the body that suddenly lotus becomes important. Keep consistent. If you're not going to give it value in the normal *aḥādīth*, then don't give it a value in the washing of the dead. Because the value that we should give it is that it's shower gel, soap, etc. *Sidr* has no intrinsic meaning other than that. *Kāfūr* is something we add and has further antiseptic value (which will be discussed when we come to *Kitāb'l-Janā'iz* - The Chapter of Funerals.) It prevents immediate decay and pushes away insects.

The Prophet ﷺ commanded Qays to wash.

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[2] *Ṣaḥīḥ al-Bukhāri, Book of Funerals, Chapter: The Dead Children of Mushrikīn, ḥadīth no. 1385*.

[3] *Jāmī` at-Tirmidhi, Book on Travelling, Chapter on A Man performing Ghusl when he accepts Islām, ḥadīth no. 605*.

الأَصْلُ في الأمر الوُجوب.

And Shaykh al-ʻUthaymīn adds that when the Prophet ﷺ tells someone to do something, the basic position of his command is that it becomes obligatory.

The second position is a *ʻaqli* position. They said that when a person becomes Muslim, they have purified themselves from the real *najāsah* which is the internal filth of *shirk*. *Shirk* itself is the *najāsah* of theology. The *shahādah* purifies the inside (*bāṭin*) and once you do that, you should purify the outside (*ẓāhir*) as well. Some of the scholars said that it's not obligated to make *ghusl* and this is the position of Shaykh al-ʻUthaymīn, Muḥammad Mukhtār al-Shanqīṭi as well as many other scholars. The scholars that said it's not obligatory because the command that the Prophet ﷺ gave to Qays was something specific to him and wasn't a general statement. But who are they to decide that? It's a very dangerous road to go down.

There are two very interesting points that would make us feel like that – when the Prophet ﷺ wants to make something general, he normally says it in a general language, e.g. "Whoever becomes Muslim, let him then take *ghusl*". Did he say that? He never said that. In another *ḥadīth*, he said: Whoever of you experiences (gets to meet) *jumuʻah* then let him take a bath. So, "whoever of you", *minkum*, his normal way if he wants to obligate or command the people is that he talks about the people, he ﷺ says, "you people", "all of you", or "if the Muslims", or "if the people", or "if a person" – but he went and said something specifically to Qays.

The other evidence, or point, would be that he ﷺ ordered Qays to wash himself with water and *sidr*. When you do your *ghusl*, is it a condition that you have to use *sidr*? When a new Muslim is being told to wash, do we say to him that we have to find him *sidr*, or even soap? No, and so some of the scholars they have made a *taʾwīl* of this *ḥadīth* and said that maybe this was specific, maybe he was dirty, maybe there was something, that there are indications enough in this narration which would suggest that it is quite a specific one and not a general ruling. I think that is interesting.

Shaykh al-ʻUthaymīn says: it is very difficult to be able to say that one person's statement is not general for all people, you open a door that is problematic. So he's not happy, he wants to go with obligation because it is safer. Then he says: also the scholars said that one of the reasons that it is not obligatory is because thousands of the Companions were non-Muslims, all of them actually, and they became Muslim. So, when something like that happens in such numbers, where is all the *ghusl*? Where are all the *aḥādīth*? Where's all the noise? You know, this is something which we see. Now Shaykh al-ʻUthaymīn responds to this argument himself and says: *ʻadm al-naql* (the lack of transmitted text of a situation)... So the lack of evidence showing that something happened, is not the same as texts showing that something didn't happen. This is actually a very clever statement by the way.

In Arabic: *ʿadm al-naql laysa naqlan li'l-ʿadm* (the lack of transmitted texts is not a text indicating lack of action). Let me first explain it then we can work on the translation:

If the Companions all didn't do something and we can't find any proof of it, we'll call that reality A. Reality B is a text which says: the Companions did not do this. Both are not the same – one is a text which categorically states the Companions did not do it, whereas the first one is a reality which actually could mean that people missed it. Also, it doesn't mean that the people didn't do it just because you never read about it; maybe they didn't tell everyone, and it doesn't mean all of them have to do the action for you to see it. A couple of them might have done it and the others didn't see it. So there are too many questions to be asked when there is a lack of transmitted text concerning an action. It can't be compared in power to a text which indicates no action was done. So that is what I am trying to explain. So *ʿadm al-naql* (the lack of transmitted text) is not the same as a transmitted text which indicates the lack of that action. It's deep and it's clever.

Student: So like did Abu Bakr do *ghusl*?

Ustādh: It's not narrated, that's the problem. Sayyidinā Abu Bakr al-Ṣiddīq, Sayyidinā ʿUmar ibn al-Khaṭṭāb – these are all converts, and we don't have any evidence to show that they did *ghusl*, and that is obviously the issue here.

Now, some of the scholars said:

وقال بعض العلماء: إِنْ أَتَى فِي كفره بما يوجب الغُسْل كالجَنَابَةِ مثلاً وجب عليه الغُسْلُ

There's one way we can balance the texts: it only becomes obligatory [to do *ghusl*] if the person has done something which in itself would obligate *ghusl*. So if he's in a state of *janābah* - if he's sexually impure, for example, then he has to make *ghusl*. But if he isn't and he doesn't have a reason to make *ghusl*, then he just carries on. You might say, what does 'carry on' mean? Well, let me explain the rest of it first.

And other [scholars] said, never does he have to make *ghusl* at all, meaning that he doesn't have to make *ghusl* at all. When he becomes Muslim, he doesn't have to make *ghusl* at all, even if he's in a state of *janābah*. They're the exact opposite. It's really clever what they've said and it makes a lot of sense, actually. They said if he's in a state of *janābah* that happened before Islām when he didn't have to make *ghusl* for it… So that's something which is valid according to their time. This is like the argument of when a man and women become Muslim and they are married according to Christian law, we do not marry them again because that contract is recognized as a valid contract. It is incorporated in Islam. There's no *nikāḥ* again. I've heard that people do make other people do the contract again, which is absolutely not necessary. In fact, it's a *bidʿah* of the non-Muslims to renew their vows.

Shaykh al-ʿUthaymīn says, 'In my honest opinion, it is much safer to be able to tell the people that they have to make *ghusl*, and it's really about the *ṣalāh*.' Because

the scholars differ over the issue of *ṣalāh*. You might now be thinking, I don't get this. How can a person who hasn't made *ghusl* pray? The answer to that is, you don't need to make *ghusl* for prayer. You need to make *wuḍūʾ*. So no one is saying that this new Muslim when he comes in, he can just stand and pray. We're saying, let's go make *wuḍūʾ*, get yourself nice and ready for the prayer, and then pray. And the **class position** is that it is not obligatory to make the new Muslim make the *ghusl*.

But Shaykh ʿUthaymīn said it's safer to assume that we should and that it's obligatory, and I personally think that the best solution is that if it is viable - he becomes at home or whatever, then that's fine. But you get some people who come to the *masjid* - and I've seen this - they give *shahādah* and they're ready, and someone says, he has no *ghusl,* so he can't pray with us. At that moment in time, I say we go with the easier opinion, which is that he doesn't need to make *ghusl*. Just go and make *wuḍūʾ*, and then they can pray. And that's my personal position on the matter.

What's interesting is that one of the evidences the scholars used is the story of Thumāmah bin Uthal, the chief of Banu Ḥanīfah, one of the Qurashi tribes. He was actually one of the people who wanted to harm the Prophet Muḥammad ﷺ. You all know this *ḥadīth* in the *Jāmiʿ* of Imām al-Bukhāri and Muslim.[4] He wanted to harm the Prophet Muḥammad ﷺ, and in fact he killed some of the Companions in an expedition, and he was an enemy of the state.

Anyway, some Muslims captured him, but they didn't know who they had caught. So they brought him to the Prophet ﷺ, tied him up and kept him there for more than 2 days. So the Prophet ﷺ was walking by and he asks, do you realize who you've [captured]? They said, we don't know *yā rasūl Allah*. So he said, this is Thumāmah, this is the chief of Banu Ḥanīfah. Good work, *māshāʾAllāh*. Then the Prophet ﷺ said, I want you to look after him.

And so the Prophet ﷺ came to him and visited him every single day and said to him, become Muslim, submit to Allāh. And he was like, you've got to be joking, I'm not doing any such thing, etc. - basically he just kept refusing. But [the Prophet ﷺ] kept sending him his own food and drink and looking after him, and he said to him again, become Muslim. The whole *ḥadīth* is really nice with a lot of discussion. So the Prophet ﷺ said to him, what shall I do with you? He said, if you kill me, then I am *dhū dammin*. The scholars differed over what this meant. Some of them said - and this is the opinion I follow - that [it means] "I am guilty, I am the one of blood," meaning "I've spilled blood, so I'm guilty." This fits with what he said afterwards. He says,

وَإِنْ تُنْعِمْ تُنْعِمْ عَلَى شَاكِرٍ وَإِنْ كُنْتَ تُرِيدُ الْمَالَ فَسَلْ تُعْطَ مِنْهُ مَا شِئْتَ

[4] *Sunan Abi Dāwūd, Book of Jihād, Chapter: Regarding Shackling Captives, hadīth no. 2679.*

[Meaning] and if you are merciful to me, then you'll be merciful to a grateful one, and I can give you whatever you wish, whatever you want, etc. and he gave this little speech. So the Prophet ﷺ is like, forget that. Then the next day, he just let him go. He was really shocked. You know the story - he walked off, and as he was walking off, he was passing by the *baqīʿ* and he stopped by the side of and he took *ghusl*.

And I am mentioning this story because some of the scholars have said that the evidence that you must take *ghusl* is because the Prophet ﷺ taught him to make *ghusl*. That's actually not true - he made *ghusl* himself. And he made *ghusl* before he became Muslim. It wasn't something that he was commanded to do after he became Muslim. And so anyway, he did *ghusl* then he came back and he declared the *shahādah* to the Prophet ﷺ.

And then rest of the story is very famous. You know that he said "Before this day, you were the most hated of all the people, but today you are most beloved to me." And then he said to Prophet ﷺ, "I killed a man, so punish me as you see fit," but the Prophet ﷺ said to him that Islam erases all sins. This *ḥadīth* is a very amazing *ḥadīth*. Anyway, that's that.

Death

The next thing is death. What does death (*mawt*) mean? Death obligates *ghusl*, meaning when someone dies you have to wash yourself.

Student: [inaudible]

Ustādh: That's also an issue of course, but that isn't the issue here. That's going to come in the Chapter of *Janāzah*. What happens when you wash the dead person? Is it obligatory? Many scholars say that you have to have a *ghusl* and the **class position** will be that it's not but it is recommended. That's a side point.

What we are talking about here is the death of a person and what we'll be doing with that person. Is it obligatory to wash them or not? Shaykh al-ʿUthaymīn says that the obligation and the evidence for that obligation are many.

The first evidence is when Prophet ﷺ spoke about the person who was in ʿArafah (in Hajj) and he fell off from his camel.[5] His camel kicked him off, kind of bucked him, and he fell down and he died. The Prophet ﷺ said to wash him with water and *sidr*. And this wash is a command, so therefore it indicates an obligation.

The second evidence is the *ḥadīth* of Umm ʿAṭīyyah.[6] When the daughter of the Prophet ﷺ passed away, Umm ʿAṭiyyah narrated this *ḥadīth* because she was the

[5] *Ṣaḥīḥ al-Bukhāri, Book of Funerals, Chapter: How to Shroud a Muslim, ḥadīth no. 1267.*

[6] *Sunan an-Nasā'i, The Book of Funerals, Chapter: Camphor for Washing the Deceased, ḥadīth no. 1890.*

one who is doing the *ghusl*. And so this is about Zaynab ﵂ of course. When Zaynab ﵂ passed away, he commanded Umm ʿAṭiyyah to lead a team of women to wash her and he ﷺ said to her, 'Wash her three times or five times or seven times or more than that if you see the need.'

أَوْ أَكْثَرَ مِنْ ذَلِكِ إِنْ رَأَيْتُنَّ ذَلِكِ

Meaning, "If you see the need, more times than that." This *ḥadīth* has a very interesting discussion. Some scholars say that there is not evidence in this *ḥadīth* that obligates *ghusl*. Because if it was an obligation, then the Prophet ﷺ would have never allowed them to make the decision of how many times it should be - three and five and seven and nine. This is a *ʿaqli* kind of decision, it's not there for an Islamic one.

Well, we will say that no, actually the only decision they were told was to work out whether it was five or seven or just three was sufficient. They weren't told yes or no - they were told at least three times. And that's what we do, of course, when we wash; we will do a proper demonstration when we come to that chapter when it comes later. So there is no problem here at all.

Shaykh al-ʿUthaymīn also uses a quite interesting point. Also, by the way, if you don't have the evidences, I don't really care because this action of washing the dead is the *mutawātir* action in this nation. It is known *bi'l-ḍarūrah*, it happened from the very beginning and it will happen until the very end. So the washing of the dead person is an obligation just regardless. And he said this is the case that is regardless of whether the person died in an accident or suddenly or because of sickness or whether they are young or old.

So now the question is asked: washing the dead young one, when does that start?

Shaykh al-ʿUthaymīn asks, is the *saqat* one still included? *Saqat* means the stillborn or the miscarried one. Both of them refer to the same thing. The miscarried foetus or a stillborn (who is actually born full term but they are dead and don't live).

And I want to end this with a very interesting and important discussion. Shaykh al-ʿUthaymīn says there is some detail required. The issue goes back to whether the soul is breathed into the foetus - that's what it will be dependent upon.

If the *rūḥ* has been breathed in, then what will we do? This is the Ḥanbali position, and they are very clear on this: we will make *ghusl* of this foetus, we will shroud the foetus, and we will pray upon the foetus as well - all of this.

In terms of the burial, then there is some difference of opinion but we should just continue with it and say that it should be buried as well if the foetus has had the soul breathed into it.

Shaykh al-ʻUthaymīn ﷺ says:

وتنفَخُ الرُّوح فيه إذا تَمَّ له أربعة أشْهُرٍ

The soul is breathed in once four months (120 days) are complete. The reason for that is because of the *ḥadīth* of ʻAbdullāh ibn Masʻūd ﷺ who said that the Prophet ﷺ narrated to us, and he is the most truthful person:

إِنَّ أحدَكُم يُجْمَعُ خَلْقُهُ في بَطْنِ أُمِّه، أربعين يوماً نُطْفَةً، ثم يكون عَلَقَةً مثل ذلك، ثم يكون مُضْغَةً مثل ذلك، ثم يُرْسَل إليه الملك، فيُؤمَرُ بأربع كلمات، بِكَتْبِ: رِزْقِهِ، وأَجَلِهِ، وعَمَلِه، وشقيٌّ أم سعيد، ثم يَنْفُخُ فيه الرُّوح

Each of you is bought together in the womb of your mother for 40 days as a *nuṭfah* (collection of fluid), then you will be a *ʻalaqah* (something which is hanging/clinging) for the same period, then you will be a *muḍghah* (a chewed piece of flesh) for the same period as well (that makes it 120 days in total). Then the angel will be sent and it will be ordered to write four things - it's provision, when it will die, what it will do, whether it will be happy or sad (i.e. success or failure) and then the soul will be breathed into it.

This *ḥadīth* as I just narrated it is one of the most controversial *aḥādīth* in the *Sunnah* and people don't even realise. Those who have taken my class, 40 Ḥadīths of Imām al-Nawawi, will know about this. This *ḥadīth* is in the minds of the people reported by Bukhāri, Muslim, etc. in a hundred different books but in actual fact this *ḥadīth* is not narrated in any of those books with this wording. In actual fact, the *muḥaqqiq* (the one who has done *taḥqīq* of this book) has done a great job where he has found something which I haven't been able to find all my life which is where this *ḥadīth* does exist. He found it, he said:

رواه ـ بهذا السياق ـ أبو عوانة في «مستخرجه» من طريق: وهب بن جرير عن شعبة عن الأعمش قال: سمعت زيد بن وهب، عن عبد الله بن مسعود به.

ووهب بن جرير: ثقة، روى له الجماعة، وباقي الإسناد عند البخاري، وأصل الحديث عند البخاري، كتاب القدر: الباب الأول، ومسلم، كتاب القدر: باب كيفية خلق الآدمي في بطن أمه، دون قوله: «نطفة»، والله أعلم.

That's why it's important to look at the footnotes here. This is a study now of a footnote. [He says] this has been narrated in this form (i.e. with this variation of

wording) by Abu ʿUwānah in his book, *Mustakhraj*. Let me ask you a question - tell me if anyone of you have ever heard of this book? Never, I can guarantee you've never heard of this book, because it's like a few pages from a scholar from the *salaf*, nothing more. It's not something which you would expect to know. The chain is from Wahab ibn Jarīr from Shuʿbah from al-ʿA'mash who said that he heard from Zayd bin Wahab who narrated on the authority of ʿAbdullāh ibn Masʿūd, this *ḥadīth*. Some of the scholars said that Wahab is trustworthy and the scholars generally narrated from him and the rest of the chain is with Bukhāri. Then look what he says afterwards - as for the *ḥadīth* in general, it has been narrated by Bukhāri and Muslim, etc., all without the word '*nuṭfah'*.

What's our conclusion? That this *ḥadīth* with the wording *nuṭfah* is weak, whereas the wording without *nuṭfah* is authentic. You might ask how that changes anything. Well, if you keep that word in, it translates as:

"Surely each of you is brought together in His mother's womb for 40 days as a nuṭfah (fluid)…"

But if you take out that word then the *ḥadīth* will be translated as:

"Surely each of you is brought together in His mother's womb for 40 days, it is then a clinging object during that (same) period and then it lump during that (same) period, then it a clinging object during that (same) period, then it is a chewed lump of flesh during that (same) period, then the angel comes and breathes into it…"

So what's the big difference with this word? That suddenly life, instead of starting at 120 days, starts at 40 days. *Nuṭfah*. But if you take that wording out, if you actually say, '*no, that word is not there'.* Then the *ḥadīth* will be translated as this:

"Surely each of you is brought together in your mother's womb for 40 days. It is then a clinging object during that same period. Then it is a lump during that same period. Then it is a chewed flesh (that clinging object) during that same period. Then it is a chewed lump of flesh during that same period. Then the angel comes and then it will breathe into it." [7]

So, what's the big difference with this word? The big difference is that suddenly life, instead of starting at 120 days, starts at 40 [days]. That is the massive implication of this word. Now what is even more fascinating about this is: are there any external evidences that would help support this (this idea that 40 is the actual, correct one and not 120)? Despite the fact that there is a virtual consensus of all the scholars (not a 100% consensus, but a virtual consensus of all the

[7] *Ṣaḥīḥ al-Bukhāri, Book of Divine Will, ḥadīth no. 6594.*

scholars) that life starts at 120 days... It's almost like all of them ruled upon this erroneous *ḥadīth*.

By the way, why has the *ḥadīth* become popular? The reason the *ḥadīth* has become popular is because Imām al-Nawawi narrated it. In fact, you know when you have a *ḥadīth* which is in the principle book (like Bukhāri and Muslim), and someone goes, '*let me make a nice collection, like 40 ḥadīth*', or '*let me write a book on other ḥadīth*', and you start taking it from there. You know because of the nature of the book, it's nice and easy to read, there's no *insān*, it's just the text, it's simple. Then those books become more popular.

So [the] 40 *ḥadīth* of Imām al-Nawawi has been read far more times than Bukhāri and Muslim will ever be read. And so the *ḥadīth* is then memorised from the secondary source and not from the primary. [Hence] if a mistake appears in the secondary, you then refer it back to the original. For you, it's the same. That's why it has become - even from the scholarly community - and here you go, start off the bat, Shaykh al-ʻUthaymīn says 120 days. He's gone straight off the idea and he has quoted the *ḥadīth* and in his quotation of the *ḥadīth* - remember he's reading this *ḥadīth* out to his students. When this class is being transcribed, he says the word *nuṭfah* and that word *nuṭfah* is not in the *ḥadīth*, which shows that that is what he believes. He believes that the Bukhāri and Muslim version of the *ḥadīth* is *nuṭfah* and it is a very common mistake from the scholars when they quote this *ḥadīth*.

So, now we have a question. Is it possible that we can go against all of the consensus of Muslims from forever ago and say that life doesn't start at 120 [days], because this whole discussion on life starting at 120 is based upon this *ḥadīth* and a few others, by the way. Whereas there are a plethora of other narrations which suggest that the angel comes and they mention 42 days[8] and other narrations mention between 40 and 45 days.[9] When the angel comes and gives the order for the four things and blows the soul into the foetus, how are you going to reconcile that with the 120 theory?

A bigger question [is]: how are we going to reconcile science with the 120 question? So I haven't really spent much time on this but I thought we'd do it right now. So Shazad here has some pictures and we're going to see this now. We're going to look at these pictures here.

What is 120 days? How many weeks is that? Let's say 17 weeks. Look at 3 weeks.

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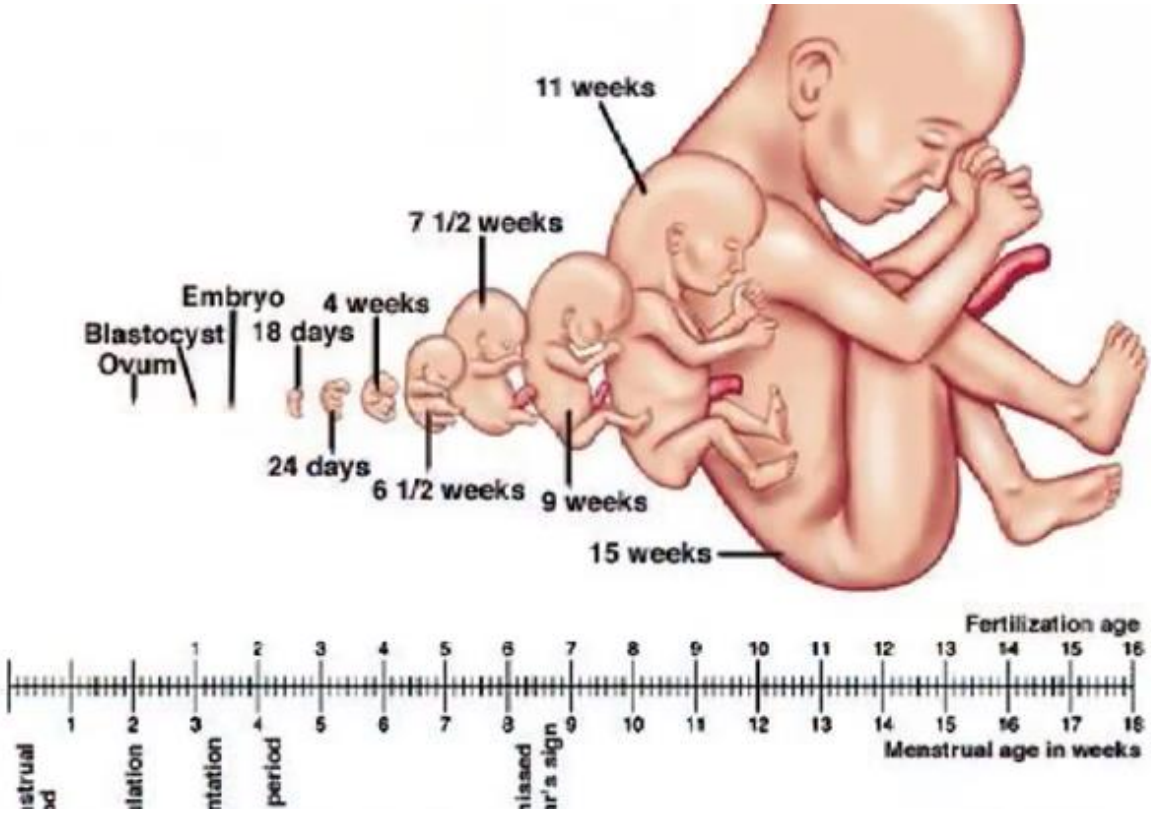
[8] *Ṣaḥīḥ Muslim, The Book of Destiny, Chapter: How the Human Being is created in his Mother's womb, and his Provision, Lifespan and Deeds are written down, and his Misery and happiness, ḥadīth no. 2645a.*

[9] *Ṣaḥīḥ Muslim, The Book of Destiny, Chapter: How The Human Being Is Created, In His Mother's Womb, And His Provision, Lifespan And Deeds Are Written Down, And His Misery and Happiness, ḥadīth no. 2644.*

First of all, let's put on our 40 days hat. That is 6 weeks, would you agree? 6 weeks minus 2 days. So in 6 weeks minus 2 days, we want *nuṭfah*, *ʿalaqah*, and *muḍghah*. *Nuṭfah* is the fluid. Would you agree that at the very beginning stages, we have fluid after a few days? *Nuṭfah* is dealt with.



Now if you look at this, the blastocyst and embryo… we'll call that the liquid stage. That is a few days depending upon the scale.

Alright look at this. If we assume that a few days before is liquid... If we assume that is the *ʿalaqah*, which is the clinging, hanging kind of version, then that would be what? That would be the one at 3 weeks. It looks like something which is clinging and hanging. That's the 'chewed flesh' and that's when the definition of the actual organs are starting and that's what it looks like. That's 4 weeks and 5 weeks, or maybe 6 weeks.

I want to ask you a question. Is it possible to explain the development of all 3 things within 40 days?

Student: [inaudible]

Ustādh: Okay, now let me ask you a question. If you look at 120 days, now look at 16 weeks. Would you describe 16 weeks as a piece of flesh? You wouldn't, right? Would you describe a foetus at 56 days to be like a lump of chewed flesh? You wouldn't, or at least I wouldn't. Does a foetus at 52 days look like a lump of chewed flesh? According to our theory, the lump of chewed flesh starts at 80 days. It remains as a lump of chewed flesh for 40 days. Between 80 days to 120 days. My point is that the scientific reality does not seem to suggest that the development of the embryo fits the 120 model.

Now the Qurʾān is very interesting. The Qurʾān does not give time periods for this; it is *māshāʾAllāh*, spot on. The *ḥadīth* in the original *Bukhāri/Muslim* also supports the scientific position. The Imām al-Nawawi version with the weak edition of the word *nuṭfah* - that's the one that causes the problem. How do we solve it (show that the word is not there)? Therefore, you've got the development of the actual things happening within the first 40 days.

Now the real question is, does that cause a problem or change anything with respect to life? We all agree, and scholars have an absolute consensus on this, that life starts when the angel breathes in the *rūḥ* (life spirit). It doesn't matter whether we argue over 120 days or 40 days.

You see *fatwa* for abortion. Abortion is impermissible. You will see that they all say that if there is some kind of problem or major issue, then we will allow it before 120 days. You will see that *fatwa* being given. They don't consider it to be a living foetus. They say that after 120 days, it's impermissible. In my personal position, that ruling applies from 42 days (or 40 odd days), onwards. You might ask what day - 40, 42, 45? Those numbers have all been narrated. It's basically not talking about the specific 40 then, it means 40 something. Therefore, what do we learn? In my opinion, life does actually start in the early days and therefore, we will apply the ruling of washing the foetus after 40 days.

Now, there is no consensus on this. In fact, I will say to you that anyone who tries to claim a consensus is not understanding the issue. There is a *ḥadīth* of the Prophet ﷺ where Ibrāhīm (the son of the Prophet ﷺ) passed away. In this narration which is collected by Imām Aḥmad, he was 18 months old. The Prophet

ﷺ, in that narration, did not pray over him. He had no *janāzah* prayed for him. This *ḥadīth* has been considered to be authentic by Shaykh al-Albāni.[10]

However, Imām al-Zaylaʿi (we have talked about him earlier; [he is] the *muḥaqqiq* for the Ḥanafi *madh-hab*) has collected a plethora of *aḥādīth* which show that the Prophet ﷺ did, in fact, pray over Ibrāhīm.[11] Some mention 16 months, others mention 17 months. The argument that he puts forward is that the narrations which established that he did pray are more authentic than the ones which said that he didn't pray. That is the one that we should act by.

By the way, don't be too surprised about the fact that he would not pray over the child. In principle, the *janāzah* is prayed for someone who needs it. That's why in general, we don't pray for the one who has done *Ḥajj* or is in *iḥrām* (according to some scholars). We don't pray *janāzah* for the *mujāhid* because his sins have all been forgiven on the battlefield.[12] The child is someone who can't sin or doesn't have the capacity to sin. In the Ḥanafi *madh-hab*, the *janāzah* is not even a prayer. *Janāzah* is a *duʿāʾ*. The *janāzah*, itself, being a supplication would make it clear in your mind that it's for someone who needs it. Therefore, a child doesn't need it.

Some scholars responded by saying that we know from the *duʿāʾ* of the Prophet ﷺ that the *duʿāʾ* for *janāzah* is actually for the parents. The *duʿāʾ* of *janāzah* for the child is for their parents. *Allāhumma ijʿal-hu salafan*. Oh Allāh, make him a *salaf* (a reward in advance for the parents), *ẓuhran* (stored for the parents so that when they need it, that reward will be opened up because of the patience of dealing with the death of their child).

This is a complicated issue. It is one which is differed over. It does have ramifications in all areas (emergency contraception, abortion, etc.). According to this, the **correct opinion** (Allāh ﷻ knows best) is that the soul could actually be breathed in at 40, 45, 42 days. Therefore, life would start then. Therefore, we should be cautious. Some of the *ʿulamāʾ* said that if a miscarriage occurs and you see more human nature to it than nonhuman, then this is an indication that its way past the 40 days and therefore it should be cleaned, put in *kafan* and then prayed over. Some say you don't need to but I say its best you do it, just to be on the safe side. I think that it is good to stick to this opinion.

It doesn't mean that it has to be in the graveyard. It can be the garden, it can be dubbed down. Of course, when you come to *janāzah*, you know that the ruling of the *qabr* is that there are no conditions. As long as it's far away from animals and so on so forth, it's going to decompose anyway, so you're not going to have safety forever.

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[10] *Sunan Abi Dāwūd, Book of Funerals, Chapter: Funeral Prayer for a Child, ḥadīth no. 3187.*

[11] *Sunan Abi Dāwūd, Book of Funerals, Chapter: Funeral Prayer for a Child, ḥadīth no. 3188. Graded as a ḍaʿīf and rejected ḥadīth by ʿAllāmah al-Albāni.*

[12] *Sunan Abi Dāwūd, Book of Funerals, Chapter: Should the Martyr be Washed, ḥadīth no. 3135. Graded as an acceptable narration by ʿAllāmah al-Albāni.*

The idea is that it can be kept a simple affair. It doesn't need to be a big thing that people call every one for. It's best to stay on the same side of the opinions of the scholars.

Anyone who follows the opinion of 120 days, then of course that is acceptable. That is the position and virtual consensus of all the scholars. It's amazing how they missed the boat on this one. Four *imāms*, scholars, the students afterwards, the *madhāhib* - they are all stuck on 120 days.

There is a position in the *Ḥanbali madh-hab* that it is four months and 10 days - actually a lot longer - and that's why they said that the *āyah* of the Qurʾān that the widow must wait for four months and 10 days before getting married, is because this is the minimum period of the life of the child. I don't like that opinion, to be honest. Ibn Ḥajr said that this *ḥadīth* is authentic, but I can't find the *ḥadīth Allāhu aʿlam*. I don't know if that's true or not.

But that's what I want to say. I want to say that the **class position** is that there is no evidence for 120 days, whereas Shaykh al-ʿUthaymīnʿs position is 120 days. The *Ḥanbali* position is 120 days. Allāh knows best.

Q & A

Q: So if they say 40 days, (inaudible) so should that also be buried separately (inaudible)

A: No I don't think so. In fact I will recount to you a *fatwa* that was given by the Permanent Council for Fiqh and Fatwa, and they were talking about a child that is 120 days which is obviously easier, much bigger and so on and so forth.
They didn't do anything, and dispose of the body. They didn't do anything for the body. Is there anything that needs to be done now? They said no.

What I want to say to you is that this is one of those rulings because of the nature of the child not being actually born, and it is like internal and so on and so forth. The strength of feeling, both emotive and the kind of the Islamic imperative is almost weaker and almost more flexible. You would never see that kind of laxity if it was actually born, or stillborn, if it had screamed once and then died.

This is different of course. Even with the opinion that I hold that life starts at 40 days, I don't believe that it is from the obligation to give *ghusl* to this. My heart is not comfortable with it. My heart actually feels more comfortable with my *salafiness*.

I feel a lot more comfortable with the idea that if it looks like a child, or looks like a human, then it is prayed over it, it is washed. And "looks like" for me is a physical thing, a weight thing, a handling thing, a features thing. I believe that. I believe that no one will be held accountable on this issue if they make that *ijtihād* because the scholars have already given two clear parameters - 40 odd days, and 120.

I also want to tell you back in the day, it was not very accurate. It was more of an observational kind of thing. They see it, they deal with it. That is not something that you want to teach. You don't go out there and teach these kinds of things. You don't say that that is actually a position that I am going to educate people on. It might be a personally held opinion, as a professional. You have to put your trust in the system. It's a difficult one. It's an ijtihād issued. Any more questions? Online?
Student: This is a question about a non-Muslim entering Islam. He entered it in a state of *janābah* and not in *wuḍūʾ*, and in a state of major impurity.

I'm saying that it is not obligatory. The class position that even if he's in a state of *janābah*, it is not obligatory, but it is better for him. That is the class position. That is Shaykh al-ʿUthaymīn position that is my position as well. That would be the majority position.

It would be obligatory, according to the others. In terms of the people taking notes, it was the Maliki *madh-hab* and the *Ḥanbalis* that said that it was obligatory for the new Muslim to make *ghusl*. The *Shāfiʿi* and the *Ḥanafis* said no.

Q: [inaudible]

A: That would be for the *janābah*. In the *janābah*, it would be that that is not an Islamic problem. That was his problem as a non-Muslim, and there's no need for that to happen. She would have to make *wuḍūʾ*. I'm saying that if we're going to make him make *wuḍūʾ* then, you might as well make him make ghusl as well, and escape from the *khilāf*, escape from the differences of opinion, because it's not a straightforward issue. There is some difference there, and you can see why there is a discussion there.

Q: How would you pray over the baby?

A: In terms of the actual *janāzah*? That will come later in the chapter of *janāzah*, the book of *janāzah*. But the quick answer is, the evidence for this is that the Prophet ﷺ in a *hadith* actually saying, to pray over your children as well.

Q: Prayed over them in what way?

A: You mean physically how you pray? So the praying it itself is exactly the same as for an adult. The child is placed in front, the fourth *takbīrāt*. You're talking about the actual prayer? So the child itself, you're talking about a born child.
So the child dies, is washed, shrouded, put into a coffin or put on a table, in front of the Imam. The *Imam* will then pray 4 rakʿah like a normal *janāzah*. Everything is exactly the same. *Jazāk Allāhu khayr.*

17. Chapter 9: The Chapter of Bathing V

Last week, we covered some side issues and we were dealing mostly with the issue of the Islam of a non-Muslim and also with death. We basically ascertained that death is one of the *mujibāt al-ghusl*. It sounds like an obvious point but it has to be made as it can be a confusing point.

First of all, by death we mean the death of a person. *Ghusl* becomes *wājib* on that person. We have to make *ghusl* for that person and it's obligatory. Add one note - there must be some exceptions to the obligation of washing the body. What are those exceptions? Is it possible for obligations to have exceptions when they are so obligatory? How is it possible for an obligation to have an exception?

Yes, it is possible. Allah ﷻ makes it clear in the Qurʾān that if the person is unable to find food of a *ḥalāl* variety then they are allowed to eat the *ḥarām*. If someone is harmed by the fact that they are trying to pursue the *ḥalāl*; to save the life, they are allowed to eat the *ḥarām*. Of course, this is an agreed upon principle in *sharīʿah* that the difficulty of the circumstance (the problematic scenario) can make even the *ḥarām* scenario into a *ḥalāl* one. Of course, *ḥalāl* to the amount that is necessary.

We talked about this before and we've joked about this before. Someone who is starving doesn't go into McDonald's and orders ten Big Macs, etc. and has a party. We say, take one or half and eat it. That's, of course, on the position that Big Macs are *ḥarām*, which they definitely (100%) are. Ignore what these Arabs tell you, that the meat is from the people of the book, etc. This principle is well-known. We are allowed pork to stave off death. If there was no water, alcohol would suffice, although that would be self-defeating because you would probably die of thirst quicker but that's another thing all together.

The point I want to make now is, of course, the washing of the dead body. What would the exception be?

Student: If there is a harm to the person washing the body because of the state of the corpse. An example would be a disease.

Ustādh: The first exception would be the plague or anything like that. For example, Ebola is the relevant, pertinent example now. It is permissible in our *sharīʿah* now to cremate. By cremate, I don't mean the religious process of cremation but rather the process of burning the body. Is there such a word that reflects the burning of a body without a ceremony or a process? Is cremation a word which basically just means burning of the body? When I think of the word cremation, I associate it with some kind of pomp and administration, some kind of religious ceremony.

Student: An atheist would do it so that is not religious.

Ustādh: Not necessarily the religious aspect but it's a process.

Student: If you burn in an accident, that is not considered cremation. Maybe incinerate?

Ustādh: Incinerate a body. I think I prefer that because in a hospital, they don't say that we cremate. They incinerate, don't they? When I say hospital, what am I thinking of? Tools are incinerated. What am I thinking of where flesh is burnt? Is it also in hospitals or is it in labs if they've got leftover human flesh from experiments or from transplantation, etc.? They are not cremated, are they? They are incinerated. I think that's the right word, *Allāhu aʿlam*.

Student: Body parts are more specific to a person, whereas that's more general.

Ustādh: Yes. To be honest, it's just semantics that we are debating. The point is that the body would be treated in a way that would fit the situation.

Let me just make something very clear because I don't want any confusion to be there. I'm not saying that you incinerate the Ebola victim. I am saying that you do not have to wash the Ebola victim. I'm also saying that you do not have to do whatever is required that you would normally do, as that would be risky because of the state of the victim.

In case of a plague; if it meant that you couldn't even go near a body, then you would leave it. If there was a case where the corpse is also transmitting the disease then incineration would become obligatory to protect the masses. If there was no risk of it spreading but it was a risk just to the person handling the body, then there wouldn't be incineration; it would just be *kafan* (wrapping up), etc. Does it make sense? It's all by various, case-by-case scenarios.

The other exception would be if there is no water. If there was no water then you would make *tayammum* of the body. You would strike the dust and wipe over the hands and the face and it would be complete. Then, you would make the *kafan*.

The third scenario would be if the body itself is decomposed and burnt and washing it will make it worse. This is similar to the case of *tayammum*. If there was a scenario where you couldn't make *tayammum* on the body because it was in such a state, then it would be permissible to go straight to *kafan*. Shroud it and put in the grave in a manner that would protect. The idea here is that it's an obligation to wash the dead body unless there is a harm to others, a harm to you and a harm to the dead person. Then the minimum, necessary action is taken to protect all of those three parties.

Menstruation and Post-Partum Bleeding

The next section is: the ghusl is obligated in menstruation and in postpartum bleeding (which is called *nifās)*, with the caveat: but not if one delivers without any bleeding. This is the Ḥanbali position, of course.

وحيضٌ، ونِفَاسٌ،

The word *ḥayḍ* is menstruation, and a *ḥā'iḍ* is the menstruating woman. *Ṭuhr* is the opposite of the *ḥayḍ*. The 'clean' period, or the 'off' period, and 'on' means on period.

When I heard these kinds of things, I got a bit sensitive myself. I don't want to perpetuate that kind of idea in the *sharīʿah*. It's very easy to say clean and unclean and you might mean it in an innocent way but people take it very seriously. And maybe people will think that in Islam, we also have this 'clean' and 'unclean' idea. So you either say menstruating and not menstruating, or you say 'on' and 'off'. Obviously in the *sharīʿah*, it's *ṭuhr*, and that's 'pure', but in the *sharīʿah* if you say 'pure', it's very clear that *nifās* and the *ḥayḍ* doesn't also make someone *najis*. It just makes them in a state of *ḥayḍ* or *nifās*.

Obviously, you know that it's perfectly politically correct in *sharīʿah* to say pure because there is a very clear understanding in *sharīʿah* that *nifās* or *ḥayḍ* doesn't also make someone *najis*. It just makes them in a state of *ḥayḍ*.

Our culture is a very clean culture, isn't it? It's 'praying' or 'not praying'. That's what we say, isn't it? She's praying or she's not praying. Simple as that, *subḥān Allāh*, very nice.

So anyway, *ḥayḍ* is interesting. *Ḥayḍ* is one of the most - if not the most difficult chapters in *ʿibādāt*. It is normally one of the longest chapters on the issue of purification. Actually, in *fiqh* it is one of the longest chapters of *ʿibādāt*. I mean it's like, I don't even know. It's like 100 plus pages. It's massive and it's a mission and it's difficult and it's a headache. Shaykh al-ʿUthaymīn has this opinion, like: I don't know what everyone is getting worried about, it's all really simple and stuff. But the reality is that the *fuqahāʾ* really spoke to every single length about it. We aren't going to talk about it now, since Shaykh al-ʿUthaymīn correctly only gives it half a page just to deal with the issue. But when you then deal with the issue of *ḥayḍ* itself, it will take literally [around one] hundred pages. It's a massive subject. The word *ḥayḍ,* by the way, means to flow and it refers to the flowing blood or the bleeding of the woman.

Women have four types of blood. That's the actual phrase that's used – there are four types of blood from the vaginal area. So we are talking *ḥayḍ*, which is menstrual blood which is the breakdown of the uterine lining. The lining of her uterus prepares itself every single month for conception and then to take on a blastocyst and allow the embryo to form into a child. Basically, to give everything in terms of an environment required to ensure that a child can develop every single month. Of course, if

fertilisation doesn't occur and if there is no initial stage of conception or fusion of the sperm and the egg, then it will break down automatically every single month. It is mainly blood and, as it breaks down, it will then be expelled from the body. This is one of the miracles from Allah ﷻ that the body does this every single time. Of course, if that blood was to remain inside, it would cause some harm; therefore, it is then expelled. That expelling of blood will normally happen, every single time at the same time and it will take a certain amount of time. Most women are around five to seven days and can go all the way up to fifteen days as that uterine wall is expelled. That is what we call menstrual blood, that period is menstruation. That's the first type of blood.

The second type of blood is *nifās* which is post-partum blood. This is basically the blood that is involved in labour. It is possible that some post-partum blood can appear even before birth according to the *fuqahāʾ*. So we are talking about the birth that is associated with labour. In actual fact, when we come to it in the books of *fiqh*, they define post-partum blood as bleeding at that time but it must also have the pangs of pain. There has to be pain associated with contractions and bleeding due to the time before childbirth. For example, if there is bleeding two days before the birth of the child with no pain or what they call the throes of labour or the throes of childbirth, then it is like normal blood and you would continue to pray as per normal. However, if two days before you gave labour, it started with the throes of childbirth and labour can be extended for two days, and the pain was there and there was bleeding, then that blood would be considered the blood of *nifās*. That post-partum bleeding continues afterwards as well. It is very rare but it is possible for child birth to occur and there is no bleeding of *nifās*. Most of the time, there will be bleeding for a couple of weeks and it is possible to bleed a bit more as well. That is the same ruling as *ḥayḍ*.

The third type of blood is *istiḥādhah*. *Istiḥādhah* is best translated as irregular vaginal bleeding. This is basically the same type of blood from the same type of area and with the same type of reason without any real aetiology. We can't actually determine why there is continued bleeding and not stopping or starting during the normal time. It is abnormal bleeding but it is not the normal kind of bleeding like if you were to cut yourself on your body or cut yourself close to the same area. It would be normal blood, what you would call venous bleeding. *Damm al-ʿarq,* that blood is coming from the artery, meaning normal straight clean blood. That is in contradistinction to *istiḥādhah* which would come out the same way and that has its own set of rulings.

The fourth type is called *damm fasād*. This is a very general area and is also referring to bleeding from the same area for reasons due to force or due to some form of activity which is *ḥarām*.

This is all to come whenever it does come. So as I said there are four different types and we are concentrating on *ḥayḍ*. It is the most common, the most regular, and the most well-known.

Shaykh says that once she menstruates and is finished, she has to take a bath and it must be that she finishes because if she performs *ghusl* before she is pure, then it is not valid.

The *shaykh* says the evidence for the obligatory nature of *ḥayḍ* is the *ḥadīth* of Fatimah bint Abī Ḥubaysh.[1] She was menstruating so the Prophet ﷺ ordered her to remain on her period or bleed out if you like. Translated literally as 'sit out your normal time,' meaning continue and let the menstrual blood finish and then to wash, take the *ghusl*, then to pray. This *ḥadīth* is narrated by Bukhāri and is the most authentic in the chapter. It is the most authentic on the issue of *ḥayḍ*. Of course, when we say the Prophet ﷺ commanded her, then of course command is *wujūd*. The *aṣl* is obligation. Also, there is an indication in the Qur'ān to the generality of this ruling as well. Allah ﷻ says

﴿ وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ ۖ قُلْ هُوَ أَذًى فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ ۖ وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ ۖ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ ۚ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ ﴿٢٢٢﴾ ﴾

In *Sūrat'l-Baqarah*, verse 222, "…do not approach them until they have become pure. But once they have become pure then approach them." Therefore this is evidence that to make *ghusl* is something that was very well-known to the people. And the *āyah* is not obviously just sufficiently enough of an evidence to make the obligation, but the *ḥadīth* makes that very clear. But the bleeding must stop. And that is all the *shaykh* wants to say about *ḥayḍ*. Now I know there is a thousand questions that are going to come in online, but that is for next year or whenever *Kitāb al-Ḥayḍ* comes around.

The next one is *nifās* or post-partum bleeding. This is the sixth of the obligatory matters. What is *nifās*? It is the blood that is expelled with labour or after labour,

أو قَبْلها بيومين، أو ثلاثة ومعه طَلْقٌ

Or before it by two or three days upon the condition that there is *ṭalq.*
The word *ṭalq* does not necessarily mean just contraction, but it means the pain. As I said, it has to be (labour) pain.

أما الدَّمُ الذي في وسط الحَمْلِ، أو في آخر الحَمْلِ ولكن بدون طَلْقٍ فليس بشيء

[1] *Ṣaḥīḥ al-Bukhāri, Book of Menstrual Periods, Chapter of Istihāḍah, hadīth no. 306.*

If however, there's blood that comes out a couple of days before, and there is no pain (labour pain) with it, then it is not *nifās* and it does not stop her from praying and doing anything. Because when *ḥayḍ* comes, she cannot do anything, and when *nifās* comes she does not do anything. She does not pray, she does not fast, etc. - that associated issue needs to be there.

As for the obligation, what is the evidence?

والدَّليل على وجوب الغُسْل منه: أنه نوع من الحيض

The actual evidence is just *qiyās* (analogy). Not just *qiyās,* but basically *nifās* is *ḥayḍ*. It is the same nature. The partum is the expelling of the womb. The blood itself, like the uterine wall being the initial stage of the birth - isn't the bleeding of the *nifās* with the [delivery] of the baby also part of the same formal structure? An extension of the developed uterus into the womb?

It's similar tissues, the same *aṣl*. That is exactly what Shaykh al-'Uthaymīn says. It is a type of *ḥayḍ*. It is actually like a type of menstrual blood, but of course it is not menstruation, it is not the uterine lining but it is the same form. That is the reason.

This is the beautiful part. That is why the Prophet ﷺ used the words interchangeably. He would use *nifās* for *ḥayḍ,* which basically puts the issue to bed. In fact, on one occasion, he said to 'Ā'ishah رضي الله عنها[2]

لعلَّكِ نُفِسْتِ

Perhaps you are menstruating.

Instead of saying 'you are menstruating' using the word *ḥayḍ*, he said *nufisti* (coming from *nifās)* so therefore it is clear they are both the same thing. That is why there is an agreement.

And just to make sure,

وقد أجمعَ العلماء على وجوب الغُسْلِ بالنِّفَاسِ كالحيض

[2] *Ṣaḥīḥ al-Bukhāri, Book of Menstrual Periods: Chapter of a Menstruating Woman should perform all...except the Ṭawāf, hadīth no. 305.*

The scholars have agreed across all *madhāhib* that you must make *ghusl* after *nifās* (just like *ḥayḍ)*.

The next statement is the interesting one.

لا وِلادةٌ عاريةٌ عَنْ دمٍ

But in the Ḥanbali position, there is no *ghusl* if the birth occurs without any blood (i.e. there is no bleeding that actually occurs. Obviously there will be blood, but there will be no continual flow of blood afterwards).

ولم يخرج منها دم فلا غُسْل عليها

Shaykh al-ʻUthaymīn says it is very simple; if she gave birth and there was no blood, then there would be no *ghusl* but this is incredibly rare.

Now Shaykh al-ʻUthaymīn is not going to mention anything on this; he is just going to carry on with the Ḥanbali position, and he is not going to give a position.

I have to say that I personally like what is about to happen. I don't want to say this is the class position, but I'm just giving you a heads up.

وقال بعض العلماء

Some of the scholars said that the *ghusl* itself is still obligatory because it is the birth which is the *mujībah* (it is the birth which is obligating the *ghusl).* Also, the absence of blood is something so rare and to be honest, this is not to be considered in a ruling.

ولأن المرأة سوف يَلْحَقُها من الجُهْدِ والمشقَّة والتَّعَب كما يَلْحَقُها في الوِلادة مع الدَّمِ

I was asked a question whilst teaching *Fiqh* of *Ṣalāh* in Bristol last Saturday by someone who said that there was non-Muslim asking her what the is wisdom behind menstruation. Is it not unfair?

I said listen, I will be honest with you. If it was possible, I would love a break like that myself to be honest. It was interesting because she was not buying it, then all the men in the room said, no you better buy it we could easily do with a 5, 6 day break in the summertime every month. Sleep in every 5, 6 days are you kidding me? You would love it brother. I am not buying the disadvantaged, cannot pray rhetoric.

I wanted to add my own ʿ*aqli* explanation. The reality is that women do at least ten times more work than men, at least, if it is not ten times it is at least five times, and if it is not ten times it is at least twenty times. Their specialty is work and being busy and men's specialty is doing nothing.

Shaykh makes a key point and says regardless of whether there is blood or not, the amount of damage and recovery… it's exactly the same. It's not the blood which is knackering her out – she's weak from labour, C-section, it's a problem. So therefore we should give the non-bleeding post-partum lady the same kind of benefits. It's now being seen very clearly in the benefits paradigm that this is 40 days off for her to get herself together mentally and physically. And then she's ready to then take that ghusl and she's back in action. To be honest, I like that position. The *ghusl* does become obligatory upon her and she's in a state of not praying.

Imām al-Ḥajjāwi then says,

ومن لزمهُ الغسل حرم عليه قراءة القرآن.ويعبر المسجد لحاجة ولا يلبث فيهُ بغير وضوء.

Whoever is obligated to make *ghusl*, is also prohibited from reciting the Qurʾān. They are allowed to pass through the mosque if there is a need, but they cannot remain therein without *wuḍūʾ*.

Basically, someone who has to make *ghusl* is not allowed to pray, make *ṭawāf,* touch the muṣ-ḥaf – and that, of course, is based upon the Ḥanbali position and we discussed what our class position is as well. Now we cover the following: to recite the Qurʾān is not allowed and to remain in the *masjid* is not allowed. This is specific only to those people who have to make *ghusl.* It's important to note that even if they make *wuḍūʾ*, that will not help and they are still not able to do either of those actions because they have to make *ghusl.*

Now what does *qirāʾat al-Qur'ān* mean? It means to recite an *āyah* or more. It doesn't matter if that is from the *muṣ-ḥaf* or by heart. However, if the *āyah* is a long one, then part of that *āyah* would be considered like an *āyah*, according to the *fuqahāʾ*. So if the *āyah* is a long one, even part of that *āyah* would like 3, 4, 10 *āyahs* in a different part of the Qur'ān. So therefore it is not just strictly pure *āyah*, it is like a good solid bit of recitation.

Shaykh al-ʿUthaymīn mentions something interesting here so you can compare. The longest *āyah* of Qur'ān is *āyat al-dayn* in *Sūrat'l-Baqarah* [2:282]. Shaykh al-ʿUthaymīn mentions this as a side point, but it is a nice side point. He says: Even this longest verse, it does not contain all of the letters of the Arabic alphabet.

I don't think there is a *thā* in there. There are two verses of the Qur'ān which contain all of the letters of the Arabic alphabet, (1) *Sūrat'l-Fatḥ* verse 29 (this is the shorter of the two verses) and it is about 6 lines long, and (2) *Sūrat Āli ʿImrān,* verse 154.

What is interesting in this for me, and I want to look further this further myself, is that both of these verses are about the Companions of the Prophet ﷺ. I think there is something interesting there. However, the first (in *Sūrat'l-Fatḥ*) is nearly all positive, describing them in a very good way. Whereas there is a complaint against those that were questioning Allāh in *Sūrah Āli ʿImrān* after *Uḥud*. I will have to look into that, but it is an interesting point.

So *qirā'at al-Qur'ān*, according to the Ḥanbalis, is not permissible. A full *āyah* or anything more than an *āyah* or part of an *āyah*, if it is a long *āyah,* like a full line, that would be out because that is the same thing. This is not referring to someone who is making *dhikr* and that *dhikr* lines up with Qur'ān. So if someone is saying, *alhamdulillāh, alḥamdulillāhi rabbil-ʿālamīn* is in the Qur'ān, and "*Bismillāh al-Raḥmān al-Raḥīm, alhamdulillāh wa al-ṣalāt wa al-salām ʿalā rasūlillāh*… I want to give you a reminder" – it would be permissible for her or him to do that. This is not referring only to the woman, it is referring to anyone who has to make *ghusl*, so the sexually impure, the one who is menstruating, has post-partum bleeding, etc. So anything, which appears in the Qur'ān but is being recited as not part of the Qur'ān with no intention to be part of the Qur'ān, but rather *dhikr*, then that does not fall under this category and that is permissible.

The evidence for why it is impermissible for the one who is in a state of *janābah* (sexual impurity) to recite the Qur'ān is:

1. The *ḥadīth* of ʿAlī – ʿAlī said that the Prophet ﷺ used to teach them the Qur'ān but nothing would prevent or block him from the Qur'ān, other than *janābah* (sexual impurity).[3] So that's the one time then that you wouldn't teach the Qur'ān.

This *ḥadīth* is a famous one, and if we look at footnote 1, it is narrated by:

- Imām Ahmad and Abu Dāwūd in the Book of Purification, the Chapter of the Sexually Impure One Reciting the Qur'ān number 229,
- al-Nasā'i in the Chapter of Purification, the Blocking of the Sexually Impure One from Reciting the Qur'ān,

[3] *Sunan Abi Dāwūd, Book of Purification, Chapter of the Sexually Impure Person Reciting Qur'an, ḥadīth no. 229.*

- Imām al-Tirmidhi in the Chapter of Purification entitled the Chapter of what has come concerning a man reciting the Qurʾān in any single state as long as he is not sexually impure, *ḥadīth* number 142,
- other people narrated this *ḥadīth* as well.

The *muḥaqqiq*, the one who has made *taḥqīq* of this book, this text, and the *ḥadīth* – he is authenticating everything, adding footnotes – he says: Imām Aḥmad was concerned about this *ḥadīth*, he felt it to be slightly weak, but it was authenticated by Imām al-Tirmidhi.

I just want to stop there and say that that is a massive statement and it would need authenticating itself whether that is actually correct because sometimes when Imām al-Tirmidhi says something is *ḥasan ṣaḥīḥ*, *ṣaḥīḥ* this, that, whatever – the scholars actually differed over what he means by that. Imām al-Tirmidhi is no joke.

It was authenticated by Imām al-Tirmidhi and Ibn al-Sakan and Ibn Khuzaymah and Ibn Ḥibbān and al-Ḥākim and Ishbīli and al-Baghawi as well in his book *al-Sharḥ al-Sunnah*. So there are a number of scholars of the *muḥaddithīn* - bonafide *muḥaddithīn* who consider this *ḥadīth* to be authentic. The reason I am saying this is because others considered it to be weak. It was considered *ḥasan,* meaning fair, by Shuʿbah ibn Ḥajjāj, which is no joke.

And Ibn Ḥajr said that a number of people did consider some of the narrators to be weak. But the truth of the matter is that this *ḥadīth* is from a type of *ḥasan ḥadīth*. It is sufficiently *ḥasan* enough to use as an evidence. It is permissible to use it as an evidence and you can see that in *Talkhīs al-Ḥabīr*. He will have mentioned this in detail and gone through it.

Brothers and sisters, I mention this because this is a matter where there is no doubt that the majority of the scholars consider it completely impermissible for the one who is *junub* to recite the Qurʾān. I mean, the Ḥanafi *madh-hab* and their *imām*, the Shāfiʿi *madh-hab* and their *imām*, the Māliki school and a narration from Aḥmad and actually you can see the school here as well. There is a mass majority of *ʿulamāʾ* who said that it is not permissible, but there are some statements from the early scholars and later scholars who have considered this *ḥadīth* to be weak. That yes, it is permissible for one because this *ḥadīth* is weak. That is the first evidence.

The second evidence is: if we do prohibit someone in a state like *junub,* if we prohibit the reading of Qurʾān upon this person, it is going to force him to make *ghusl* quicker. That's a good thing. To do *ghusl* is a good thing. To do it quick is a good thing and to stay in a state of *junub* is a bad thing. So these are general principles and therefore if we make it *ḥarām*, we then force the guy to go and make *ghusl* quickly. He says, if he knows that it is forbidden, then he is going to hurry up and therefore that is going to be a benefit. It is going to be a benefit for everyone in doing that.

Then the third evidence is, it has been narrated that when the Qurʾān is recited, the Prophet ﷺ said (it is not very authentic but we'll look at that in a minute) that the

angels literally take the words straight from your mouth and take it up and record it.[4] It's a very honourable way. It's like, as soon as you're reciting, the angels are taking up the words as you are reciting from the Qurʾān.

This *ḥadīth* narrated by al-Bazzār and al-Bayhaqi, on the authority of ʿAli ibn Abi Ṭālib. Ibn Ḥajr al-Haythami (this is a different Ibn Ḥajr, of course. He is another Shāfiʿi scholar, he is not by this *ḥadīth* as well). He said that this *ḥadīth* is narrated by al-Bazzār and his men are all trustworthy. Imām al-Munẓari said this chain is *jayyid* (it is good). There is no problem with it. And it also has some supporting evidence from the *ḥadīth* of Jābir, and you can see other books. *In shāʾ Allāh* there is some form of support for this *ḥadīth*, however it is not very strong.

Shaykh al-ʿUthaymīn says, we know that the *malāʾikah* do not enter the house if there is someone who is *junub.*[5] They do not enter the house if there is someone who is *junub*. This is based upon the *ḥadīth* narrated by Imām Abū Dāwūd and al-Nasāʾi and Ibn Mājah on the authority of ʿAli. Ibn Ḥajr said that this *ḥadīth* is acceptable and it has some supporting evidences as well.

This is a basic principle that we know, that the angels do not come into the house in certain states. They have been narrated across different *ḥadīths*. For example, a house that has a dog in it, a house that has pictures or statues in it, a house that has the *junub* in it until they become pure. But if we base it upon this, if we continue upon this idea that the angels don't come in, the angels won't be taking the words from the mouth.

So if the person would recite the Qurʾān in this manner, it wouldn't be possible for the angel to take it, or you're going to damage the angel or hurt the angel. Shaykh says, to be honest, there is weakness.

He says that this is not the strongest of evidences, but it is another possible thing to consider. He says we are talking about the one who is sexually impure, so what about the one who is *ḥāʾiḍ*? The texts are all to do with the *junub* one, yes? Now we did say that Imām al-Ḥajjāwi says that whoever needs to make *ghusl*, then he cannot read the Qurʾān. So, this is referring to two or three different people isn't it? It is referring to the *junub* (the sexually impure), it is referring to the menstruating woman and to the post-partum bleeding woman and anything else that you can think of. We're going to come to that, there's the non-Muslim...

So, these are the people who all need to make *ghusl*. These are all the people who need to make *ghusl* and until they make *ghusl*, they are not allowed to recite the

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[4] *Narrated by al Bazzār in his Musnad, ḥadīth no. 603. It is also in the Sunan of al-Bayḥaqi, Chapter: From the ḥadīth of Ali b. Abi Ṭālib, (1/38).*

[5] *Sunan Abi Dāwūd, Book of Purification,The Sexually Impure Person Delaying Ghusl, hadīth no. 227.*

Qurʾān. But so far we have only given evidences for the sexually impure one, so what about the *ḥāʾiḍ*?

So the majority of the scholars said that the woman is the same. The menstruating woman is the same and she is not allowed to recite the Qurʾān. The best that she can do is to make *dhikr* and even if it is the letters of the Qurʾān, then that's fine. But she's making it in a form of *dhikr,* but not the actual Qurʾān itself.

Shaykhʾl-Islām ibn Taymiyyah said with respect to prohibiting the menstruating woman from reciting the Qurʾān that there is not a single clear authentic text.

وإذا كان كذلك فلها أن تقرأ القرآن لما يلي

Shaykh al-ʿUthaymīn says if that is the case, then it is permissible for the menstruating women to recite the Qurʾān because of the following reasons or in the following cases:

أنّ الأصْلَ الحِلُّ حتى يقوم دليلٌ على المنْعِ.

The basic ruling is permissibility. The basic ruling is that the women has to recite Qurʾān. If you are going to stop her, you have to bring the evidence. So that is the *aṣl*. The burden of proof is upon you.

2 – أنَّ الله أمر بتلاوة القرآن مُطْلَقاً، وقد أثنى الله على من يتلو كتابه، فَمَنْ أخرجَ شخصاً من عِبَادة الله بقراءة القرآن فإنَّنا نُطالبه بالدَّليل، وإذا لم يكن هناك دليل صحيح صريح على المنْعِ، فإنَّها مأمورة بالقراءة.

Allah ﷻ commanded for the Qurʾān to be recited just generally and Allah ﷻ praised the one who recites the Qurʾān. So whoever is forcing someone out of the *ʿibādah* of Allah, something which He told the people to do, something which He praises the one to do, then we will ask that person for a *dalīl* (evidence). And if there is not a clear authentic *dalīl* which establishes prohibition, then she is also commanded to recite the Qurʾān like everyone else.

I want to say to you that there is a *ḥadīth* which is very famous, it is known as the *ḥadīth* of Ismāʿīl ibn ʿAyyāsh, he is not the Companion, but the one who narrates the

ḥadīth. This *ḥadīth* says that the *ḥāʾiḍ* should not recite the Qurʾān.[6] As I said, this *ḥadīth* is weak but the *fuqahāʾ* acted by it. As you can see, the Ḥanbalis did as well, the Shāfiʿis did as well. All of the *ʿulamāʾ* took this *ḥadīth*. As I said, according to Ibn Taymiyyah, according to a number of *muḥaddithīn* and according to the contemporary scholars, this *ḥadīth* is weak and therefore there is no evidence to stop the menstruating women from reciting the Qurʾān.

Someone could say 'But hold on, we do not need the evidence for the menstruating women because we have the evidence for *junub* as she is the same.' The sexually impure one is like the menstrual impure one. Shaykh al-ʿUthaymīn رحمه الله says we would say that this is *qiyās maʿa fāriq* (they are trying to make an analogy).

If you remember back in the old days when we studied *qiyās*, we had the different types. We said that for *qiyās* to work, everything has the match up. The reason, the conclusion, the this and that. If there is a difference in one of them [conditions] then the *qiyās* cannot be applied fully. Analogy cannot be applied fully, as there is an importance in difference.

What is the *fāriq ?* The *fāriq* is that the sexually impure is in control and the menstruating one is not in control. So the *junub* one can get out of it just like that, whereas the menstruating one can't.

The state of sexual impurity or *janābah* is a quick state; whatever happens it will be cleared. Isn't it? What is the longest it can be? 12 hours. 10 hours. He has to make *ghusl* for the prayers. Whatever happens, the prayer is going to come in and force him to make *ghusl*. Whereas the *miskeen* woman, she could be out five days, seven days, and if it is *nifās* (post-natal bleeding), forty days. We are going to say 'no Qurʾān reading for her' for forty days? This is something which is not good.

He says that for menstruating women, definitely allow a *rukhṣah* (concession). Shaykh al-ʿUthaymīn said that what Ibn Taymiyyah said is good and I find it a strong *madh-hab* to follow. It's a strong opinion to follow.

Shaykh al-ʿUthaymīn ends this point and he says if someone was to say or add and be more accurate, say as long as the scholars are differing over this issue… and clearly there are a lot of scholars who believe that she can't read the Qurʾān. We respect the scholars and the *ḥadīth* is there, even if it's weak. We accept there is some *ḥadīth* there. So we will also not say that she can just read the Qurʾān and boom that's it. Okay, why don't we say that if there is a need, then we will let her read the Qurʾān? So this is like the middle station. If there is a need, she can recite the Qurʾān.

So for example, if she wants to recite because she wants to do a *wird* (daily practice), she wants to read *Sūratʾl-Wāqiʿah* in the night-time or *Sūratʾl-Mulk*, this is a *wird*.

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[6] ***Sunan Ibn Mājah**, The Book of Purification and its Sunnah, hadīth no. 638.*

Wird, by the way, means something which is recited regularly as per schedule. There are two types of *wird* - there is either a Prophetic *wird,* meaning to recite every night that which the Prophet ﷺ told us to recite, like *Sūrat'l-Wāqiʿah*, like *Sūrat'l-Mulk* at different times or *Sūrat'l-Kahf* every week. So that is the first type of *wird.*

The second type of *wird* is when you say I will recite *Sūrat Āli ʿImrān* before I go to sleep every night. It keeps me fresh, it is the one I am revising all the time and I have my own system where I recite all of *Juzʾ ʿAmma* every single night for logistic reasons and not for some other reasons, then it does not turn into *bidʿah*.

That is the difference between the two types of *wird*. So one of the reasons would be to allow the women to recite the Qurʾān because she wants to do her *awrād* or *wird,* or she wants to revise what she has memorised and she is seeing that it is being forgotten or she needs to teach her children, or for example women who are in *madrasah* and need to study. There are four reasons just right there. And if there is no need, then we will say don't recite the Qurʾān.

So for random recitation, recitation for reflection, then no, not whilst you're menstruating. But other times when you need because you have an exam, studying, fear of forgetting, teaching your children, etc., we allow it because it's a need and to be honest you know that there is no authentic *ḥadīth* [to prohibit it] and you know that we're actually allowed because there is no evidence.

That's what Shaykh al-ʿUthaymīn رحمه الله says, that we make it *ḥarām* the rest of the time but she can still make *dhikr* and that's fine, no problem.

He says:

فلو ذهب ذاهب إلى هذا لكان مذهباً قويًّا

And if someone took this position, this would be a strong position to follow.

Q & A

Q: Is there an obligation to recite the Qurʾān?

A: Yes. Allāh ﷻ has said to recite the Qurʾān in a number of *āyāt*, directly and indirectly.

﴿وَرَتِّلِ الْقُرْآنَ تَرْتِيلًا ۝٤﴾

"…and recite the Qurʾān with measured recitation." [73:4]

This is an evidence and a clear order to recite the Qurʾān. Allāh ﷻ also describes the people who recite the Qurʾān as believers. I think there is a consensus amongst the scholars that it is obligatory to recite the Qurʾān. However, the caveat is that it is according to ability. Therefore if one finds it difficult, then they don't need to recite so much and they recite however they can and they will get more reward for it. But the principle is that it is obligatory. What's not obligatory is the amount, frequency, etc. There's no evidence to suggest there is a minimum frequency or a minimum quantity, but the answer to the question [is that] yes it is and I believe there is a consensus upon that. *Wallāhu aʾlam.*

Q: [inaudible]

A: The actual text? The *ḥadīth* is the statement of the Prophet ﷺ:

لا تقرأ الحائض ولا الجنب شيئا من القرآن

"The menstruating woman and the one who is sexually impure are not to recite anything from the Qurʾān."[7]

Narrated by Imām Ibn Ḥajr, Imām al-Tirmidhi and Imām al-Bayhaqi. A number of scholars considered it to be weak. It's a very interesting *ḥadīth,* by the way. You should see the comment by Imām al-Dāraquṭni on this. It has Ismāʿīl ibn ʿAyyāsh in it and that's one of the reasons it has a problem.

Q: We know the Prophet ﷺ recited the Qurʾān whilst his wives were on menses, and if it was forbidden for recitation of the women in menses through habit, it is difficult to keep the tongue still when you hear others, so would not the same habit of 'putting stones on the tongue/mouth' have been mentioned to prevent accidental recitation as we have heard in regard to being cautious when using the bathroom?

A: The question is a good one. As far as I know, we don't have anything like what has been mentioned, which is famously narrated from Sayyidnā Abu Bakr al-Ṣiddīq ؓ, that when he would go to the toilet he would put stones or something in his mouth to

[7] ***Sunan Ibn Mājah****, The Book of Purification and its Sunnah*, *hadīth no. 639*.

prevent him from reciting the Qurʾān because it was very regular upon his lips. And yes, it is difficult to not mouth or articulate the Qurʾān when it is being recited. Realistically speaking, a person is not going to be held accountable for something which is happening out of their control. If there's a person who is reciting and you recite [along with him], sometimes you just do it automatically. I don't believe there is a problem with that. But a person should not willingly recite outside. That is taking the last position as the class position. I have to say to you that my personal position is the position of Ibn Taymiyyah and has been for about 10 years. That's my position, that there is no evidence strong enough for prohibition. That's what I have promoted to all of my women folk at home and to any other female students. But I have to say that what Shaykh al-ʿUthaymīn رحمه الله says as the last statement is a good in between position. We allow the woman to recite if there is a need. So if we were to take that position, then yes she would avoid reciting along with her husband etc. and if it happened automatically, then there is nothing upon her.

Q: This is only verbal?

A: Yes, what we're talking about here is verbal articulation. Verbal articulation doesn't mean to recite out loud, it means that you can hear yourself. So a person who is reciting in the mind, that is not a recitation that is ever accepted. It wouldn't be accepted as *dhikr*, *qirāʾah*, or *ṣalāh*. It wouldn't be accepting in anything, therefore you can't be punished for it either.

Q: Can you clarify what the class position is?

A: The class position, *wallāhi* if you want me to be honest, I don't know which one to choose. I think it should be Shaykh al-ʿUthaymīn's last statement. I personally believe him to follow Ibn Taymiyyah's position, but the **class position** is that it's allowed for a need. I think is the safest one. The last statement as was explained. Frankly, to keep the Qurʾān in check is a need and that pretty much covers most recitations. That's why I'm happy with that last statement.

Q: [inaudible]

A: The Qurʾān recitation in the toilet is not linked to the person. That's something different. Reciting in the toilet in not allowed but that's not linked to the menstruation or impure [one]. Likewise, in *ṣalāh* it's not allowed [to recite] behind the Imām for example. There's always scenarios where it's not allowed, but we're not talking about that. We're talking about the one [person] who's not allowed.

Q: [inaudible]

A: There's another one which is the non-Muslim, but we'll cover that next week.

Q: What about in Ramaḍān [a woman] reading from an iPad to complete a *khatmah* of the Qurʾān? Is it possible to take the position of Ibn Taymiyyah رحمه الله?

A: I wouldn't say it's *ḥarām*, no. Because the issue is one of khilāf. Ibn Taymiyyah's statement is fundamentally correct. I would say that maybe we should back away from it, but as for the question, is it possible to take the position of Ibn Taymiyyah? I would say yes, because his position is fundamentally correct.

18. Chapter 9: The Chapter of Bathing VI

We are on the statement,

Whoever is obligated to make *ghusl*, is also prohibited from reciting the Qurʾān. They are allowed to pass through the mosque if there is a need, but they cannot remain therein without *wuḍūʾ*.

We will complete this today. Last week we were talking about menstruation, etc. We have one further issue to cover (on page 350 of *al-Sharḥ al-Mumtiʿ*). What if the non-Muslim (who has just become Muslim) wants to recite Qurʾān? We covered whether the new Muslim has to make *ghusl* or not. You'd look at the situation; if he is in a *masjid* and he takes *shahādah* and its prayer time, we'll ask him to just make *wuḍūʾ* and pray normally. You will not ask him to go take a shower first.

If you are in control of the scenario; he's still at home and will be going to the *masjid* with you to take *shahādah,* then if he can take *shahādah* with you and make *ghusl* and then go to the *masjid*, it's even better. If you are in control of the situation then do so, but if you are not in control (sudden situation), then it's not a problem. That's what our position was.

Let's carry on and imagine that we did not cover that before. Let's revisit the issue again. According to the *madh-hab*,

فالكافر ممن يَلْزَمُه الغُسْل، فلو أَسْلَمَ وأراد القراءة مُنِعَ حتى يَغتسل.

The position of the *madh-hab* is clear; when the non-Muslim becomes a Muslim, he has to make *ghusl*. If he becomes Muslim and he wants to recite, he has to make *ghusl* anyway. What was the *dalīl* for that? The *dalīl* is *qiyās ʿanil junub*. The reason they are going to make this non-Muslim make *ghusl* is because they are analogizing him with someone who is *junub*. That's the evidence. The *junub* has to make *wuḍūʾ* before he can recite the Qurʾān, so the new Muslim should as well.

Shaykh al-ʿUthaymīn رحمه الله says,

وهذا فيه نَظَرٌ قويٌ جدًّا؛

He said that the *'ulamā'* have consensus that the *junub* has to make *ghusl* before he can recite. They differed over whether the new Muslim has to make *ghusl* or not. You are comparing apples with oranges, basically. If a guy is *junub*, every single scholar said that he has to make *ghusl* before he recites the Qur'ān. As for the new Muslim, there is major difference of opinion. The Ḥanbalis say that he has to. We said that he doesn't have to.

ولا يُقاس المختلَفُ فيه على المتَّفَقِ عليه.

Meaning that you can't make an analogy between something which is fully agreed upon versus something which has a difference of opinion over.

نحن نَقِيسُ بناءً على من يقول بوجوب الغُسْلِ على الكافر،

Meaning that if someone says that we are making *qiyās* on the assumption that it is obligatory for the new Muslim to make *ghusl*,

أمَّا من يقول بعدم الوجوب فالأمر ظاهر في عدم مَنْعِهِ من قراءة القرآن؟.

فالجواب: أنه حتى على قول من يقول بوجوب الغُسْل عليه، فإنه لا يرى أنَّ وجوبه مُتَحَتِّم

Let's go on that example and say that yes, the new Muslim has to make *ghusl*. Will his *ghusl* be as obligatory upon him as the obligation upon the one who is *junub*? Everyone will say no. He says that even if you say it's obligatory, the obligatory nature is more severe upon the *junub*, no doubts whatsoever. Whereas upon the new Muslim, the obligation is not severe. There is no comparison in the *uṣūl*. Therefore, it is not possible. Therefore, this is Shaykh al-'Uthaymīn's final position at the end:

وعليه فَمَنْعُ الكافر من قراءة القرآن حتى يغتسل ضعيف؛ لأنَّه ليس فيه أحاديث، لا صحيحة ولا ضعيفة، وليس فيه إلا هذا القياس.

Meaning you can conclude that to prevent the non-Muslim from reciting the Qur'ān until he makes *ghusl* is weak because there is not a single narration, authentic or weak; you can't even make an analogy. How on earth are you preventing this new Muslim from reciting the Qur'ān and insisting that he has to make *ghusl*?

What's our conclusion? If a non-Muslim came in here and became a Muslim, we wouldn't say to him that you have to go make *ghusl* before you recite the Qurʾān. That is *if* he could recite the Qurʾān.

Let's go on that example and say that yes, the new Muslims have to make *ghusl*. Will his *ghusl* be obligatory upon him as the obligation upon the one who is *junub*? Everyone will say no.

He says even if you say it's obligatory, the obligatory nature is more severe upon the *junub*, no doubt. Whereas when you say it's obligatory upon the new Muslim, there is no comparison in the *uṣūl*. He says therefore it is not possible. So therefore, this is Shaykh al-ʿUthaymīn's final position at the end.

وعليه فَمَنْعُ الكافر

So therefore we can conclude that to prevent the non-Muslim from reciting the Qurʾān until he makes the *wuḍūʾ* or *ghusl* is weak, because there is not a single narration, not an authentic one, not even a weak one, or even you cannot make an analogy either. So we don't even have a weak *ḥadīth* or an authentic *ḥadīth*, or we can't even make the *qiyās*, so how are you preventing this new Muslim from reciting the Qurʾān and insisting that he has to make *ghusl*? So our conclusion point is that if someone came in here now and he became Muslim, we wouldn't say 'You have to go make *ghusl*, you have to make *wuḍūʾ* for you to recite the Qurʾān.' He could go recite the Qurʾān. *Miskeen*, I don't know how he is going to recite the Qurʾān.

I will share something *ajeeb*, I mean it's a bit scary, though. So don't freak out. I met a new Muslim and he was possessed by a jinn that allowed him to write fluent Arabic. I was like "*SubḥānAllāh* how is that possible, man? How are you writing Arabic?" He was in my lesson once, and he is writing, writing, writing and I was thinking *okay*, then I met him in the break and said, 'Look, what's happening bro?' he said, 'I was there listening and suddenly I am on this and suddenly I am writing'. And you know what he described it as? He said that he can actually see the words in front of him, and he traces the words that appear before him. So basically the words appear before him and he traces them. Its good quality kind of stuff and you know what's freaky? He writes backwards, he is tracing backwards, because he is seeing that as template, he is stenciling it backwards on a piece of paper. It's no doubt that Paks talk about *jinns*, because *jinns* are damn crazy. *Allāhuʾl-mustaʿān.*

So the next statement is,

ويَعْبُرُ المسجدَ لحاجةٍ،

They are allowed to pass through the mosque if there is a need.

'They' refers to the 'those who need to make the *ghusl*, who are in some state of impurity, some kind of problem'. They need to make *ghusl* but the Ḥanbalis are saying that, we allow them to pass through the *masājid* if there is a need but cannot remain therein without *wuḍū'*. So if they are going to pass by okay, but staying inside you got to do it with *wuḍū'*.

The *shaykh* says,

ويَعْبُرُ المسجد لحاجة» ، أي: يَمرُّ به عند الحاجة، وهذا يفيد مَنْعَه من المكْثِ في المسجد،

And the reason for this and the evidence for this is, the first evidence is…

﴿يَاأَيُّهَا الَّذِينَ آمَنُوا لاَ تَقْرَبُوا الصَّلاَةَ وَأَنْتُمْ سُكَارَى حَتَّى تَعْلَمُوا مَا تَقُولُونَ وَلاَ جُنُبًا إِلاَّ عَابِرِي سَبِيلٍ﴿٤٣﴾﴾

As Allah ﷻ says in the Qur'ān in *Sūrat'l-Nisā' āyah* 43, which is translated as,

"O you who have believed, do not approach prayer while you are intoxicated until you know what you are saying or in a state of *janābah*, except those passing through [a place of prayer], until you have washed [your whole body]."

The *shaykh* says,

ولا تقربوها جُنُباً إلا عابري سبيل.

Don't let the *junub* come close to it, unless you are someone who is passing through. That's where they get the idea of passing through. So don't come close to it unless you are passing through. The first question you will ask is: how do we know that we have come close to it? Obviously it's very clear. Do not come close to prayer, meaning don't even try and pray, don't try and near it while you are drunk, because when you're drunk you don't know what you are saying, you don't understand what you're saying.

Even though this *āyah* is in the Qur'ān, it's the *'ulamā'* who actually differed in its ruling whether it's abrogated or not. Of course it's abrogated in its practical sense. Because if you were to act by this *āyah,* then this means you go and drink. Look at it,

'O you who believe, do not come close to the prayer once you are drunk or intoxicated,' i.e. drink in other times but not when it's prayer time.

So I am trying to say that although this *āyah* is left in the Qur'ān and its recitation has been left… when you study *'Ulūm al-Qur'ān*, verses of Qur'ān fall into various categories. Sometimes the *āyah* is left and it's recited and the ruling remains, or the *āyah* is recited and the ruling has been taken out so that actual ruling has been abrogated, or the ruling is applicable but the recitation has been lifted or the *āyah* has been taken out of the Qur'ān. For example, the *āyāt ul-rajām*, of stoning as Sayyidina 'Umar ﷺ has said, which is in *Bukhāri* that this is the *āyah* that we had in the Qur'ān before and it's a long story.[1] So therefore there are various categories.

This is one of the second categories where the recitation remains but the ruling has been abrogated by *Sūrat'l-Nisā'*, and *Sūrat'l-Mā'idah* of course which will come later. This is first part of the three stages of the prohibition of alcohol. The first stage is gently, you know if you want to drink then if you drink then don't drink at the prayer time, don't come to prayer whilst you are still drunk. And the second stage, is of course much more severe, and after then the third stage Allah ﷻ says it's the handiwork of the *Shayṭān*

﴿فَهَلْ أَنتُم مُّنتَهُونَ ٩١﴾

And of course then the Companions that were still drinking smashed through their vessels that were with alcohol.[2]

انْتَهَيْنَا

We have abstained from this.

The *āyah* is talking about the prayer, 'do not come to the prayer whilst you are drunk, neither the *junub*, unless he is walking past the *masājid* until he makes the *ghusl*'. So the first question is, the *junub* can't pray anyway!

وليس المعنى لا تُصَلُّوا إلا عابري سبيل، لأن عابر السَّبيل لا يُصلِّي،

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[1] *Ṣaḥīḥ al-Bukhāri, Book of Limits set by Allāh, Chapter: To confess the guilt of illegal sexual intercourse, hadīth no. 6829.*

[2] *Ṣaḥīḥ al-Bukhāri, Book of Tafsīr: Prophetic Commentary on the Qurān, hadīth no.144.*

Shaykh says it doesn't mean that the *junub* pray, but the one who is passing through is not going to pray either. He is not praying because he is not going through.

قُربان الصَّلاة، أي: النَّهْيُ عن المرور بأماكنها، وهي المساجد

He says, basically what the verses are saying that the one who is *junub* must not come close or pass by the place of prayer.

فإِن عَبَرَ المسجد فلا بأس به، وأمَّا أن يَمْكُثَ فيه فلا.

So the verse is actually quite clear and what he is trying to say is if you are going to walk past, no problem; but if you're *junub* then don't come to the places of prayer until you make *ghusl*. So the *āyah* is saying that if you are *junub* you cannot come and stay in the *masājid* and the only way exception for you is to pass it by. So this is the first evidence.

And the second evidence is the *āyah* which is indicating it very clearly that the *masājid* are the houses of Allah ﷻ. They are the places of *dhikr* and *'ibādah* and they are the resting places of angels and *subḥānAllāh* if we eat onions or garlic and those kind of things, then we are forbidden from staying in the *masjid.*[3]

SubḥānAllah, if you have eaten onions or garlic or those kind of things, you are forbidden from staying in a *masjid*, according to a *ḥadīth*. Don't come to a *masjid* when you're smelling of onion or those kind of things, because that is putting off the other people who come to the *masjid*.

He says that this person is allowed to pray. In fact, the person is commanded to come to the *masjid*, whilst he is in control of what he eats and doesn't eat. So, what about the one who is not allowed to pray i.e. *junub*? How can we say that he's allowed to come to the *masjid* and the guy who eats onions, he can't come?

Also, especially when it is the fact that the *malā'ikah* - as the Shaykh here says - do not go into a house in which there is a *junub*.[4] They do not go into a house in which someone is *junub*, because they get harmed by going there.

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[3] *Ṣaḥīḥ Muslim, Book of Mosques and Places of Prayer: Chapter: Prohibiting one who has eaten garlic, onions, or leeks...from coming to the masjid...such a person should be expelled from the masjid, ḥadīth no. 564.*

[4] *Sunan Abi Dāwūd, Book of Purification, Chapter of the Sexually Impure Person Delaying Ghusl, ḥadīth no. 227. Graded as ḍa'īf by 'Allāmah al-Albāni.*

I just want to say a couple of things about that, because he has just kind of mentioned it in passing, and maybe kind of explaining it by meaning. The *ḥadīth* which says that the angels do not enter a house in which there is a *junub*, from someone who is impure in that way from marital relations - this *ḥadīth* is weak.

There's no doubt about that, but there is another *ḥadīth* narrated by Imam Abū Dāwūd on the authority of ʿAmmār ibn Yāsir that the angels don't come to three persons - the dead body of a non-Muslim, the one who puts certain types of perfume on, and the person who is in *junub* until he does *wuḍūʾ*.[5] The angels won't come close to this person.

This *ḥadīth* is also one in which there is a break in the chain. Some of the scholars say that this *ḥadīth* is weak as well. But some said it is authentic.

We should operate on the basis that this *ḥadīth* itself is nowhere near in weakness as the one about the angels in the house. So the strength of this is acceptable *inshāʾAllāh* because of the number of scholars who accepted it as authentic. Shaykh al-Albāni رحمه الله made it authentic, and there are others that criticize it. His student Shaykh Abū Isḥāq al-Ḥuwayni (one of the *muḥaddithīn* that are alive today) considered this *ḥadīth* to be weak.

I'm just saying that in basic principle, the angels do not approach a person who is *junub*. Just so that you do not get confused when we say that the Angels do not approach a person who is *junub*, it doesn't mean that no angels go to him because there have to be angels around, like the angel of death for example, and [the angels whose responsibility is] recording.
It basically means the angels that bring the *barakah* or angels that bring mercy, or the angels that come and they report back to Allāh ﷻ that this person is doing *dhikr*, this person is doing *ʿibādah*, this person is remembering You. They are the ones who do not come. So you get mega harmed by that because it is basically via those angels that we get most of that mercy that we get. So this is a serious issue.

Student: [inaudible]

Ustādh: When I say the harming of the angels, what I mean that is obviously not the physical harming. You can't physically harm an angel.

But the best example is that I can give is that when you come out of the Haram, and when you come here, what happens to your heart and your eyes, when you come into a filthy area. It's like torture or sacrilege. You see *faḥshāʾ*, you see *lakhubath*. It is painful, isn't it?

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[5] *Sunan Abi Dāwūd, Book of Combing the Hair, Chapter of khalūq for Men, ḥadīth no. 4180. Graded as Ḥasan by ʿAllāmah al-Albāni.*

You take physical harm and multiply that by millions upon millions. You have the most pure of pure. They do nothing but worship Allah ﷻ. They are used to absolute cleanliness, purity and *ʿibādah* and then they see nonsense and filth, or whatever. It's not the norm. It's not what they expect. It's not what they like. This is the way to understand. *Allāhu aʿlam*.

If there is a need only. So not every single person who wants to walk through the *masjid*. You're thinking, what do you mean walk past the *masjid*? Here our *masājid* are the places that you go to, that doesn't make any sense. You don't walk past any *masjid*. When you go to the Muslim countries, you will note that the *masājid* in populated areas have many doors and there are shortcuts, from one end of the city to the other end of the city, or market I should say. So in countries like Egypt, Morocco, and even the East London Masjid, you can move through with a little shimmy through there, instead of going past through Tesco and all that. So that's the case basically, you go through one door and whatever.

In fact, there's a discussion among the scholars because they were many doors in the Masjid al-Nabawi and the Prophet ﷺ had them all closed except the door of Abu Bakr al-Siddīq.[6] It was too much coming and going. This is a very interesting point. I just want you to know that when we have this concept of people going through, it's a real concept, people genuinely really did do that.

But the Ḥanbalis said there has to be a need. So what kind of need? He mentions five here.

Maybe he wants to enter from a certain door and come out of another one so that he's not seen. Basically, he wants to do like a sly kind of thing. He goes into this door, comes out through different ones, so that he's not seen.

Or if he takes a shortcut because he wants to cut his journey time. Or he wants to have a quick look into the *masjid* to see if there's anyone who needs help, because a lot of the times people would come to the *masjid* looking for help. Or people who need *sadaqah* would also go into the *masjid*. Fifth, if someone wants to check to see if there's a circle of knowledge or something that's going on, then once he sees that there is one, he'll go back home, make *ghusl* and then come back. There needs to be an actual need; you can't just walk in and chill in the *masjid*.

That's why Shaykh al-ʿUthaymīn makes a clear point, and I'm making a clear point - if there's no need, then even passing through is something that is impermissible. Now in our modern times, in terms of practicality, if there's an activity at the *masjid*, (some kind of open day, or you forgot something, etc.) you've got to make sure that there's a good enough reason to go inside. Otherwise, you've got to make *ghusl* and then come back. Now if there's no time, and you've left your jacket on the hook or something,

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[6] *Ṣaḥīḥ al-Bukhāri, Book of Prayers: Chapter of Al-Khaukhah (a small door) and a path in the mosque, ḥadīth no. 467*.

and you need to quickly go and grab it, then that's a need, and that would be permissible. This is the opposite of staying there, like sleeping there, chilling, relaxing, hanging around. Any kind of passing through, *in shāʾ Allāh*, is okay. I'm not sure about the idea of teaching, or helping out, volunteering, etc. though, because that's spending time in the *masjid*, and these people should make *ghusl*.

Imām Aḥmad himself generally didn't like people using the *masjid* as a pathway. You know, especially since the Prophet ﷺ emphasised, for example if you think about the prohibition of sales and transactions in the *masjid*, it's not super clear, except that he made it very clear that they're built for worship. In Bristol, we were discussing the issue of *masājid* and what's permissible and impermissible in principle, so the question is, is it permissible to make a multipurpose *masjid*? Is it permissible to eat and drink in a *masjid*? Is it permissible to sleep in a *masjid*? Is it permissible to non-Muslims to come into the *masjid*? The answer to all these questions, nearly all of them, is that it is *ḥarām* in principle, but *ḥalāl* if there's a need. So no, it's not okay to make a multipurpose *masjid*, because it's a *masjid*. The only reason we're making a multipurpose *masjid* is because, going back to my original point at the beginning of the class, Muslims like to give for *masjids*, but they don't give for youth centres, or a *markaz* for *daʿwah*, or an office where someone could sit and answer questions for non-Muslims, etc. In fact, we even struggle to give the *imām* a salary, and you would think that's the easiest thing because the one person we need is an *imām*!

We should have a paid mental health professional and a marriage counsellor in every single *masjid*. People come to the scholars and they put these scenarios in front of them, and they don't know anything about mental health. This is a real issue; it's complicated stuff and a specialist area that requires training and so on and so forth. So even if we're not going to put it in every single *masjid*, then at least we should have it in the main *masājid*. But people aren't going to raise the money for that, are they? So the best that we can do is to add services to the *masjid* - build another room, a foyer, a balcony, etc.

وَلاَ يَلْبثُ فيه بِغَيْرِ وُضُوءٍ

But he is allowed to remain as long as he makes *wuḍūʾ*; this is the *junub* (sexually impure), he makes *wuḍūʾ* and he can remain. He is *junub* that does not get rid of the state until he does *ghusl,* but if he makes *wuḍūʾ*, he can stay in the *masjid*.

Interesting principle. First of all, what is the evidence that that is the case? To purify him, he needs to make *ghusl*. If he does *wuḍūʾ*, he did not purify himself by just making *wuḍūʾ*. What is the proof?

(1) The Companions ﷺ would make *wuḍūʾ* from *janābah* and then they would go back and stay in the *masjid* [7]

فكان الواحد منهم ينام في المسجد

For example, one of them would go to sleep in the *masjid* and if he had a wet dream (and that would happen) he had a *ḥilm/iḥtalam*.

فإذا احْتَلَمَ ذهب فتوضَّأ ثم عاد

He would go, he would make *wuḍūʾ* and then he would come back, go back to sleep or relax in the *masjid*.

In the references you can see an interesting discussion. You will see this kind of narration in the books of *āthār*. First of all, we can start with that which has been narrated by Saʿīd ibn Manṣūr in his *Sunan* (this is the exact wording) and Ibn Abi Shaybah in the Books of Purification. The specific narration is narrated on the authority of Hishām ibn Saʿd, and Zayd bin Aslam on the authority of ʿAṭāʾ bin Yasār, who said that I saw men from the Companions of the Prophet ﷺ sitting in the *masjid* and they were *mujnibūn* (they were in *junub*).

إذا توضؤوا وضوء الصَّلاة

They would just go make *wuḍūʾ* of *ṣalāh* (and they were in the *masjid*) and then they would remain in the *masjid*. Also Ḥanbal ibn Isḥāq and Abi Nuʿaym, and Hishām ibn Saʿd and on the authority of Zayd bin Aslam said that the Companions of the Messenger of Allāh ﷺ

يتحدَّثون في المسجد وهم على غير وضوء

They would chill in the *masjid*, discussing, chatting in the *masjid* and they would not have *wuḍūʾ*.

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[7] *Ṣaḥīḥ Muslim, Book of Purification: Chapter: The obligation to wash away urine and other impurities if they result in the Masjid...with water with no need to scrub it, hadīth no. 285.*

وكان الرجل يكون جنبا

This part is just saying if you do not have *wuḍū'*, you can just chill – not *junub*, normal guy but just has not got *wuḍū'*. And there would be a person from them as well that might be *junub* and he goes makes *wuḍū'*, then he will go and come back into the *masjid* with his *wuḍū'* only and carry on with the discussion with them as well.

Ibn Kathīr said that this is *ṣaḥīḥ* according to the condition of Muslim and this has already been narrated by Ibn Abi Shaybah; there are a number of narrations for this point. This is not in dispute. The Companions, this was their way.

Shaykh then says

وهذا دليل على أنه جائز

This a proof therefore that this is permissible for someone even though he is *junub* to remain in the *masjid* with *wuḍū'* because

لأن ما فُعِلَ في عَهْدِهِ صلّى الله عليه وسلّم ولم يُنكره

Anything that happened during the Messenger's ﷺ time and he did not make *inkār* (prohibit it, speak out against it), then it is permissible if it is from the normative matters and it will be rewarded if it is from the matters of *Dīn*. The matters are of two types: either you do something wanting reward or you do something which you do not expect anything.

Shaykh al-'Uthaymīn mentions this point because they were just chilling, they were just talking – that is not an act of *'ibādah*. If they do something at the time of the Messenger ﷺ and it is not an act of *'ibādah,* then the rule is that means it is permissible. If they do an act of *'ibādah*, meaning they do anything which they are expecting a reward from Allāh for it and it happens at the time of the Messenger ﷺ and he does not say anything, then that means that act is not only an act of *'ibādah* but they get rewarded for it. As we said before, it is obligatory for the Prophet ﷺ to speak out against something that is *ḥarām*; when he does not do it, that means an implicit approval that it is something which is allowed. This is the first evidence. The Companions used to do it. As the Prophet ﷺ allowed them, this is a clear proof.

(2) The second evidence is because *wuḍū'*

يُخَفِّفُ الجَنَابَة

Wuḍū' lightens the state of sexual impurity. The evidence for this is that the Messenger of Allāh ﷺ was asked about a man who had to make *ghusl*. Should he go to sleep?

أينامُ وهو جُنُب

Is he allowed to go to sleep whilst he is still *junub*? He needs to make *ghusl*, he is in a state of *janābah* – does he have to make *ghusl* before he goes to sleep? The Prophet ﷺ said

إذا توضَّأ أحدُكُم فَلْيَرْقُدْ وهو جُنُبٌ

As long as someone makes *wuḍū'*, then he can go to sleep even if he is *junub*.[8] This *ḥadīth* is narrated by Bukhāri in the Book of *al-Ghusl*, Chapter: The Sleep of the One Who is *Junub*. Imām Muslim narrated this in *Kitāb al-Ḥayḍ.*

(3) Shaykh al-'Uthaymīn says at the top of page 353 that the third evidence that *wuḍū'* is actually one of the two purifiers compared to *ghusl*…

ولولا الجنابة لكان رافعاً للحَدَثِ رَفْعاً كُلِّيًّا فحينئذٍ يكون مخفِّفاً للجنابة

He says if there was no *janābah*, you have just made *wuḍū'*, it would have completely lifted any spiritual impurity; it has an intrinsic power. Therefore now add the state of *janābah*, you are not at zero. You have already lifted a state of *ḥadath*, but now there is an extra required to lift the state of *janābah*. It is basically showing that a person who is *junub* and does something is not like the person who is *junub* and makes *wuḍū'*; he is obviously cleaner. Even though he is not allowed to pray, not allowed to recite Qur'ān, etc. - although some of the Ḥanbali positions say that if he does make *wuḍū',* some of them said he is allowed to recite the Qur'ān and do a couple of things but that is getting controversial, so let us not get into that. This issue here is that a person who is in *junub…* it is good if he makes *wuḍū'* because he will be in state where he is lighter.

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[8] *Ṣaḥīḥ al-Bukhāri, Book of Bathing: Chapter: Sleeping of a Junub Person, hadīth no. 287. Imam Muslim also narrated this in the Book of Menstruation.*

This is the beginning of the *Sunan*

وَمَنْ غَسَّلَ مَيْتاً

This is also possible to say *mayitan*, *maytan* and *mayitan*

وَمَن غَسَّلَ مَيْتًا أو أَفاقَ من جُنونٍ أو إغماءٍ بلا حُلْمٍ سُنَّ له الغُسْلُ

It is a recommended *Sunnah* to make *ghusl* if:
a) One washes a dead body
b) One regains their intellect after losing their sanity
c) One regains their consciousness and they haven't had a wet dream during that period [this is referring to the period of *jūnūn* (insanity) and and *ighmā'* (unconsciousness), by the way].
Then that is when it is a Sunnah to make *ghusl*.

If you have a wet dream then of course it is an obligation. That is the point there, as long as they haven't had a wet dream, then it is *Sunnah*. Basically meaning a person could faint and he does not have to make *ghusl*, but if he does, it is better. I just want to make it clear that there is a difference there that is being made between *afāq min junūn* and *ighmā'*. *Junūn* is the loss of intellect and *ighmā'*... you know *ghum*? In Urdu what does *ghum* mean?

Student: Sorrow.

Ustādh: I am just wondering whether in Urdu sadness came because something descends upon the mind and makes it sad. Because actually *ighmā'* means that the mind loses itself. What I want to say is that fainting is *ighmā'* and when I think of someone who faints, it is a light, temporal loss of consciousness. Whereas *junūn* is like a proper loss of consciousness. Is that possible to make the distinction?

Student: Like a coma?

Ustādh: Not a coma. Shaykh al-'Uthaymīn himself says epilepsy for example. An epileptic fit, but that is not good enough - he is using his own *ijtihād* (diligence). He is a scholar and we should respect that, but that is himself making his own statements such as epilepsy. I want to try and understand what *junūn* is from the original sense. Actually there is no evidence for *junūn.* As far as I know and Allah knows best, in the Qur'ān and *Sunnah* there is no evidence. We will come to this discussion later, but there is no evidence to show that when you lose your intellect, it is *Sunnah* to make

ghusl. The evidence for *junūn* (losing your mind completely) is based upon the evidence for *ighmāʾ* (fainting).

The evidence for fainting is very well-known; all of you know the evidence for that. That was because in *Ṣaḥīḥ al-Bukhāri* and all the *aḥādīth* collections the Prophet ﷺ in his final days and final moments, when he was too weak to go out and lead the prayer and he kept waking up and he kept fainting.[9] He would wake up and then he would faint. He would say 'the prayer' and 'what's happening about the prayer' and 'I want to go.' The first time he actually woke up from the fainting, the bathtub is there and he did *ghusl*. *Ightasal* - he made *ghusl* because of the fainting. Then he woke up again and then he fainted, because he had a very heavy fever. He was in pain. I am guessing he is more likely to faint from the pain than he is from the fever, right?

Student: Fever.

Ustādh: There is a one that makes you faint?

Student: Yeah.

Ustādh: More than the pain? Pain is shock, isn't it?

Student: The fever will pass you out and then convulsions.

Ustādh: We do not have any evidence for convulsions for the Prophet ﷺ. But there is a combination of intense pain, intense fever and nothing to bring it down. He was not taking any pain killers, no anti-parasitics and no anti-inflammatory. Just water being dabbed on his forehead ﷺ, so he is obviously losing consciousness, but it is not what you would call *junūn.* He was fainting and he made *ghusl* and that is why the scholars said it is a *Sunnah* to do so and if you should do so for fainting, then what about when you properly lose it? Do you get it now? That is the evidence for it. It is a *qiyās*.

But I am trying to understand the difference between fainting and *junūn*.

Student: Can I just ask, when you say fainting are you are talking about someone who faints and they do not know what happens or someone who faints who knew something was going to happen.

Ustādh: It is more the second. In fact, *ighmāʾ* – you know ghum, which is from *ighmāʾ* - we call *ghum* lightheadedness, when you do not know what is happening.

Student: When you lose your consciousness, you lose your intellect. It is one or the other. A loss of intellect, he is conscious, but he has lost his intellect, his capacity.

Ustādh: No, no, no.

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[9] *Ṣaḥīḥ al-Bukhāri, Book of Call to Prayers: Chapter: The Imām is appointed to be followed, hadīth no. 687.*

Student: When you lose consciousness, there is no way you have intellect, because you are out cold. You could be conscious and don't remember anything. You could be conscious and lose your intellect if you have a mental illness. Some people can't remember what they did or have blank moments.

Ustādh: I am going to research that. That is good.

Student: [inaudible]

Ustādh: And that is how I translated it. I translated it like that because that seems to me what Shaykh al-ʻUthaymīn رحمه الله is saying. He says:

والجنون: زوال العقل

Like the intellect goes, such as epilepsy. Now in epilepsy, *ʻaql* (intellect) does not go. The *ʻaql* goes? Or does he faint?

Student: You have two types isn't it?

Ustādh: Lose control? Grand mal, boom.

Student: Can you just clarify, are you're talking about, like if you faint there's medical [inaudible], neurological, cardiac… Also petit mal is that the patient can be conscious but they have [inaudible]. So he's awake, he has petit mal, where he's had a black out when he doesn't know what's gone on and then suddenly he's back again. Are you talking about consciousness as in awareness or are you talking about control…?

Ustādh: Consciousness is definitely *ighmāʼ*, meaning if someone faints, then by definition they've lost consciousness. The debate is over point two. I think the petit mal, as opposed to grand, is that he's still there, he just doesn't know what's going on and I've written there that he's lost his sanity, but I don't know if that's a bit strong or not. It's [referring to] *zawāl al-ʻaql* meaning the removal of [*ʻaql*].

Student: When you start talking about insanity, you're talking about psychological…

Ustādh: Yes. Take insanity out. *ʻAql* is what?

Student: Intellect. Awareness.

Ustādh: We call *ʻaql* intellect, but what actually is it? It's like our ability to think, its awareness. This word intellect is a poor kind of use. *ʻAql* is that he is able to think, able to make decisions.

Student: Where's their awareness after losing their intellect?

Student: *ʻAql* is what differentiates us from animals, right?

Ustādh: But animals are aware.

Student: But it's like a conscious awareness.

Ustādh: It's something else. The ability to think? But then animals can think as well.

Student: It's the other way around. The insān has intellect, the animals have awareness but no intellect.

Ustādh: The word *ʻaql* is the ability to make rational judgments, thought processes, decisions, which are intelligent in nature. I need to look into it, let me spend some time looking into that.

Let's talk about the washing of a dead person.

ومَنْ غَسَّلَ ميتاً، هذا شروع في بيان الأَغْسال المسْتَحَبّ

And whoever washes the dead body, Shaykh al-ʻUthaymīn ﵀ says this is the first of the *mustaḥabb* (recommended) washings. What's the evidence for this? The evidence for this is a fascinating *ḥadīth*. The Prophet ﷺ said:

مَنْ غَسَّل ميتاً فَلْيَغْتَسِلْ، ومَنْ حَمَلَهُ فليتوضَّأ

Let the one who washes a dead body make *ghusl* and the one who carries a dead body, then let him make *wuḍū'*.[10]

The *ʻulamā'* said that this *ḥadīth* has a command. *Fal-yaghtasil* [means] let him make *ghusl*. When I say that in English, "let him make *ghusl*", do you see that as a command? It's soft, isn't it? If I want the next man to wash himself after he's washed the dead person, I can say, "Listen, tell him if you wash the dead person, you must make *ghusl*".

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[10] *Sunan Abi Dāwūd, Book of Funerals, Chapter of Ghusl for One Who Washed a Dead Person, ḥadīth no. 3161. Graded Ṣaḥīḥ by ʻAllāmah al-Albāni and classical scholars who agreed include al Qattān, Ibn Hazm and Ibn Taymiyyah. Graded as Ḥasan by Ibn Hajr and he said you can go no lower for this narration. Graded as Da'īf by Imam Ahmad, al-Bukhāri, Abu Hātim ar-Razi, ʻAli al Madini, ad-Daraqutni, al-Bayhaqi and ʻAllāmah al-'Uthaymīn agrees with them.*

Then there's no doubt there because it's a quotation – "tell him, if you wash this you must do that". Or, I could respond to the question and speak about him in the third person. For example, you ask, "Shaykh what happens about this person here?" [And he says], "whoever washes a dead person, then let him make *ghusl*." In English it sounds weaker, doesn't it?

Student: You're saying he has to make *ghusl*.

Ustādh: Do you understand that? When you say 'let him make *ghusl,'* in the English language, I don't think it's fully there. In the Arabic language they even have their own discussion that it's coming through a third person verb – *fal-yaghtasil* – it's understood to be a command, it's not an obvious command. In English it's a lot more clear; even in Arabic it's not very clear. The point is that this *ḥadīth* has a command and the basic premise of a command is obligation. However [Shaykh al-'Uthaymīn رحمه الله continues]:

كن لما كان فيه شيء من الضَّعف لم يَنتهضْ للإلزام به. وهذا مبنيٌّ على قاعدة وهي: أنَّ النَّهْيَ إذا كان في حديث ضعيف لا يكون للتَّحريم

This is a *'ajīb* statement. He says that there is no doubt that in this *ḥadīth* there is a command, which would normally mean obligation. However there is a very important principle that this *ḥadīth* is weak or it has some weakness in it, and a command in a weak *ḥadīth* or a *ḥadīth* with weakness in it will not mean *ḥarām*. Meaning that normally if a *ḥadīth* is weak and says to you 'don't do this,' then it's not recommended to do this because of the weakness of the *ḥadīth*. It won't mean its *ḥarām*. If the *ḥadīth* was authentic, then you would understand it in its full power - 'don't do this,' meaning it's *ḥarām* if you do it. But because it's a weak *ḥadīth,* then the 'don't do this,' (the *ḥarām)* will be downgraded to *makrūh*, meaning it shouldn't be done.

والأمرُ إذا كان في حديث ضعيف لا يكون للوُجوب،.

Likewise, a command to do something in a *ḥadīth ṣaḥīḥ* means obligation. 'Do this' in a *ḥadīth* which is weak will mean that it's not an obligation.

لأنَّ الإلزام بالمنْعِ أو الفعل يحتاج إلى دليل تَبرأُ به الذِّمة لإلزام العباد به

Because a command to obligate something or to make something *ḥarām* requires a very clear evidence to take away the basic state of affairs. Very, very clear evidence. He says that this *qāʿidah* (this rule or maxim) was indicated by Ibn Mufliḥ - who is a Ḥanbali scholar, by the way - in his book *Al-Nukat ʿala al-Muḥarrar*.

That's the first time so far in these three years that we have studied that Shaykh al-ʿUthaymīn has made a... he knows himself that he has made a statement which is not very popular and not very clear. But it's not like a very obvious statement. He's going out on a limb, which is why he has felt the need - you can tell this clearly, you can see by the thought process that: 'I have got to refer this to someone higher. I don't have the confidence to just say, *hey listen the ḥadīth is weak and it says do this*. Then it doesn't mean obligation'. That is a big statement to make, so he wants to relegate the kind of authority to someone else. So he says, this principle was first mentioned by Ibn Mufliḥ in this book over there, in this chapter.

ومراده ما لم يكن الضَّعف شديداً بل محتَمِلاً للصِّحَّة، فيكون فِعْلُ المأمور وتَرْكُ المنهيّ من باب الاحتياط، والاحتياط لا يوجب الفعل أو الترك.

He says that, when the *ḥadīth* has some kind of weakness then we are now moving into the area of caution. So you can't obligate something or you can't prohibit something based upon being cautious. You just have to be cautious. This is his point.

Anyway, so this is the first evidence. This is the first evidence for the people who what? Who say that it is *Sunnah* to make *ghusl.* This is the first evidence, they said it.

The second evidence,

أنه ورد عن أبي هريرة أَنه أَمَرَ غاسل الميْت بالغُسْلِ

It has been narrated in the books of *āthār* that Abu Hurayrah ordered the one who washed the body to make *ghusl*.

وهذا القول الذي مشى عليه المؤلِّف هو القول الوسط والأقرب

He says, 'As far as I am concerned, the statement of this author (meaning Imām al-Ḥajjāwi ﵀) is balanced and the closest to the truth. It is not obligatory but rather it is recommended.' Notice here that the *imām* said it is recommended, but the *ḥadīth* that has been used for the evidence says that he must make the *ghusl*. Don't forget that.

Now why is that? Because some of the scholars said,

وقال بعض أهل العِلْم: إنه يجب أن يَغْتَسِلَ

They said he must make *ghusl*. Why is that? They did that based upon the two *aḥādīth* we just mentioned. The first one which said whoever washes the dead person, let him make *ghusl,* and second [is that of] Abu Hurayrah. He specifically commanded the one who had just washed the dead body to make *ghusl*. He said that the *aṣl* or the basic principle is that it is obligatory.

There were other scholars, however, who said it is not required. It is not obligatory for him to make *ghusl* and neither is it *Sunnah* either. What was their evidence to say none of it?

First of all, they said the *ḥadīth* of Abu Hurayrah is weak. The one that we just mentioned. Imām Aḥmad in fact, he said very famously - not just Imām Aḥmad but his very close friend ʿAli ibn al-Madīni, the teacher of Imām al-Bukhāri, *muḥaddith*, the best of them. He said,

لا يثبت في هذا الباب شيء

There is nothing in this area that has been authentically narrated from the Prophet ﷺ. There is nothing established. There is nothing authentic or established in this area. What's the area? The washing of a person, of oneself after you wash a dead person. [There's] nothing authentic in this chapter.

وإذا لم يَثْبُتْ فدعوى المشروعيَّة تحتاج إلى دليل؛ ولا دليل

He says that if there is nothing established, then how can the act be legislated? The second point and the second evidence is that the *mu'min* is *ṭāhir ḥayyin wa mayyitah*. He is pure when he is alive and he is also pure when he is dead. So if it is not,

فإذا كان لا يُسَنُّ الغُسْلُ من تَغْسيل الحيِّ، فتغسيل الميتِ من باب أولى

He said that if you were to wash a person - for example, if I was to wash his arm whilst he is alive, it's not *Sunnah* for me to make *ghusl* is it? If I was to wash his arm. So why would it be required for me to do so when he is dead?

I just want to come back now and give you some facts about this *ḥadīth*. This *ḥadīth* has been narrated back on page 353 by Imām Aḥmad and Imām Abū Dāwūd and Tirmidhi but actually all of the *ʻulamāʾ* I remember this *ḥadīth* has been narrated except by Ibn Mājah. Sorry, actually here it has been narrated [by Ibn Mājah]. I think that maybe this is a mistake. Anyway, it has been narrated by a number of the authors of the *Sunan*.

Imām Aḥmad, Imām Abu Ḥātim al-Rāzi, and al-Bukhāri - the reason that these names are being mentioned is because these are the *imāms* of *naqḍ*. Do you remember we discussed a long time ago that there is a difference between the *muḥaddithīn* and *nuqqāḍ? Nāqiḍ* and *nuqqāḍ*. The highest, highest level of scholarship in *ḥadīth*. Every *nāqiḍ* is a *muḥaddith*, and every *muḥaddith* wishes he was a *nāqiḍ*. We're talking the very, very highest. They are able to just look at a person or a look at a *ḥadīth* and say it's weak, without actually realising or seeing anything, because they have a supreme skill.

The *muḥaddith* is one that gathers *aḥādīth* together, maybe memorised a 100,000, maybe knows them. That's a *muḥaddith*, but the *nāqiḍ* is one who is able to literally see and make *ḥadīth* weak and *ḍaʻīf* because they are using them so much. So Aḥmad, Abu Ḥātim al-Rāzi, Bukhāri, Bayhaqi, Dāraquṭni, ʻAli Ibn al-Madīni - they said that to consider this to be a *ḥadīth* of the Prophet ﷺ is a mistake. To make it *marfūʻ* (to make it a statement of the Prophet ﷺ) is *khaṭaʾ*. This is not the Prophet's statement ﷺ.

والصَّواب أنه موقوف على أبي هريرة

Actually, this is the statement of Abu Hurayrah, therefore it is *mawqūf.* This is not a Prophetic *ḥadīth*. Then on the other side, Ibn al-Qayyim said that this *ḥadīth* has 11 ways of narration (*ṭuruq).*

وهذه الطُّرق تدلُّ على أنَّ الحديث محفوظ

He says these eleven narrations prove that this *ḥadīth* is preserved. This is well-known and has to be an accepted *ḥadīth*. It was considered authentic by Ibn Qaḥtān in the classic times, mid time by Ibn Ḥazm al-Andalūsi and, modern times [by] Shaykh al-Albāni, who considered this *ḥadīth* to be *ṣaḥīḥ*. Ibn Taymiyyah said that its chain is according to the conditions of the *sharṭ* (conditions) of Muslim.

Al-Ḥāfiẓ ibn Ḥajr al-ʻAsqalāni concludes the matter. He says that,

وفي الجُملة، هو بكثرة طُرقه أسوأُ أحواله أن يكون حسناً

He says that when you consider all of the chains that it has, the worst that this *ḥadīth* can be is *ḥasan.*

I want you to know why this *ḥadīth* is so famous. Ibn Rajab al-Ḥanbali put this *ḥadīth* into the very small and rare category of those *aḥādīth* which could be authentic, but might not be, but definitely the *ʻulamāʾ* did not act by it. This statement is so full of knowledge that it will blow your mind. It's saying so many things; you think it might be authentic, but maybe not, I'm not too sure, there's lots of difference of opinion, but I tell you what, we didn't see our scholar act by it, we didn't see the people enforce the obligatory nature either, we saw too many Companions not do it and we didn't see any of our scholars not do it. Therefore, *insist* the obligatory nature of washing. Therefore it can be said that the majority of scholars said that it is only recommended, even though the *ḥadīth* itself says that it is obligatory. Similar to what Shaykh al-ʻUthaymīn said, that it seems like an obligation but it's actually not. Do you know who said that? The Ḥanafi, Māliki, Shāfiʻi and Ḥanbali Schools, the *Lajnat'l-Fatwa* (The Permanent Council of Fatwa) in our modern times and so and so forth. From the *ʻulamāʾ*, Ibn ʻAbbās ﵄, ʻĀʾishah ﵂, Ḥasan al-Baṣri, Ibrāhīm al-Nakhaʻi, Imām Aḥmad, Isḥāq ibn al-Rāhway, Ibn Qudāmah - all of these scholars considered this to be a recommended matter only.

If you study *Aḥkām al-Janāʻiz*, Shaykh al-Albāni has a very nice book on the rulings concerning *janāzah*. When he deals with this *ḥadīth*, whatever his opinion about whether the *ḥadīth* is authentic or not, he himself said that even though that he considered the *ḥadīth* to be authentic, the correct position is that it is *mustaḥabb* (recommended) only to wash oneself after you have washed the dead body. Which, for me, is a great statement, because Shaykh al-Albāni is not known for his *fiqh* and this is a big statement of *fiqh*. It shows that he had some *fiqh*, because normally he would say *ḥadīthun ṣaḥīḥ*, therefore it's an obligation. But [here] he recognises that is a *ṣaḥīḥ ḥadīth* but I'm not going to say that it's an obligation, I'm going to say *mustaḥabb* because that's what everyone else used to say. The reason that is narrated (which is very interesting) and he himself narrates that the Prophet ﷺ said:

ليس عليكم في غسل ميتكم غُسل إذا غسلتموه ، فإنَّ ميتكم ليس بنجس ، فحسبكم أن تغسلوا أيديكم

You don't need to make *ghusl* if you wash a dead body because your deceased is not *najis* [and so] it is sufficient to wash your hands.[11]

[11] *Narrated by Mustadrak al-Hākim and Sunan al-Bayhaqi.*

This *ḥadīth* is narrated by al-Ḥākim and al-Bayhaqi. He considered this *ḥadīth* to actually be a statement of ʿAbdullāh ibn ʿAbbās ﵄, but he considers it impossible for Ibn ʿAbbās to make [this statement] by himself so even though he said it he must have been told by the Prophet ﷺ. This is what we call a *ḥadīth ḥukmuhu marfūʿ*, i.e. its ruling is as if it was said by the Prophet ﷺ, even though it was only said by him.

There's another narration from ʿAbdullāh ibn ʿUmar ﵄ which is narrated by Imām al-Dāraquṭni and it has an authentic chain, in which he said:

كنا نغسل الميت ، فمنَّا من يغتسل ومنَّا من لا يغتسل

We used to wash a dead person, some of us would make ghusl and others wouldn't.[12]

That's a clear statement that this is an issue of *istiḥbāb* (recommendation) and not obligation. It's a very interesting *ḥadīth*, good study, and these two *aḥādīth* seal the deal on it as well. This is a classic example of *uṣūl*, of *fiqh*, the *ḥadīth* says one thing but the supporting evidences bring the ruling down. The *ḥadīth* says obligation but other evidences suggest that the statement and language do not indicate obligation but rather they indicate recommendation only and Allāh knows best.

Q & A

Q: So when we talked about the one who is obligated to make *ghusl* and prohibited from staying in the *masjid*, before in our discussion we said that the woman who is menstruating is not like the *junub*, so is that where we get the opinion that we're allowed to stay?

A: No, because those who prohibit the menstruating woman from staying in the *masjid* have far stronger individual evidences to prevent her from staying in the *masjid*. [There are] actual direct *aḥādīth* and I mentioned one or two of them last week. The actual prohibition of women staying in the *masjid* whilst menstruating is more direct, not using this evidence. We allow the woman to stay in the *masjid* in a very *fatwā* point of view, not a *fiqh* one. You will not find any classical scholar (well very rarely) go down that line of allowing a menstruating woman to stay in the *masjid*. Even in modern times it's a very controversial opinion, meaning it's a *fatwā* based on circumstances and the need of the women, the fact that it's a non-Muslim country, the fact that there's such a danger of what would happened to her if she was

[12] *Narrated by Sunan ad-Dāraquṭni.*

left to drift every month for 7-8 days etc. from a *fiqh* point of view… it's extremely difficult to justify to a woman who is menstruating to stay in the *masjid*.

Q: So if it's based on *fatwā*, how to any conditions of *fiqh* apply?

A:The rules apply because we know that we are going against the grain, so whatever we can keep within the grain we are going to. Whatever little kind of wins we can have in the *fatwa* we will have – that is the idea there.

Q: Would sleepwalking require *wuḍūʾ*?

A: I am going to cover that next week actually. Sleepwalking – first of all not required, because even if it does, sleepwalking comes under our text, we are talking about what is recommended to do so, not a must, meaning it's good. But if we were to take this literally, we have to then define sleep as well. Because when you say sleepwalking then that means sleep, so if it is purely loss of consciousness, then that means it is recommended to make *ghusl* every time you wake up – which is going to be a mission. So that is why it is best that I be more accurate next week *in shāʾ Allāh*.

Q: Whoever needs to make *ghusl* cannot touch the Qur'ān, so is a non-Muslim obligated to make *ghusl*?

A: A non-Muslim is not obligated to make *ghusl*, but it is best if you can make him do so – but not obligated, there's no evidence.

Q: The new Muslim?

A: Same, because the non-Muslim and new Muslim is basically being put in the same category here – the issue is the difference of the *shahādah*. A non-Muslim is one who is intending to, just about to, and new-Muslim is the one who just did it. We kind of discussed that in our example of the story –we said that he went and did it before he became Muslim, that's why some said that he doesn't have to go and make *ghusl* after he becomes Muslim. I am saying practically, for the same purposes, that it is a lot more difficult to make a non-Muslim [do it], whilst before *shahādah* to make *ghusl* is very difficult, because he is not under the law of *sharīʿah* at all. So why would you make him do it? So the idea is the focus is on the new Muslim after he takes *shahādah*. The only reason that we introduce into the discussion at all the statement of non-Muslim is because we think yeah, he is with us and we are controlling the scenario.

Q: Can he touch the Qurʾān or not?

A: He can touch the Qur'ān if he has a good opinion, but he is non-Muslim, isn't he? First of all, the non-Muslim is not under the rulings of *sharīʿah* of purity, etc. However the Prophet ﷺ clearly and authentically stated: "Do not take the Qur'ān to the lands of the enemy" – this *ḥadīth* is *ṣaḥīḥ* and very, very clear.[13] Now, the "lands of the enemy" has been translated *as bilād al-kuffār*, *bilād al-ʿadūw*, and I cannot remember the other narrations. I cannot remember the exact wording. But the *ʿillah* is clear, that they will abuse the book, they will insult the book, they will defile the book, and they will do all kinds of things basically to freak you out. So, therefore let them capture you, let them torture you, but don't let them mentally destroy you by doing something to the *muṣ-ḥaf* in front of you – this is the idea.

So going by this, the modern position of the *ʿulamāʾ*, and this is certainly my own position, is that even though the *ḥadīth* says that, it is permissible to take the *muṣ-ḥaf* to the land of the non-Muslims if we believe that we are in control of it, and the non-Muslims will respect it, etc. – which they largely do. So the idea is that if you believe the non-Muslim himself is using it to learn, study, or read, etc., then there is no clear evidence to prohibit him from touching it. However, of course it is safer (because of the *khilāf* on the issue), it is best to give them only a translation. But I would not obligate it because I am fully aware of the power, when giving *daʿwah*, of giving someone one of those cheap paperbacks with only English text versus something which is hardcover, which is Arabic, and leaves an impression, and it means that you are taking it seriously. But it is a double-edged sword as well. If a non-Muslim sees lots of Arabic, it can be off-putting as well – I am going into a foreign religion, it is a bit "otherworldly", it is all a bit kind of "mystic-y", whereas if he just sees pure English maybe he feels more comfortable. It's a political point that, *wallāhu aʿlam*.

Q: So if the woman has finished her menses but hasn't made it back home to make *ghusl* and there is a class in the mosque, would the ruling of making *wuḍūʾ* and staying for the class apply to her?

A: No, if she makes *wuḍūʾ*, if anyone makes *wuḍūʾ*, even the one in menstruation, even the one in *junub*, anyone - it will lighten their state. We believe that [about] anyone. But she is allowed to come to the *masjid* according to the normal conditions that I mentioned, in my opinion.

Q: Making *wuḍūʾ* after carrying a dead person - does that mean carrying the coffin or the body itself?

A: It means carrying the coffin. I remember reading the *sharḥ* of Shaykh ʿAbdul Muḥsin al-ʿAbbād, in his commentary to the S*unan* of Abi Dawūd, talking about this

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[13] *Ṣaḥīḥ Muslim, Book of Government: Chapter: The Prohibition of Travelling with the Musḥaf to the land of disbelievers...if...fear that it may fall in their hands, ḥadīth no. 1869.*

ḥadīth, and they were discussing – what is the *ʿillah*? Is the *ʿillah* (or the *sharīʿah* reason) for this *ghusl* or this *wuḍūʾ* because of actual things that they can pick up from the dead body? So when they are washing it, is the reason the Prophet ﷺ said this because of something you can pick up from the dead body or not? Because you are going to be using cloth and stuff, so what's the issue there? Shaykh ʿAbdul Muḥsin said that the *ʿillah* is unknown, it is a purely a worship matter, it is not something we can rationalize. I am thinking about that and maybe that's the easy way out. It is an easy way out to say that this is something we can't rationalize and it should be done. But I think I prefer that because the more I think about it… is it really? I don't know. As the person is indicating, maybe it's the actual physical contact of the body, etc., and I would support that if there were some kind of '*illah* that could be clear, but the '*illah* is not clear, therefore I would apply it to the carrying of the coffin as well.

19. Chapter 9: The Chapter of Bathing VII

The first thing I want to talk about was something which I didn't mention a couple lessons ago concerning the issue of the foetus and when life starts. I wasn't quite sure about some of the things I said and I know that it was a heavy lesson and I rushed it in the end but I wanted to give you an opinion. I know that I sided with the Ḥanbali position and I talked about the 40 days (the soul being breathed in) in contradistinction to the 120 days, [but] what I wanted to say and add is that although I believe that the *rūḥ* is breathed in somewhere after 40-42 days (6 weeks, which is what the narrations talk about), in contradistinction to 120 days, so either these two opinions. That the *rūḥ* is breathed in, i.e. life technically starts [at 40 days or 120 days]. There is a position which I'm very sympathetic to, that life is determined practically by appearance. So when a miscarriage, abortion or whatever occurs, and there is something there. Whatever comes out [and] has human features as opposed to something which looks like chewed flesh or not defined - so we're talking about the tiniest of babies in terms of structure and form - that is what life actually is. Before then, it is not to be considered as a life. Depending on what your opinion would then be with respect to washing, *janāzah,* and criminal payments, then you would apply your opinion.

First of all, do we determine this as a human? Because every crime or ruling is based upon life. So if it's not human life, then nothing applies to it - neither washing, *ghusl*, nor *janāzah,* and that's if you follow that opinion. I told you that the majority don't [whereas] the Ḥanbali school does. It does so admittedly after 120 days, but it considers that to be a real life and therefore it needs to be washed, buried, etc. in some kind of form. I have to say that I personally hold the opinion that the embryo (even full term) is not given a *ghusl* or *janāzah*. If something is born still-born, whatever age it is, for me, it is just buried in a general way. It is not given a *ghusl*, *kafan* or the proper *janāzah* burial. This is a position which is tenable, there's no evidence to go against this. All the evidence for *ghusl* and *janāzah* and so on and so forth are general evidences and not very strong specific evidences. This isn't the chapter for this, but I just want to make that clear that there is that position.

The reason why I like this (and I think that you'll all probably be able to relate to this) is that who's going to be able to count days and things like that? You know when you go to the doctor and the doctor says that you were pregnant on this day and you will deliver on this day, this is a scientific development. You couldn't tell that from back in the day. You'd estimate, you wouldn't really be able to accurately talk about days and so on. So I think one looks at what is born and [if] it has human features, then it is ruled upon according to its human features. If you were on the Ḥanbali opinion then you would do the *ghusl* and the *janāzah,* but if you're not of that opinion (like my own

personal opinion) then one just 'disposes' of the body [as] it wasn't alive in the first place, it wasn't a life and it is respectfully buried in the ground and doesn't require anything else. But if one doesn't do it (*janāzah*) there's no problem with that but there's no basis for it from a *sharīʿah* point of view, *wallāhu aʿlam*.

The more important aspect is crime. It's whether we can charge the mother, doctor or X, Y person for the crimes of blood money. That's a section which will come. It's a very detailed section and most of the time recognising the embryo to be lifelike is the most important factor in saying that blood money needs to be given, because it was a forced abortion or whatever.

I just wanted to make that clear, just add that to the generality. I know that that's going to possibly cause a bit of confusion but that's what happens when we take a subject before its time and I'm loathed to do that.

The second thing that I wanted to go back to is the issue of *al-ʿaql*, which we were discussing last time.

Last week, we were talking about the fact that it is a recommend *Sunnah* to make *ghusl* if one washes a dead body, and one regains their intellect after one loses their sanity, and one regains their consciousness and they have not had a wet dream during that period.

If you look at the Arabic, the word 'intellect' is not even used. It actually says,

ومَن غَسَّلَ مَيْتًا

You can say it both ways - *maytan* and *mayyitan*. Whoever washes a dead body…

ومَن غَسَّلَ مَيْتًا أو أَفاقَ من جُنونٍ أو إغماءٍ بلا حُلْمٍ سُنَّ له الغُسْلُ
أو أَفاقَ من جُنونٍ

Who comes back from *junūn* or *ighmāʾ* (I have added those words in and now I really regret it)

Junūn and *ighmāʾ* are the loss of the *ʿaql*. *Junūn* is *zawālʾl-ʿaql* and the epilepsy is from it; *al ighmāʾ* is *taghtiyah* (to cover)/*taghiyatʾl-ʿaql wa laysa zawāluhu. Junūn* (same in Urdu) means madness – is that the loss of intellect or loss of senses or sanity. *ʿAql* is not used, but I want us to use to compute the word *ʿaql* as the word 'senses', not intellect. Our ability to sense, that is the *ʿaql*.

Student: Consciousness?

Ustādh: I am not talking about the "I can sense something." I mean sense, as in 'common sense' - sense in its general form. Sense does not mean I am sensitive to something and I sense something in the room, because you hear something, or you smell something or whatever - that is what you would use the word sense for; but also when you say "speak sense, man" it means be rational. He is not speaking sense.

"Stop speaking nonsense," means he does not know what he is talking about, he is babbling, talking rubbish. Whereas when we say "speak sense," it means 'get a grip of yourself.' You know if a person is terrified, it means speak sense, or he is like blinded by love etc., meaning the *ʿaql* is what obviously controls emotions or emotional nonsense. *ʿAql* is a very big word; the *ʿaql* goes when you are asleep, the *ʿaql* goes when you faint, the *ʿaql* goes when you lose consciousness (which is the same as fainting) and *ʿaql* goes when you have become insane, and they put epilepsy in that same category of *junūn*.

Junūn certainly means crazy or mad. The concept of crazy and mad is always linked to the one who does not have the ability to think and to rationalise and speak sense. Therefore *junūn* is a permanent loss of sense or ability to think properly, or to be trusted, or to be trusted to make a rational decision until they gain it again. For example, the epileptic during his epilepsy. I think the key, therefore for the first category, one does not need to lose consciousness; whereas in *ighmāʾ,* that is the one which the *ḥadīth* comes on. We actually do not have any narrations on *junūn* or madness; what we have are narrations about fainting.

The death of the Prophet ﷺ is the evidence. I mentioned the high fever, high pain - it caused him to blackout, basically. That blackout was called *al-ighmāʾ*. You are not going to say he went into a coma, you are not going to say that he lost his senses, and he did not go to sleep - he fainted. That is the only way to translate *al-ighmāʾ*. *Al-ighmāʾ* is the *gham* (cover) *taghiyatʾl-ʿaql*, when the *ʿaql* has been covered, when you put something on top of it. It is like a temporary state, just remove that and then the *ʿaql* comes back and then you put it back on again and you have covered it. You are in a state where you are not able to think. I do not personally agree with this position. This position is the position of the Ḥanbali school that it is *Sunnah* to make *ghusl* after you faint, and *Sunnah* to make *ghusl* if you become crazy or insane and you regain your sanity.

The evidence for both positions was the *ḥadīth* quoted in the last lesson, the *ḥadīth* of the Prophet's death ﷺ – he fainted, he came back again, he fainted, he came back again, each time he asked for water and he bathed "*faghtasal*" (he washed), and in another narration the water was poured over him.

Shaykh al-ʿUthaymīn says that this is the evidence that one is to make *ghusl* after fainting - not because it is obligatory - and it is not obligatory because an individual act of the Prophet ﷺ does not establish obligation. There is a principle that he is using

there as well. We would say, with respect, that there are a couple of things that should be queried.

The first point we will say is that if you actually study the death of the Prophet ﷺ carefully, there are other narrations that are narrated in *Ṣaḥīḥ al-Bukhāri* where the Prophet ﷺ asked ʿĀʾishah, and maybe more, to bring him water from various sources that had been untouched, from seven separate wells and so on and so forth. I remember one of my teachers telling me that whenever the word seven is mentioned in *ḥadīth,* it always has a medicinal aspect, meaning that there is some kind of indication of medicine or cure. So, it is possible to say that the Prophet ﷺ wasn't actually even having a proper bath, a *ghusl* of the normative sense, and it could be argued that even the word "*faghtasal*" (he washed) doesn't mean that he made *ghusl*. However, there are narrations where his wives poured water over his head, and the *mikhdab* is a bathtub, so it is unlikely that he didn't do the proper *ghusl* if it's in a bathtub and the water is being poured over his head ﷺ. So therefore it does seem like he did *ghusl*, but it doesn't look like it was some kind of normal *ghusl* that is for the fainting per se, but maybe because maybe he thought he had a condition, or maybe he was trying to cure himself, etc. It is just that these seven types of water, it begs the question. So that's the first query that we would say – is this really a *Sunnah* act of the Prophet ﷺ for the fainting, or was it something for himself because of the condition indicated by the request of seven types of water?

The second thing is, if it is *Sunnah* according to this *ḥadīth* to make *ghusl* if you faint (and they are saying only recommended, of course), then why not after you go to sleep and when you wake up? And I can't think of a good answer to that.

What is the difference between going to sleep and fainting? There is no difference at all. What about the actual physiological act that leads to fainting – it is a loss of oxygen, right? What is the actual definition of fainting?

Student: There are a lot of physiological reasons – a drop in blood pressure, for example.

Ustādh: So it might be argued that sleep is none of those?

Student: Separate category.

Ustādh: If it's argued, I would say that at that time, they did not have the ability to distinguish. And the only way we can is because we see blood pressure and we measure electrical activity, and we see a knock, etc.

Allāhu aʿlam, the scholars did not go into too much detail, and to be honest I am surprised at that. They didn't really kind of say just why it is that sleep is exempt from this. I think the reason they said that sleep is exempt is (1) because they would realize that it is so much of a difficulty, and (2) that this narration, they took in a very literal way, that he was fainting and therefore he did the *ghusl* – he fainted then he did *ghusl*. You know what, it is a weak evidence to be honest.

Student: [inaudible]

Ustādh: I was discussing this with someone, they said if you've fainted you can't sense. Yes you can, if you smack him around, pour water and he wakes up again. It's the same as sleep. Certainly if it was me, there is no difference between waking me up if I have fainted or if I am asleep. It would be exactly the same, my sleep is not lighter than fainting.

Student: Isn't the difference here is that you'd be able to get up and sleepwalk for example, you wouldn't be doing that if you have fainted.

Ustādh: Maybe you can. Do you dream when you have fainted?

Student: No.

Ustādh: I don't know.

Student: There is a definite difference though, even though now we can talk about the scientific differences. You know when a person has fainted…

Ustādh: Because it happens all of a sudden?

Student: Yeah

Ustādh: What if it is someone who is a narcoleptic? I don't know. I mean you are right, a narcoleptic one doesn't suddenly just conk out, there is a [nodding off, eyes closing] then he goes, you're right.

Student: Is there anything specifically with regards to the Islamic point of view on the death, it's mentioned that it's a minor death with fainting it's not.

Ustādh: Correct, the Prophet ﷺ said that sleep is "*akh al-mawt*", the brother of death – sleep, he didn't say fainting.

Anyway, I want to say that first of all, to solve the questions that we had last week, the *ʿaql* is senses, that *junūn* is the permanent loss of those senses, and so when you come back to your senses the recommendation of making *ghusl* is similar to the recommendation or the obligation, of what you feel, for the new Muslim – like you've come back into life almost. I can see that rational sense. However, none of the scholars made that rational argument for it – they used the evidence and the evidence is this *ḥadīth*. They said that if the Prophet ﷺ made *ghusl* after regaining consciousness from fainting then losing your *'aql* permanently is even more so. So it doesn't have even a direct evidence; it is based upon a secondary evidence, it's like an analogy that is being used, and you will see that very clearly in his statement.

He says then therefore, if the person is going to have to make the *ghusl* only for fainting, then losing your mind completely is more deserving. It could even be more

severe. If you follow that line, then you're right because you have your sense, and then you go to sleep or you faint so you've lost your senses. Then you wake up. Remember you are not held accountable if you do not have *ʿaql*.

That's why animals or the *ghayr ʿaqli* is not held accountable. Anything that loses *ʿaql* is not held accountable. When you go to sleep you are not held accountable. If you missed a prayer time whilst you tried to wake up for the prayer, but you didn't, you have to pray when you wake up.

Even on that point, the scholars said that the person who has fainted or is in a coma for a day, two days, three days - they differed among themselves - they said they didn't have to pray. They didn't have to pray for that entire time because it was like as though the prayer was not even made obligatory on them because they didn't have the *ʿaql*. It's like they weren't alive. This is the position of the scholars.

You know in *fiqh* of *ṣalāh* I follow the position of the *Ḥanafi* school. If it is less than a day, then you need to make up those five prayers. If you fell out in the morning, and came to in the evening, then you would make up the prayers. But if you fell out in the morning and came back the next day, more than 24 hours, that day is gone like it didn't exist, because you were in a comatose state.

The scholars are making *ijtihād*. There is no evidence from the *Sunnah* of the Prophet ﷺ. They're using evidences here and there indirectly and so on. *ʿAql,* here, means sense. I don't consider it to be very strong. Ḥanbalis consider it to be *Sunnah*. Personally, I don't think it is *Sunnah* in either of the two cases - either waking up from fainting or in *ghusl*.

I'm happy to go with Shaykh al-ʿUthaymīn's position as the class position. Personally speaking, I don't see a shred of evidence for making it *Sunnah*.

Student: [inaudible]

Ustādh: I find that in the game of defining, you have to put this through these scenarios. So let's go with what you say (inaudible) so let's go with that, carry on.

Student: [inaudible]

Ustādh: Let me ask you a question. The statement of lowering the level of consciousness, I would put to you that the *sharīʿah* doesn't account for that because in as much of is you're very sleepy or lower state of consciousness. Yes. So is the prayer accepted if you are sleepy? Yes. Is it right? No, it is a *makrūh* prayer. But is it accepted? Yes. How is this acceptable? It must mean that the *ʿaql* is there.

As you said, it is low level of consciousness. So that fact from a *fiqh* point of view deals with all the states and conditions and all these medical problems because that would then be a nightmare to navigate. We have got certainty on that.

Now let's talk about madness and all of its politically correct forms. What is it fundamentally? Is it the lack of an ability to think? No. You can think, but it is messed up. It is nonsense, confused, not have the ability to understand. Classically, the word is used for *ʿaql*. On looking at this now I know I don't like it.

So if we say, *afaqah min junūn*, *afaqah* means to come back from madness. So how would you translate that? One who regains their senses after insanity? What's the opposite of crazy? Sane. So one regains their sanity after losing their sanity.

But that's just, so what? Remember, "confused" is not good enough for us. We're not talking about confused. Confused is like being drowsy, confused is like not being on it. If you're talking about someone who has no ability to make a decision, that is not confused. They have reduced ability, but that's not what we're talking about.

Student: [inaudible]

Ustādh: Intellect is the wrong word? Yes, intellect is the wrong word. I don't like it. One loses one's faculty? Faculties is too broad. So one regains one's senses. No, not enough? So you want to go with reasoning? One regains their ability to reason after losing. Someone write that down. One regains their ability to reason after losing it. *afaqah min junūn* -translated literally as 'one regains one's sanity.'

Student: [inaudible]

Ustādh: Yes I think that's the key. Not drowsy.

Student: [inaudible]

I think so, there is no evidence, is there? A confused person, but confused is such broad word isn't it? So there's another point here. This is *zawāl al-ʿaql*.

Let's use the *ʿulamāʾ* terms. *Junūn zawāl al-ʿaql* is the loss of reasoning (it's gone). The idea is that it goes completely and then it comes back (by medicine, waking up, or miracle, etc.). Fainting is the covering of that. Confusion would fall more into the fainting category than in the *junūn* one.

Let's deal with *junūn* first. I don't think it's a condition that one has to become unconscious; it can be when you are awake. Now number 3,

أَو إِغماءُ

There is no other qualification. *Ighmāʾ* means to faint. Instead of that I wrote, 'one regains their consciousness'.

أَو أُفاقُ مُن إُغماءُ

To regain their consciousness after fainting. How would you say that? I put consciousness in as a way of trying to differentiate between what happens when you faint.

Student: Awareness?

Ustādh: Awareness. No. What's the opposite of fainting? Waking. Isn't the opposite of heart attack, to be normal (heart healthy)? I think that saying 'one regains their consciousness' is fine then. More important about this definition is that you understand where they found this point.

In the last days of the Prophet ﷺ, the fever was so much that he kept losing consciousness. If the pain and temperature is not controlled, a person loses consciousness. If you are out on a battlefield, emergency scenario, trauma, a person loses consciousness because of the pain, etc. They do come around and that's what we are talking about. That's the evidence base.

Then they are making a ruling based upon that. They saw Prophet ﷺ wash himself. He said that anyone who goes through this process should wash themselves. What is that process? He basically woke up from losing consciousness. One regains their consciousness; let's keep it simple.

This is where my point comes in. I just don't think that the Prophet's ﷺ act of washing himself was linked to him losing consciousness. He's ill, cooling himself down, trying to cure himself, etc. There are too many variables and that's why I said that my personal opinion is that it's not *Sunnah* to actually wash after waking up, regaining consciousness, and coming back to sanity from insanity, etc.

We talked about the new Muslim as well. I also said that it's a *Sunnah* for that person as well and not an obligation unless he has to do something which required it. If a new Muslim comes into this *masjid* and takes *shahādah*, we would say go and make *wuḍū'* and not go make *ghusl*.

There is nothing for Shaykh al-'Uthaymīn رحمه الله to resolve. He says that the text says that he washed himself after he fainted. Therefore, we stick to the wording that indicates that it is something which is recommended.

Shaykh al-'Uthaymīn was asked if this is legislated because of a religious reason or because it strengthens the body. First question: is taking a shower after you faint something which is good for you? I don't know. Shaykh al-'Uthaymīn responds that it's possible that it could be for both reasons. The *fuqahā'* said that it's for religious

reasons and that's why it's *Sunnah*. It's possible that there is some medical benefit also.

It's the Ḥanbali position and there are not many scholars that disagreed. There are some that said that it's not and that's the position I take.

Student: When we look at the illness of the Prophet ﷺ, he was in and out of consciousness. What did the *fuqahāʾ* say about taking a legislated ruling based upon someone just coming out with that phase, in that condition, and then making that part of *sharīʿah*? Obviously, he was human.

Ustādh: We used that principle before. When you start to use (what you said there), arguments that he was ill, etc., then this becomes very subjective. They have to try and keep it as objective as possible. Staying objective allows them to make the statement that he made before, which is a single act (not a statement).

We had this debate at the beginning of Year Two. What is stronger - the act of the Prophet ﷺ or his statement to do something? To actually do something or to tell people to do something. That's a big debate. A single act of the Prophet ﷺ always has the possibility that it was just something personal for him.

For example, you saw that uncle come up to me and say something absolutely classic. He says, "Did the Prophet ﷺ wear a turban or a scarf on his head?" I said that he wore a turban and I don't think that he wore a scarf on his head. He said okay.

Second question: Doesn't Allah ﷻ say in the Qurʾān,

﴿أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ ۝٥٩﴾

Obey Allah and obey his Messenger. [4:59]

I said 'Yes. He did say obey Allah and obey his Messenger'. He said 'Okay. I want to tell you something.' I said 'Okay.' He then whispered and said 'None of your students cover their heads,' I said 'That is a good point' and then I called him back and I said 'But their teacher covers his head' and he said 'Not good enough.' He said 'Tell them please' and I said 'I'll tell them.'

So I am telling you to cover your heads.

Student: The sisters cover their head.

Ustādh: They can represent for us.

Uncle Abdul-Huq is not happy and I do not like to make him unhappy. But that is another example, isn't it? The Prophet ﷺ did an action and just an action does not mean anything. It could mean many, many things. The action of the Prophet ﷺ wearing a turban, I do not know of any narration that he didn't. It's possible he did and I am sure he did do, but I am not aware of too many authentic narrations where he did not cover his head. However, that was also the way of his people and that was in the way of Abu Jahl and the worst of the *mushrikīn* (polytheists) at that time. It was the dress of their people.

We do not have a single authentic evidence which recommends you to cover their head whilst praying. In fact, every single narration is fabricated or very, very weak that indicates that one should cover their head and pray in terms of getting an extra reward from the prayer.

In addition, the Companions themselves did not copy the Prophet ﷺ in this matter. In addition to that, we have a number of Companions that would actually take off their turbans and put them in front of them and then pray and say 'I did that to show you that this is not the Sunnah of the Prophet ﷺ.' This is a very clear evidence from that point of view. However, it can be argued and argued on the other side that Allah ﷻ does say that one should take every *zeena wa kuli masjid*, when you go to the masjid, you should complete your beauty and the beauty of a person is cover.

Cover is a principle which we all know for a man or woman. There is a kind of pathological emphasis on women that they should cover everything; however, it is the same for men. Nobility in men never comes with uncovering - it has come with covering. That is why I give the many examples of any kind of royalty. You will see not one, but two, but three, but four, and the sheepskin, and the x, and the y, and ten people carrying it because the idea is cloth, cover, honour, respect and so on. This idea of having sleeves up is a disrespect. That is a universal principle and so covering their head is seen as a good thing and not a bad thing and some scholars actually said that it has now become so prominent with the Muslim identity that it is good to do so.

So I think it is a good thing to wear something like that, but it is certainly not the Sunnah of the Prophet ﷺ, I don't believe that and it's certainly not obligatory. It just goes to show that an action of the Prophet ﷺ can have much behind it. It needs much explaining. So just the fact that he covered his head has now explained all of the following that I have just discussed.

Likewise, the fact that he ﷺ washed himself in this manner when he was sick, it does not show that this is a *Sunnah* and no one claims it to be a very strong kind of *Sunnah*. He ﷺ did not say at any other time and did not indicate it any other time and did not mention it at any other time, so why would we consider it to be something like that? At best, we can say it is a *Sunnah* to follow him and you try to do that with the intention you will get the reward.

However, as we just said earlier on, we start to consider the fact that he was ill and so and so forth, then you start to follow my opinion, which is actually that it is not legislated at all, frankly, and that is my position and Allah knows best. But then there is a very important statement, then they haven't had a wet dream during that period. This is the word:

بلا حُلْمٍ سُنَّ له الغُسْلُ،بلا إنزال

If there is a wet dream, any ejaculation we have already covered that. So it does not matter if they were crazy, whether they lost consciousness or sleep. If there were any ejaculation, then of course *ghusl* becomes obligatory.

We start now a big section which is *al-ghusl al-kāmil*, a complete *ghusl*. So in Arabic:

والغُسْلُ الكاملُ:أَنْ يَنْوي ثُمَّ يُسَمِّيَ، ويَغْسِلَ يَديه ثلاثاً، وما لَوَّثَه، ويَتَوَضَّأ، ويَحْثِيَ على رأسِهِ ثلاثاً تُروِّيه، ويَعُمَّ بدنَه غُسْلاً ثلاثاً، وَيَدْلُكَهُ، ويَتَيَامن، ويغسل قَدَمَيْه مَكَاناً آخَر

A complete *ghusl* (*al-ghusl al-kāmil*) comprises of the following nine things:

Making the intention, then

- Saying 'Bismillāh'
- Washing the hands three times as well as other impure parts
- Making *wuḍūʾ*
- Pouring the water over the head three times ensuring it wets right through
- Pouring over the body completely three times
- Rubbing clean the entire body, *dulk* means like massaging
- Starting on the right hand side first each time, everywhere
- Washing the feet in a different place. (Different place to the place you have been washing so far is the intended meaning behind that.)

This is a very important section and it is basically going to describe the full, complete way of making *ghusl*. Now, I want you to know that *al-ghuslu al-kāmil* is a phrase, a complete *ghusl* which is basically combing every act – the *Sunnah* acts and the obligatory acts. It is one of the skilful ways of presenting a lesson by covering these things first.

There are two approaches if you are teaching something. You either teach the complete version first and then you go and teach the obligatory aspects afterwards. One of the advantages of that is you do not need to repeat yourself too much. You go and cover everything in detail and then make reference to a few points and it is

smaller. The other advantage, of course, is that you put it in the hearts and the minds of people that this is the stated aim.

Then you have the other approach, which is that you do the obligatory aspect first and then you do the complete version. That is the approach I tend to utilise myself when I am teaching, especially with *fiqh* of *ṣalāh,* for example. But there is a reason for that, or maybe I have justified that to myself that there is a reason and I do not know if it is the best reason or not. I think people today don't actually have the problem of knowing what the whole prayer is. I think everyone prays with everything like the same.

I think everyone prays with everything like the same. They treat every aspect the same. They treat the hat as important as the *surah*, as important as the finger, whatever. So the prayer, for me, is a very classical example of where people have no idea of what the obligatory aspects are, what the pillars are, what the conditions are.

So my aim to teach people is to be able to show them the very essential parts first so that they get it into their mind [that] this actual act of prayer is a very simple one, and then we will dress it up in a way. Mine is more of an educationalist kind of way, maybe it's not the best in terms of practice. Allāh knows best.

Anyway, there are a two acceptable methods. A *ghusl kāmil* is going to be combining all of those things. Shaykh al-ʿUthaymīn therefore says that the principle that one keeps in mind, that *al-ijzah* - because the next *ghusl* that we are going to cover is the the sufficient or minimum *ghusl*. He says that the minimum will only encompass the obligatory aspects.

وما اشتمل على الواجب والمسْنُون، فهو صفة كمال

Whereas those things which contain [both] obligatory and *Sunnah* aspects, then that is the command.

The Niyyah

Alright, it starts off with the intention. We've covered the intention before. Very quickly then, to make the intention is to have a very clear determination about what you are about to do. The *niyyah* in the linguistic sense is to a*l-qaṣd,* to have an objective, to intend something.

So what does it technically mean? What is the technical definition of making a *niyyah*? *Fi'l-iṣtilāḥ*. You know this word *al-iṣtilāḥ* is very important. *Al-iṣtilāḥ* means the technical meaning. *Al-maʿna al-iṣtilāḥi* means the technical meaning. It is,

عَزْمُ القلب على فعل الشَّيء عَزْماً جازماً، سواء كان عبادة، أم معاملة، أم عادة

It is the determination of the heart to do something with absolute certainty. The determination of the heart to do something absolutely, definitely or certainly. Regardless of whether it is an act of worship or a social transaction or a social custom. Regardless of whether it is an act of worship or a social transaction - meaning between two people, a social transaction with others. Maybe to add 'with others' is good. A social transaction with others or a personal custom or a social custom. So it doesn't actually matter what it is, but that is what the *niyyah* is.

The place of the *niyyah* is where? Tongue or the heart? The heart. There is no basis for making any kind of *niyyah* upon the tongue. Shaykh al-ʿUthaymīn asks on top of [page] 357, why don't we just say, verbalise, actualise what's in our hearts to make it clear?

You know Paks are absolutely obsessed with this kind of *niyyah* thing and they do it in their prayer all the time, and of course there is no evidence for that whatsoever. A person does not have any verbal intention before the prayer, they stand there, they know in their heart: 'I am about to pray *ʿIshāʾ* with this *imām*'. *Khalas*. *Allāhu akbar.* If you think you're praying *Fajr* behind this *imām*, you've got other problems, bigger than worrying about your *niyyah* and what you're saying.

So it needs to be that relaxed kind of approach, not from having to worry about saying it on your tongue. But certainly in your heart you need to know, you [need] to have clarity. If they say, 'So why don't you actually say it? So what's wrong with it? So that you can combine the two,' the Shaykh says that the answer is because it is against the *Sunnah*. Then if they say, 'No, the Prophet ﷺ never prohibited it,' then we will say two things.

This is nice, what Shaykh al-ʿUthaymīn says, because this is the kind of question you might get when you are dealing with normal people in your workplace, in your school, college, simple kind of things. If we say to someone that you shouldn't do that, that is against the *Sunnah*, they say that he never prohibited it ﷺ. So what would you say? The first thing that you would say is that the Prophet ﷺ said,[1]

مَنْ أحْدَثَ في أمرنا هذا ما ليس منه فهو رَدٌّ

Whoever introduces any matter into our affair or this religion of ours that is not from it, then it will be rejected. So anything new which is brought into this religion that is

[1] *Ṣaḥīḥ al-Bukhāri, Book of Peacemaking: Chapter: If some people are brought together on an illegal basis, their reconciliation is rejected, hadīth no. 2697.*

not really there, then it is rejected. This is a *ḥadīth* which of course is in *Ṣaḥīḥ al-Bukhārī* and *Muslim*. This is very clear. That is the first reason.

The second reason is awesome. It is a very important principle that you need to memorise for all of your aspects.

أنَّ كلَّ شيء وُجِدَ سببُه في عهد النبيِّ صلّى الله عليه وسلّم، ولم يفعله، كان ذلك دليلاً على أنه ليس بِسُنَّةٍ

Anything, anything, for which the reason for it to have happened existed at the time of the Prophet ﷺ and he never did it, indicates that it is not *Sunnah*. So for him to use a phone or not a phone is not an issue because the reason to use a phone did not exist in his time. So this would therefore not come into the issue of *ʿibādah*.

However, if it came to the issue of the hat or if it came to the issue of saying the *niyyah*, could he have said the *niyyah* to pray? Of course he could have. He prayed enough and he was listened to enough and they memorised from him everything that he uttered. That which he was saying consciously and maybe when he was not even aware. *Allāhu aʿlam.*

They have recorded everything from him and so he could've said it, and it's not there. So therefore if it is not there, this is not something that he forgot, but something which has been left out, therefore it is not a *Sunnah*.

والنبيُّ صلّى الله عليه وسلّم كان ينوي العبادات عند إرادة فِعْل العبادة

The Prophet ﷺ was always making intention for the different acts of worship that he was doing. He was the one who told us that every action is by intention, so clearly he was making intention whilst he was doing so many *ʿibādāt*. He never ever verbally articulated an intention. So,

فيكون تَرْكُ الشَّيء عند وجود سببه هو السُّنَّة

So therefore, if the possibility of something existed and he did not do it and he left it, then to leave it is *Sunnah*. To leave it becomes the *Sunnah*. Then to actually go against it would be the *khilafa Sunnah*. To the actually say, no [and then] you make the intention. That would be going against the *Sunnah* of the Prophet ﷺ.

Shaykh al-ʿUthaymīn says it is for these reasons that it is not *Sunnah* to articulate the *niyyah*. Neither silently, neither aloud. In contradistinction, to those that actually said (because some of them did say), you do make the intention silently. They also said, some of them, that no you do actually say it aloud, a *niyyah*. Shaykh al-ʿUthaymīn says both of these positions have no basis whatsoever in any kind of way.

Regardless to that though, the *niyyah* of course is a condition in every act of worship because the Prophet ﷺ said,[2]

إنَّما الأعمال بالنِّيَّات، وإنَّما لكلِّ امرئٍ ما نوى

That indeed every single action is based upon its intention and every single person shall get what they intended. *Hadīth saḥīḥ.*

There are two types of *niyyah*. There's the *niyyah* of the action, and there's the *niyyah* for whom the action is for. The *fuqahāʾ* said about the first *niyyah*, *niyyatul-ʿamal*, that this *niyyah* corrects the action. So when you say that I am making *ghusl*, it is actually a really good example, because you can make *ghusl* for a number of reasons, i.e. it's a hot day and I need to cool down, I'm very dirty and I need to clean myself, or I'm in *janābah* and I need to purify myself, I'm coming out of menstruation and I need to clean myself, I'm coming out of postpartum (*nifās*) and I need to purify myself, etc. There are 5 different reasons you could have the *ghusl*; it's the *niyyah* that will correct the action that you intend. If you just stand underneath the water, you will not lift the state, if you just wash and clean yourself, but if you don't have the intention for it, you have not lifted your spiritual state of *ḥadath*. That's very important. So the first *niyyah*, *niyyatul-ʿamal*, corrects the action.

The second *niyyah* is *niyyatul-maʿmūli lahu*, the *niyyah* for whom the action is for. So you might be doing the washing to impress your husband, or the family or whatever. This action will be rejected. The *niyyah* has to be for the sake of Allah ﷻ, meaning the *niyyah* is that 'I am doing this in response to your command for purity. I'm doing this so that it is *taqarrub ilā-llāh* ﷻ, that I get closer to Allah ﷻ through this act of worship.'

What's really interesting is that Shaykh al-ʿUthaymīn said that the *fuqahāʾ* dealt with the first one, but *ahl al-tawḥīd* dealt with the second one. So it's the scholars of theology and spiritual side of the *dīn* that spoke about the importance of keeping Allah ﷻ in that sincere intention. He says that when a person wants to make *ghusl*, then this would be the *niyyah* of action.

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[2] *Ṣaḥīḥ al-Bukhāri, Book of Revelation: Chapter: How the Divine Revelation started to be Revealed to Allāh's Messenger, hadīth no. 1.*

Just to sum up, he gives some advice. He says there is a lot of focus from ourselves on the *niyyah* of the action itself, and not so much on who it's for. The second *niyyah*, about who it's for, we very rarely articulate it in our minds and hearts. In actual fact, when we go into to make that *ghusl*, we have this kind of feeling that we're being forced to [do it], that we're not doing it for the sake of Allah ﷻ. We're not having the second *niyyah* at all. The first *niyyah* is that we're making *ghusl* for *ḥayḍ*, for *janābah*, for *Jumuʿah*, for *ʿĪd*, whatever the *ghusl* reason is, but it's like we're being forced. It's not like, 'I'm making *ghusl* for *Jumuʿah* and I'm doing it to be rewarded by Allah ﷻ, for *al-taqarrub*, to get close to Allah ﷻ.' Shaykh ʿUthaymīn says that we have to be more aware of this when we make this *ghusl* that we want to do it to please Allah ﷻ.

If you look at the Qurʾān, whenever Allah mentions action in the Qurʾān… For example, He says in *Sūratʾl-Raʿd*, verse 22:

﴿ابْتِغَاءَ وَجْهِ رَبِّهِمْ ﴿٢٢﴾﴾

Ibtighāʾ is seeking, yearning, or really, really, looking to, seek the Face of their Lord, to please Him. [13:22]

﴿إِلاَّ ابْتِغَاءَ وَجْهِ رَبِّهِ الأَعْلَى ﴿٢٠﴾﴾

Except those who do it only to seek the Face of their Lord, the Most High. [92:20]

'To seek the face' is a phrase which means to seek the pleasure of Allah ﷻ.

﴿وَالَّذِينَ صَبَرُوا ابْتِغَاءَ وَجْهِ رَبِّهِمْ ﴿٢٢﴾﴾

Allah ﷻ is praising those who do action, and those who are patient, seeking the face of their Lord. [13:22]

﴿يَبْتَغُونَ فَضْلاً مِنَ اللَّهِ وَرِضْوَاناً ﴿٨﴾﴾

What are they doing when they act? They are seeking the excellence, the glory of their Lord and His happiness. [59:8]

This aspect is missing in our *niyyah*. That's the benefit of this lesson. There's two *niyyah* that should be there before every act of worship. You might be tired, or not in the zone, not really thinking about it, and you might only think about the action. But

don't forget to make sure that you think about who you're doing it for. I am standing here, doing this action for you, ya Allah ﷻ. I'm doing it because of *Jumuʿah* or *ʿĪd*, as a *Sunnah* of the Prophet ﷺ. Likewise, you want to have that feeling, and we talked about this with regards to *wuḍūʾ* also, that you think about what you're doing and not just sticking your arms underneath the tap.

I think that the fact that we fall into a habit is what messes up our *niyyah* of *al maʿmūli-lahu*, the action of who we are doing it for. Obviously there is a risk in the first type of *niyyah* from habit as well.

For example, if you shower once or twice a day, which is far too much shower frankly, I think the point is that because people wash themselves so regularly. The importance of covering this as a lesson like this with the teacher is that there is virtually no connection between the *Sunnah ghusl* and what we do today. That's why you have to consult with teachers to transfer the *Sunnah* to modern day showers. Like I told you, this *ghusl* is done with four of these (*two handfuls*). Good luck to you.

You might be thinking about it, and a half hour later you walk into the shower and do it automatically. There in the shower, you turn it on, you do *wuḍūʾ*, you do this and that like you're on autopilot and that is the big danger. It's really important if you turn the water on, to stop and say to yourself what am I doing. It's really important. You'll catch yourself many times. This is guaranteed.

Student: [inaudible]

Ustādh: Yes, *jazāk Allahu khayran* for whoever said that. That is the position of Shaykh bin Bāz رحمه الله. I also mentioned in the lesson at that time that there is no real evidence for the statement. He said three days, but there is really no strong evidence.

Actually, there is no evidence for any of them. Even the Ḥanafi position of five prayers is based on day and night. It is not based on *ijtihād*. These are all *ijtihādi* matters. Bin Bāz رحمه الله said less than three days to make up. Basically what he's saying is that after three days you're really like you don't exist. No one is saying that there are the kinds of argument that he's making. He says one sad day, that is a long sleep, really.

Student: [inaudible]

Ustādh: Yes, everything is obligatory on that person. Everything.

Student: [inaudible]

Ustādh: No doubt, because *niyyah* is an act of worship. When you make it, you make it with an intention for an act of worship. You're making the intention with the intention for an act of worship. It's not about *Sunnah* or *ḥarām*. It's about anything that you expect a reward for. So we expect a reward for leaving *ḥarām*, we expect a

reward for doing *ḥalāl*. You expect a reward for doing *Sunnah*, we expect a reward for doing obligation. Anything that you expect a reward for automatically becomes an act of worship. Therefore when you add to that act of worship, it must be established. The principle is: everything is permissible until something is prohibited. There's no doubt about that. Shaykh al-ʿUthaymīn explained it in a simpler way, kind of rationalising that away taking you through the process. I really liked it.

20. Chapter 9: The Chapter of Bathing VIII

The last thing that we mentioned was about the importance of having a *niyyah*, not just for the action itself - although we know about *niyyatul-ʿamal* and *niyyatul-maʿmūli lahu*. So number 1, to do an action knowing that this is the specific *ghusl* for *janābah*, *ghusl* for *Jumuʿah*, *ghusl* for *ʿĪd*, etc. with a focus on the technical aspect. And what I was talking about today was that a lot of the people get lost in the means, in the method, and they forget the objective. And we talked about this last week, that the *niyyatul-maʿmūli lahu* is for *al-taqarrub*, to get close to Allah ﷻ.

Actually, I was thinking about this: you know generally when you think about Muslims and the religion, and how some people can get lost in the academia and lose the spirituality, the normal example which is given, which the current controversies are about is the issue of *ʿaqīdah*. So there will be people who will study *ʿaqīdah* in a very dry and technical and very rote way, with a number of conditions and prerequisites and obligations, and that there are 9 aspects to the *kalimah* and 7 conditions of this, and 12 conditions of that. They make up all these kinds of numbers, and they are made up because they are the subjective opinions of scholars, they're made up. Obviously they're based upon the evidences and upon the teachers themselves, scholars throughout time, saying, "How do I present this information to these people in an easier way?" You can understand why they did that. The problem is, the student gets lost in the 7s and 9s and 12s. They're busy memorizing the numbers and the conditions, etc. and they forget the actual meaning of the *shahadah*, they forget to become someone that when Allah ﷻ puts this blessing through them, that when they walk through the streets, people can see that this a person of *shahadah*, a person who lives *lā ilāha illā-llāh*.

It's a subtle point, and there is a corollary here as well in that we do a lot of different acts, and we're now going to describe an act which has got so much detail - this is the complete *ghusl*, saying the *Bismillāh*, do this, that - so our focus is so much on the actual ticked boxes that sometimes we forget that this is for *al-taqarrub*, to get close to Allah ﷻ. And there is no chapter in which you see this as clearly as you see in *wuḍūʾ*. In *wuḍūʾ* itself, you really feel this, because you'll see at the end of this chapter that there is a person who is in the state of *janābah*. And we know that the only way you can lift the state of ritual impurity (*ḥadath*) is by making *ghusl*, yet the Prophet ﷺ is recommending *wuḍūʾ*. And you'll see the Companions always making *wuḍūʾ* before sleeping, before eating, before marital relations, etc. and you'll ask yourself, "Why?" And the reason is purely *ʿibādah – al-taqarrub* to Allah ﷻ. They actually want to be purer, they want to put in some more effort in for the sake of Allah.

Imagine going to the bathroom and making *wuḍūʾ* when you can just make *ghusl*. Especially in their time, think about how little the water was, how difficult it was to

get it, it wasn't something that they could just get done with. It's more than that. The *niyyah* is more than just the technical nature of the action. There's a desire to please Allah ﷻ. If that desire is not there, then your academia and memorization has no benefit for you. And that's something that we need to remember, and that's what the discussion is these days about what's going on.

So *al-ghusl al-kāmil* (the complete *ghusl*), comprises of the following things:

- Making intention,
- Saying *Bismillāh,*
- Washing the hands 3 times,
- Washing other impure parts,
- Making wuḍūʾ,
- Pouring water over the head 3 times, ensuring it wets right through,
- Pouring water over the body completely 3 times, rubbing clean the entire body, starting on the right hand side first each time,
- Washing the feet in a different place.

These are 9 points which are talking about the actual *ghusl*, a complete and perfect one.

So what we're going to do is go through the text, study the technical things which the *madhāhib* are coming with, and then I'm going to put a practical spin on it, for today's time.

In terms of making the intention, you've made the intention: this is what I'm going to do. And I gave rulings about it last week, about how you've got to be, how focused you need to be when you walk into the bathroom, because when we walk into the bathroom, what do we see? We see shampoo, shower gels, etc. which are things that make you go into autopilot. You see these 'anchors', so you see the shower gel and you think, 'ah I'm going to clean myself', automatically move into this 'cleaning myself' mode for a normal nightly shower, or a come-home-from-work shower, etc.

That is very important, to be focused. The next thing after you have made you intention is to say *bismillāh*. I want you to understand here,

التسميَة على المذهب واجبة كالوُضُوء وليس فيها نَصّ

Shaykh al-ʻUthaymīn reminds us of the issue of the *wuḍūʾ*. In *wuḍūʾ*, you know that the Ḥanbalis say that it is obligatory to say *bismillāh*, and you know that there is not an evidence for that, there is no *naṣ* (textual evidence), there is no Qurʾānic *āyah* and there is no authentic *ḥadīth* that says that is the case, and that is why the majority of the scholars consider it to be a *Sunnah* and not an obligation.

وَجَبَتْ في الوُضُوء فالغُسْلُ من باب أولى

They said, that if is obligatory in the *wuḍū ʾ*, then what do you think of *ghusl*? Of course then it must be in *ghusl*. That is their evidence. Shaykh al-ʻUthaymīn says, "Well, as I have said before…"

والصَّحيح كما سبق

That is why it is important to do this whole Logical Progression thing, because it is important to the way he teaches ("as we said previously," "as we said previously," etc). As we said previously, the correct position is that it is not obligatory; it is a *Sunnah* (in *wuḍū ʾ*), thus it is *Sunnah* in the *ghusl* as well.

Also I should say, even if you said it was obligatory in *wuḍū ʾ*, we put an argument up. Actually, *ghusl* and *wuḍū ʾ* are separate and different anyway. They cannot be made *qiyās* (analogy) upon. You cannot make *qiyās* when there are so many differences between the two.

The author then says he washes his hands three times. We said already that this is *Sunnah*, and hands of course means up to the wrists, because we know that when the hand is mentioned, that is what it means. If it means the whole arm, it will say

﴿ إِلَى الْمَرَافِقِ ﴾

As we know, in the *āyah* of *wuḍūʾ*, that is what Shaykh al-ʻUthaymīn mentions here in *Sūratʾl-Māʾidah* verse number 38. That is how we know that the hand is only here (shows to the wrist) whereas of course if we want it longer, then go to *Sūratʾl-Māʾidah* verse 6 and then *ilaʾl-marāfiq* is mentioned.

وما لَوَّثَه

I want you to understand that they have said that you wash the hands three times is *Sunnah*, however what if your hands are still dirty?

If the hands are still dirty… and what if the other parts of the body are still dirty? Let me explain what is happening here. It is basically a description of two scenarios, either sexual impurity (*janābah*) or actual physical faecal and urine impurity. The idea here is that one has gone to the toilet, for example, and by using water (or not), or using tissue paper (or stone, etc.), *istijmār* or *istinjā ʾ*, [the person] has not been

able to clean themselves. *Istinjāʾ* and all of this has already occurred. In this text, toilet or *janābah* has already occurred or is now on and the person has made *istinjāʾ* but they have not been able to clean themselves in their private parts. We are talking the thighs, on the backside etc. That is specifically what *wa mā luwwathah* means here.

It is not just washing the hands and the private parts but it means anywhere else; make an effort to clean it. This is taken directly from the *ḥadīth* of the Prophet ﷺ in which Maymūnah…

حديث ميمونة رضي الله عنها أنَّ الرَّسول صلّى الله عليه وسلّم عند غَسْلِهِ ما لوَّثه ضَرَبَ بيَده الأرض، أو الحائط مرَّتين، أو ثلاثا.

والذي يَظْهَر لي من حديث ميمونة أن الماء كان قليلاً. ولذلك احتاج صلّى الله عليه وسلّم أن يضربَ الحائط بيده مرَّتين، أو ثلاثاً، ليكون أسرع في إزالة ما لوَّثه، وَغَسَلَ رجليه في مكان آخر.

What happens in the *ḥadīth* of Maymūnah?[1] After he ﷺ finished going to the toilet and he cleaned himself, he wiped his hands on the floor itself. Some said [it was] the wall, [but in any case] this is obviously clay and dust, etc. Do not think about our modern toilets. Whatever was on his body, he cleaned and then he started the *ghusl*. The question is: why did this happen? Shaykh al-ʻUthaymīn says, "In my opinion, it is because there was no water." In our time, naturally, the meaning of this *ḥadīth* would not be to wipe our hands somewhere - it would just mean that more than three times, we would just carry on washing and cleaning and whatever is necessary. That is the basic meaning that we take from this. Then

ويتوضَّأ

According to the text and the *Sunnah*, we are sticking to the *Sunnah*, he makes *wuḍūʾ*. The *wuḍūʾ* would be the normal *wuḍūʾ* of *ṣalāh* not any other type of *wuḍūʾ*.

Now we come into an issue which is the difference of opinion. It is a very famous difference of opinion. We have two key *ḥadīths*; one is of *ḥadīth* of ʻĀʾishah ؓ, another famous *ḥadīth* of *al-ghusl* where the two wives of the Prophet ﷺ differ in one fundamental aspect.

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[1] *Ṣaḥīḥ Muslim, The Book of Menstruation, Chapter: Description of Ghusl in the case of Janābah (sexual impurity), hadīth no. 317a.*

a) In the first one, in the *ḥadīth* of ʿĀʾishah, the Prophet ﷺ did the full *wuḍūʾ*.[2] When I say full *wuḍūʾ*, that mean washing the feet as well, then he poured water over himself.
b) In the second *ḥadīth* is the one you all know - he did the full *wuḍūʾ*, but not washed the feet and the feet then were washed right at the very end after *ghusl*. That is confusing and I will explain that afterwards.[3]

I just want you to understand that there are two types of *wuḍūʾ* being described here. Both are full *wuḍūʾ*, but the issue is the feet. The last thing you wash are the feet. Do you wash your feet first and you say that you are done and dusted with *wuḍūʾ* and now I do *ghusl*? That is what you do according to ʿĀʾishah.

Or do you actually do your *wuḍūʾ* and then stop and don't wash your feet, then wash yourself and then wash your feet? That is the position of the majority and that is the position that is well-known and there is a reason for that. We will come to that in a second.

Washing the hands three times as well as the other impure parts, then making *wuḍūʾ* and then he pours water over the entire head three times.

«تُروِّيه» ، أي: تصل إلى أُصُوله بحيث لا يكون الماء قليلاً.

The point is that the water really penetrates – the whole idea is complete penetration of the water to all parts of the skin and all areas. In the *ḥadīth* of ʿĀʾishah ﵂ on page 360 which is narrated by Bukhāri and Muslim:[4]

«ثم يخلِّل بيده شَعْره حتى إذا ظَنَّ أنه قد أروى بَشَرَتَهُ أفاض عليه الماء ثلاث مرات، ثم غسَل سائر جَسَده»

It was like this: He prepared his head and his skin and then when the water is poured on, he is carrying on doing this kind of process [Ustādh uses his hands/fingers to massage over his head, rubbing into it] to make sure that the water is going through.

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[2] *Ṣaḥīḥ al-Bukhāri, Book of Bathing (Ghusl), Chapter: The Performance of Ablution before taking a Bath ḥadīth no. 248.*

[3] *Ṣaḥīḥ Bukhāri, Book of Bathing (Ghusl), Chapter: The performance of ablution before taking a bath, ḥadīth no. 249.*

[4] *Ṣaḥīḥ al-Bukhāri, Book of Bathing (Ghusl), Chapter: The Performance of Ablution before taking a Bath, ḥadīth no. 248.*

Ūkhallīl – Remember we talked about this – *takhlīl* – [Ustādh combes through the beard with you hands], so running your fingers through your hair.
Shaykh al-ʻUthaymīn mentions this here:

وظاهره أن يصب عليه الماء أولاً ويخلِّله، ثم يفيض عليه بَعْدَ ذلك ثلاث مرات.

This is very important. Actually, for me this is very important. The scholars may consider it to be important or not. If you look at this *ḥadīth,* it seems that there is no way that he actually just did this without any water [Ustādh uses his hands/fingers to massage over his head, rubbing into it]. The *ḥadīth* here clearly says what? That he did *takhlīl* – did this kind of rubbing and putting the hands through and then poured water three times, which must suggest as Shaykh al-ʻUthaymīn says that there was an initial pouring of water. So the water was poured first over the head and that was combed into the head. After that, then the three times pouring of the *Sunnah* occurs. The reason why that is so important is because that gives us some leeway in the way in which we can do our *ghusl* in today's time, because we have different circumstances and we will come to that in a second.

Some of the scholars said that the three times of the washing of the head does not actually mean the three times for the head. What it actually means is that he ﷺ poured it upon the right-hand side and then on the left-hand side and then on the middle. So the first pouring was on the right-hand side and then the left-hand side of the head and then in the middle of the head. These are the three actual parts. So this is where they understood the ruling from, the three parts.

Then pouring the water over the body completely three times. The evidence for this is the *ḥadīth* of ʻĀʾishah ؓ and as I said, the other *ḥadīth* of Maymūnah ؓ:

«ثم أفاض الماء على سائر جسده»

Then he poured water over his entire body. Now this is where the issue comes now of important difference of opinion amongst the scholars – *thalāthah* – this word 'three times'. That he poured water over his body three times.

وهذا بالقياس على الوُضُوء لأنه يُشْرَع فيه التَّثليث، وهذا هو المشهور من المذْهَب.

This three times is done because it is now seen as washing of the limbs in *wuḍūʾ* and it is a *qiyās* from *wuḍūʾ* as opposed to a specific evidence from the *ḥadīth* of *ghusl*. It is a *qiyās*, an analogy taken from *wuḍūʾ* as opposed to saying that we saw the Prophet ﷺ wash himself three times with water on his body. We are not talking about the head

now, we are talking about the body and that is what the Ḥanbali *madh-hab* ruled by – this is an analogy and we accept that.

Shaykh al-Islam Ibn Taymiyyah and a number of scholars said no. They said that there is no three times washing of the body in *ghusl*. That is a big statement, and that is because they said that there is not a single evidence from the Prophet ﷺ to establish that. The *ḥadīth* says very clearly that he poured water over himself. The scholars that made *qiyās*, we are saying that this is a *qiyās maʿ al-fariq*, an analogy which is broken. That is *wuḍūʾ* and this is *ghusl.* [They are] completely different, have different rules, and we cannot apply the same thing.

Therefore, the class position is very clear – actually, it is not three times over the entire body. It is pouring water over the entire body according to the *Sunnah* and the next one is to ensure that the water gets into every orifice and so on. We will come to that is a second. Whereas in the Ḥanbali *madh-hab,* it is three times and I want you to know why and that is because they made *qiyās.*

وَيَدْلُكَهُ

Then they do *dalk*. I told you about *dalk* – if you remember back in the day, in the section of *wuḍūʾ*, what did we say? We said that *dalk* is what the *Mālikīyyah* consider it to be a condition when making wuḍūʾ and that means proper rubbing and massaging and that will most definitely make sure that will get everything wet. The whole body is then made *dalk*. Remember again that this is the complete *ghusl*. What did we say *al-ghusl al-kāmil* is in the last lesson? We said it includes the obligations, we said it includes the *Sunnahs* and it includes everything above and beyond for a perfect result. It is not a like a minimal *ghusl*, it is hard-core.
So he does all of this to make sure that the water gets into every single part of the body.

He says that if there is oil or cream on the body, then just pouring water over the body is not going to get anything done. You need to actually rub it and move it off. The point is that it needs to be really worked on. Some of the companions used to really exaggerate in this matter. It has been authentically narrated in the *Muṣannaf* of Ibn Abi Shaybah (narration # 99 in chapter 1), that when Ibn Umar ؓ used to make *ghusl* from *janābah*, he would put the water into his eyes. Remember that there is a difference of opinion on some things. When it comes to the nostrils, the eyes and the mouth, the question is that is this from the face or is that considered inside the body? What is meant to be cleaned? There has to be a limit here.

We have to discuss this. The whole body has to be made wet. However, with this concept of the whole body, there are some things that come up. First of all, people with long hair. Secondly, people who have various deformities (making it difficult to get to some areas). There might be very obese people who have huge folds of skin.

The belly button is a classic example. Very few scholars will allow you to avoid the belly button so cleaning the belly button is important. The ears are important to clean (inside and behind). Behind the knees and between the toes is another area which is important to clean. These are obvious things.

The issue with the hair is that the water needs to get to the scalp. It does not necessarily have to wet every single individual hair. The evidence for that are a number of narrations from the Companions (male and female) telling the rest of the Muslims that when it comes to *janābah* (*ghusl*), make sure that you wash your head but you do not need to untie your braids. That can be extended to however the people adorn their hair. The point is that the water needs to get through to the scalp.

The issue of the mouth is that it's good to be on the safe side and include it, even though the debate is there. Some scholars said yes and others said no. For inside the nostril, if we say that you need to wash it in *wuḍū'*, then washing in *ghusl* should be even more emphasized. Cleaning in between the eyes is expected to be done in *ghusl* because that joint is the part of the face. The issue of cleaning the eyes is an extreme position but ʻAbdullāh Ibn ʻUmar ﵄ used to do it. You'll find many similar things narrated by him.

Student: Are you talking about the eye ball? Is it considered a part of the face?

Ustādh: Yes, the eye ball. Whether it's considered a part of the face or not (it obviously is), does a person wash their face with their eyes open? It's difficult, isn't it? When I was young, we filled the basin with water and our mom stuck our head in. The issue is not if it's part of the face or not (clearly it is), the issue is that what is considered the norm.

And when we covered the chapter of *wuḍū'*, we covered it [and] said the inside of the eye, these parts [Ustādh touches the corner of the eye lids, the end part closest to the nose], not the actual eyeball itself. In fact *subḥānAllāh*, if you wash your eyes, it is almost exclusively considered an emergency procedure. It's true, isn't it? When the eyes are referred to as washing, I have never heard it referred to except in you have chemical in there, you have something else in there, squirt into his eyes, wash his eyes. It is not seen as the normative kind of action. Of course it is possible, of course some people can do it, but I do not think it is the normative action. *Allāhu aʻlam*.

Student: What about the beard?

Ustādh: Same way, same thing. Any hair, any hair on the body would need *takhlīl* [the use of fingers to go through the hair], so the water goes to the skin.

Student: What about ear piercings?

Ustādh: Ear piercings, do you mean getting into the actual [piercing] itself? That is not even possible, is it? No. One does not need to worry about ear piercing.

Student: [inaudible]

Ustādh: Obviously, things at the front need to be removed if it is covering skin. If it is covering internal skin, so for example, there is a hole and it is perfectly covering the hole, but not the external facing skin, then that is something different. But normally, an earring is not going to be a problem, unless it is one of those flat ones which is covering the ear, therefore, it is not taking water in and that is a problem.

Student: The thing is that when some people get piercing which is recent, there is a risk of an infection, so what do they do in that instance?

Ustādh: If they have a piercing and they remove it and they will get an infection, this is God's way of saying 'stop getting stupid piercings' and Allah ﷻ knows best.

And then the right-hand side, regardless of the manner of the washing everything, but in terms of areas, we start on right hand side. Why do we start on the right hand side? Because *al-Nabi* ﷺ...

يُعْجِبُه التَّيمُّن في ترجُّله وتنعُّله، وطُهُوره، وفي شأنه كلِّه

As we covered this *ḥadīth* many, many times that the Prophet ﷺ used to love to start with the right-hand side in everything. Every single thing, whether it is putting on the shoe or whether it is grooming himself, whether it is washing himself, etc. That is very clear. That covers everything. And *ṭuhūrihi* means purifying himself and we don't need an evidence for *ghusl*, because it is a general term. It covers *wuḍū'* and *ghusl*. He did not say *wuḍū'ihi*, he said *ṭuhūrihi* (when he purifies himself).

And then this is the interesting part. According to Imām al-Ḥajjāwi (and according to the Ḥanābilah), to get the reward of the *Sunnah*, you do need to wash your feet somewhere else. Now Shaykh al-'Uthaymīn رحمه الله says, what seems apparent from the author seems to be that this is an unrestricted *Sunnah*, meaning you do it and you get the reward. It's almost as if to say that even if the place is clean, then you still need to go and wash over there [a different place to the place you were currently washing], somewhere else.

Let's quickly talk about this. Remember I told you about the very little water they have, very little. I told you four of these [Ustādh cups his hands to indicate the amount of water it can hold]. I can have a good go of that. I have big hands and I have a big body as well, so I am going to struggle anyway. So the point is that you have little water, you have a dirty body, you don't have modern day disinfectant (soaps). The interesting thing about soaps is that they actually spread the water further. They allow it to go all over, so you don't have that.

You only have one hand, pouring and so many restrictions and then you don't even have a bath. You don't have porcelain, you don't have a china, you don't have ceramic baths, so you are normally washing on a muddy surface, earthy kind of surface or you are doing it in a tub and all the dirt is at the bottom. So all the filth is being washed off you and you are standing in it. So it makes complete sense that you would step out and then you would wash your feet. Makes sense? That is where this came from. Now the discussion amongst the scholars is because Maymūnah ﵂ described the *Sunnah* of the Prophet ﷺ was that he would wash his feet somewhere else. Some scholars said this was because the place was dirty. It is not a *Sunnah*, it was because the place was dirty. Other scholars said, no, it is an actual *Sunnah* and it should be done regardless, whether the place is clean or not and that is big debate.

And this is Shaykh al-ʻUthaymīn's ﵀ opinion. In the narration of *Ṣaḥīḥ Muslim* it does not say that the feet were washed at the end, so there is a genuine kind of discussion. Anyway, Shaykh Muḥammad Mukhtār al-Shanqīṭi and Shaykh al-ʻUthaymīn both agreed on that.

الظَّاهر لي أنه يَغْسل قَدَمَيْه في مكان آخر عند الحاجة

You only need to wash the feet at the end if there is a need for it because the place is dirty that you are washing in. He says the proof for that far as I am concerned is the *ḥadīth* of ʻĀʾishah. In the *ḥadīth* of ʻĀʾishah, he didn't.

Also Shaykh al-ʻUthaymīn makes another statement which is also kind of controversial. He says as far as I'm concerned, the narration which says that he washed his feet at the end is weak.

This is what Shaykh al-ʻUthaymīn ﵀ said. We however should say that the *ḥadīth* is in *Ṣaḥīḥ Muslim*. There is a *riwāyāt* in which he did wash his feet in the end, and that is not a *ḥadīth* you can make weak.

So this *ḥadīth* may be weak, but not the principle. The principle is not weak. Basically in the *ḥadīth* of Maymūnah, he washed his feet at the end only.

What I want to say in is the next statement which is:

والْمُجْزِئُ أن يَنْوِيَ ويُسَمِّيَ، ويَعُمَّ بَدَنَه بالغُسْلِ مَرَّةً،

It is sufficient however, just to make the intention, say *bismillāh*, and wash the entire body just once.

You hear that? We heard the full version, and now Shaykh is saying that it is sufficient if you want to get the job done, to make the intention, then say *bismillāh* and then wash the body just once.

Let's talk about this. First of all, what does *al-mujzi'* mean? That which is sufficient. If you're saying that which is sufficient, what does that mean the actions in that would be? Compulsory or obligatory?

What do we do believe about the *bismillāh*? It is a *Sunnah*.

Now this is according to the Ḥanbalis. Actually, according to the majority, it would be sufficient to have intention, and to wash the body just once. Is that cool? Let's follow up from there, then.

If I am saying to you that your *ghusl* can be done just by making *niyyah*, the intention to make *ghusl* and then wash the body, the next question should be what is the nature of washing? What should washing mean?

Student: Water runs over the body.

Ustādh: Do you agree with that? No wiping or whatever. The water runs over the body. Therefore, it is completely valid for a person to jump into the lake with the intention that I am making *ghusl* for *jumuʿah* or *ʿĪd* or *janābah* and come straight out and the job is done. He doesn't have to make *wuḍū'*, he doesn't have to make washing, he doesn't have to do three times, he doesn't have to do x, he don't have to do y – he just jumps into the swimming pool, jumps into a river, jumps into a vat. He makes the *ghusl* and *Allāhu Akbar*, he's done.

You understand the point? What does *ghusl* mean? Linguistically, it means to wash, and if you jump in there and water runs all over your body, then [that's a] job done. It may not be the best job from a cleanliness standpoint, but like I said before, don't think that *ghusl* has anything to do with cleanliness, because it has nothing to do with cleanliness.

It's a Friday morning, you wake up at 10 o'clock, and you say '*Wallahi* I feel a bit sweaty and I want to have a shower to wake myself up proper.' There you have your shower. That's when you use all your shampoos and everything. Obviously you know that the *Sunnah* is to make the *ghusl* as late as possible. The *ṣaḥābah* would walk into *jumuʿah* and they wouldn't be wet from the *ghusl*.

A lot of people ask these questions because we're working people. Can I make my *ghusl* in the morning and then go to work and then to *jumuʿah*? And does my *ghusl* count then? We will say yes. But the *Sunnah* is right on the edge - 11 o'clock, 12 o'clock… you know, that kind of thing.

At the back of my mind, there is a *riwāyah* when Sayyidinā ʿUmar - and Allah knows best about the authenticity of this and I need to check it - was in the *masjid* for *jumuʿah*, and a man came in. He said, "Did you do *ghusl*?" He said, "I did it in the morning." He made him go back and do it again, and the man came back wet, soaked. This is just to show you that they were very strict upon the *Sunnah*. It's just to make it clear to you that it is something very late.

If you've made a *ghusl* at 10 o'clock and you're doing it again at 12, the 12 one is not about cleaning yourself with perfume, is it? It's a functional, spiritual thing with *niyyah* and water covering the entire body, and that is the most important aspect to recognise from that. Obviously there is a lot to discuss there.

Student: Would you get the same reward?

Ustadh: Of course not. Of course not. Can you get the same reward if you do that? Of course not. The *mujziʾ* is by its nature. That's why we said: why did the *ʿulamāʾ* go with the *kamil* first as opposed to the *mujziʾ?* Because in your mind if I start selling to you that, the *mujziʾ*, this is sufficient. Then I start telling you afterwards: this is the full one. You're already sold on the *mujziʾ*.

It's the same principle why… you know the *Sunnah* of the Prophet ﷺ in *ʿĪd* is that when he would finish the *ṣalāh*, he would say to the people: 'If you wish, you can stay, if you wish then you can go'. Which is why we know that the *khuṭbah* is a *Sunnah*. Now most don't say that because they know if they say that, mans be gone then, you know what I'm saying? They'd be out the door. So they keep the information to themselves and they let the people get tortured.

So the point is this: there was a time in recent time where I wanted to go. But there were too many people watching, too many people looking. Anyway, the point is that that is why we do the detailed one first, so that you buy into it spiritually and then you see kind of the sufficient one afterwards but you are sold on the [previous, detailed one].

Now, what we have covered is the *Sunnah* of the Prophet ﷺ and what we've covered is the minimum that you can actually go and do. Nice and quick one minute job. In our time with a shower, it is a one minute job. I need to make *ghusl*. Go in, let the water run all over, rub every part of the body and you're out. There's obviously no time for no soap, no anything - that's a quick one. You're probably going to use water five or six times more than the [*mudd*/handful with his hands cupped together].

So now let's have a quick chat about what happens in our time. We don't use buckets, although I use a bucket. But I don't have a bath anymore and I miss it, to be honest. I used to love bucket baths.

Anyway, the buckets, people don't do it anymore. Even if they did, they wouldn't do it properly anyway. So I am just going to base this upon the shower. Let's talk about the modern day shower and how the modern day Muslim tries to do the *Sunnah*. It is very

possible to still do the *Sunnah*. Let's take a person who is either [in] the state of *janābah* or a person who needs to go to do *jumuʿah* or whatever.

So he walks into the toilet. He goes to the toilet and then he does *istinjāʾ*. He does *istinjāʾ* by cleaning himself. He does *istinjāʾ* by cleaning himself, washing himself in however manner, however many times but keeps it odd. *Sunnah* is the odd number. *Witr*, yes? He washes himself and then he moves into the bathtub or shower. Then according to this, he will then wash his hands three times because of the fact that he has just done *istinjāʾ* and at this moment on the first wash, you can now apply soap ad you've now done this [rubs hands together] and then you would start making *wuḍūʾ* under the shower. Little bits and pieces here and there. At this point, if there is a bucket, you could be doing it like that as well. Or if there is a tap in your bathtub you could be doing the *ghusl* as well.

According to the two differences of opinion, you could wash your feet now or until the end. I prefer to wait until the end. We're still talking the *Sunnah*. And then what would happen is that you would pour the water over your head. When you pour the water over your head, this is the time where you would be allowed to put some shampoo in and then you could shampoo.

Ideally, there's no shampoo or soap involved in this at all because you've done your cleaning some other time. So, if you had done your cleaning – your shampooing and your soaping - this would be just pure simple. You would just pour the water over your head, then pour water over your body, you'd wash your feet and it would be job done.

But I am guessing that people are going to try and combine cleaning with this *ghusl*. Like the *jumuʿah* one – people are not going to do two, the *ʿĪd* one, people are not going to do two, so I am now giving you an example of the *Sunnah*. The first time after your hair is wet, you would now wash your hair. Then the second time and third time when you pour your water over yourself, that would be when your hair becomes clean. Likewise, the body is now soaked and you might want to add water one more time to wet the entire body. That is when you would apply the soap. Then the second and the third time your pouring water would be when you are rinsing the soap off of the body. Then you would clean the rest of the body parts, then you would wash your feet. That is if you were to stick strictly to the *Sunnah*.

I believe it is permissible, and this is my advice to people who find it difficult. If they are in this situation where they have to clean themselves when they are in that *ghusl*, do the following. Here, a person is not technically starting the *ghusl* until later. So, therefore a person would come into the bathroom needing to make *ghusl*, he would go to the toilet for example, he would clean himself as per normal. He would then go into his bath and he will have a shower however he wants. Now he is actually finished from his shower, then he stands there and he says to himself *bismillāh*, he makes the intention now for the *ghusl* that he wants to make. Then he starts with the acts of *wuḍūʾ*, he does all of the *wuḍūʾ*, and then when it comes to the wiping part of the head,

instead of that then he pours the water over his head three times. Then he washes his entire body with the water. In a shower – what would this be? This would be to literally stand underneath the water then step back, stand underneath the water and step back, stand underneath the water and step back. Then when it comes to the body, one would then stand and allow the water to penetrate every part of a wet body already, wash the feet, and job done. This would be the other way of doing it if you are going to combine your normal cleansing shower with your obligatory *ghusl* shower. So there are two there – the first is that going to stick to the *Sunnah*, which is the best way. What do I mean by sticking to the *Sunnah*? You are clean when you go into that bathroom, you don't need to use any soap or shampoo – you are just going to go in, you are just going to use your hands and water, and that *ghusl* is a spiritual bath, it is lifting a spiritual state of *ḥadath*. Remember that when you have to make *ghusl* for *ʿĪd, jumuʿah, janābah, ḥayḍ*, and *nifās*, it doesn't mean you are dirty. There is no necessary requirement that you are dirty. Even in *nifās* and *ḥayḍ* – today's products, the way that people keep themselves clean today, there's no idea that there is blood everywhere, that's not the case. They would go in and it would be a ritualistic bath, so the issue is water being used.

Whereas if someone wants to combine the two, and they want to do that full kind of thing, then my advice to them is to go into the bath, actually clean themselves and have their normal shower. Then they stop – they say *bismillāh*, and then they start making *wuḍūʾ* in the shower – face, arms, let the water go over their head three times (at the point during *wuḍūʾ* when you are supposed to wipe your head), then they wash the body, then they wash the feet – now you've done full *ghusl*.

Q & A

Q: If you were to switch the whole process over and you do your *ghusl* first and then you have your shower, is that okay?

A: The problem is that there are many scholars that traditionally did not like a person touching the private parts and they said that it breaks the *wuḍūʾ*. So you fall into the risk of falling into that. Now, I just want to say that that would technically apply in the first scenario as well, because you've already done *wuḍūʾ* and then you're going to wash yourself. The reality is that it's much less likely. When we were taught by our *ʿulamāʾ* how to make *ghusl*, it was very well-known that some of the *ʿulamāʾ* considered that any touching of the private parts would break the *wuḍūʾ*. Therefore when it comes to the private parts, when washing the thighs we were told to wash so that the [palm of the] hand does not touch the private part. So the hand is rubbing the thigh and this [back of the hand] would touch the private parts, both back and front. Therefore you are technically safe from touching. Now you know that the position of this class is that touching the private parts with the hands whilst there is no desire doesn't break the *wuḍūʾ*. I'm just saying that this is the sort of matters you need to

keep in mind, that's why I don't think it such a good idea to have [the *ghusl*] before washing yourself.

Q: What's the problem with the introduction of soap?

A: There's no problem. However, how does this fit with the minimum use of water and a continuous process? There's no evidence that the Prophet ﷺ used soap within these processes of *ghusl*. We're not saying it's not allowed, but why is it that is all the *ḥadīth* there is no mention of the tree, the leaf, or any form of artificial soap?

Q: But that's one of many *ghusls* that he did, and possibly that he combined…

A: Correct, which is why we're also allowing a person to use soap in the same standing.

Q: So the introduction of soap with the water…

A: There's no problem at all. I gave you the scenario that if you want to stick strictly to the *Sunnah* and say that I'm going to do my soap within [the *ghusl* process], the first time he pours water over his head he can apply the shampoo, he can do so. And when I told you about the pouring of the water over the body. I said that 1 or 3 [times] is sufficient. It doesn't have to be 3 times, you could actually clean your body with soap at that time and then allow the remaining water to wash it off. I'm just saying that when we go back to the *Sunnah* and understand *arbaʿat amdād* (four handfuls), it is very difficult to understand the Nabi ﷺ used four handful to wash not just his body, but soap off his body as well. It's very difficult.

Q: The cleansing and then the *ghusl*, does it have to be two distinct, clear actions?

A: It doesn't. The cleansing and the *ghusl* do not have to be two distinct, separate things. And the proof of that is the statement of what is sufficient for *ghusl*? It's the covering of the entire body with water. It doesn't matter what happens or how you do it. It's not *wuḍūʾ*, this is *ghusl* and *ghusl* is bigger.

Q: When we were young our parents told us to wet the earring and wash the hole with the ear ring three times. Is that true?

A: The earring, like I said, if it's covering a large amount of skin then they should be removed. If they are the ones that are ring shaped, then they don't need to be removed.

Q: When you are in the shower you are automatically washing all the *wuḍūʾ* parts as well, do you specifically have to do the *wuḍūʾ* actions?

A: If you were to do a *Sunnah* version, then yes you would, but obviously if you just want to focus on cleansing, [then that is okay]. Tell them Shaykh Kehlan's opinion.

21. Chapter 9: The Chapter of Bathing IX

I remember that last week we talked about the fact that it is permissible for us to wet the entire body just once and that would be sufficient and in continuation of talking about that, the hair is something which is very important to focus on as well because regardless of the nature of the bath, Shaykh al-ʻUthaymīn رحمه الله says that people of knowledge divided *ghusl;* they divided the washing of the hair into three categories when it comes to purification.

The first is that which is required to purify, meaning washed the external and internal in absolutely every single way. That is the *ghusl al-wājib*, meaning the obligatory *ghusl*. So that would be the case for a male or anyone with short hair. We already said for the female that it is not necessary for them to actually undo their braids.

Then the second type would be where it is obligatory to clean the outside of it, external and internal, meaning the scalp and the [hair] ends, if it is light and just the external part if it is thick, and heavy and long and that is in *wuḍūʾ*. That is, for example, with the beard hair. So we know that we don't have to go through washing every single [strand of hair]. You go like this [Ustādh uses his fingers to comb through his beard] and by doing that you are effectively washing the external part without washing the internal part. We said anyone who has a thin beard, then it is like washing the face, therefore the whole thing [face] needs to be washed properly.
The third scenario is that which is not obligatory to purify - the inside or the outside if it is thick or thin and that is in *tayammum.* We are going to cover that *inshāʾAllāh* in the next section.

Anyway, the evidence that is sufficient just to wash yourself once. Where does that come from? The reason this is being asked is because we know that the Prophet ﷺ explained in detail how to make *ghusl,* and when the *ṣaḥābiyāt* (his wives) saw him, they described *ghusl* and never described *ghusl* as just washing himself once. So you have to ask yourself: where did the scholars get the evidence that here is the Prophet ﷺ doing an act and here you are saying that it is sufficient to wash yourself just once? Do you understand? And so the answer to that is that Allah ﷻ says in the Qurʾān:

﴿وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا﴾

"If you are in a state of impurity then purify yourself."

[*Sūratʾl-Māʾidah*: 6]

If you are in a state of *janābah,* then just purify yourself, but he did not say anything else other than that. However, when he told us about one breaking *wuḍūʾ*, he told us in detail what one needs to do for *wuḍūʾ*. So when you step back and think about these issues, Allāh ﷻ does not forget anything and everything is there very accurately. So you can't say, "Well, Allāh ﷻ decided to summarise it in this matter, but he went into detail in the other matter." The detail shows in *wuḍūʾ* - wash your face and up to the hand and then wipe your head, and that is because that is what is required as an obligatory nature for those acts. As for *ghusl,* then just do it. He has left it open sense, therefore we are allowed to make sure as long as the definition of *ghusl* is archived (the actual word in its linguistic sense), then we are okay.

The Shaykh also says that it is important to know that there are some other evidences where the Prophet ﷺ has indicated through his actions that it is not obligatory. For example, the *ḥadīth* of ʿImrān ibn Ḥussayn ؓ. It's a long *ḥadīth* and is narrated by Bukhāri.[1] A man came to the Prophet ﷺ and he was in a state of sexual impurity and he had not prayed and the Prophet ﷺ said take this water and pour it over yourself. So he did not go into the big detail of telling him that you need to do this first and that first. He just said pour it over yourself, meaning "You, go and wash yourself with it."

Shaykh al-ʿUthaymīn ؒ says it is not permissible for the Prophet ﷺ to not explain the details if there are further details at the time he is telling him to do something. No, if he ﷺ tells him to go and wash and there is a specific way, then he has to tell him there and then. That is why there is a consensus of the scholars that it is permissible to do a *ghusl* in any general manner. If it comes down to it… I mean for the obligatory, meaning when you cover yourself in water, wash yourself in water.

If someone says that this man actually knew how to make *ghusl*, that could be an argument, right? So he just told him to pour this water over yourself and he would know how to do that. The first response would be that he obviously doesn't, because the reason the Prophet ﷺ called him out was because he did not know that this is the *ḥadīth* of *tayammum*. He did not know that he could make *tayammum* and that he had to make *ghusl* and so it is very clear.

Secondly, Shaykh al-ʿUthaymīn ؒ says that when it comes to questions, the basic principle in Islamic law is that one does not know. So whenever we have someone ask a question or being told to do something, then the basic principle in *sharīʿah* is that that person does not know. That is an important principle to know in *fiqh*, because when you are looking at evidences, people might argue that he knew. Actually, across the *dīn* we generally say that unless there is an evidence to say that someone does know, the basic principle is that he does not know.

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[1] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing Hands and Feet with Dust (Tayammum), Chapter: Not Available, ḥadīth no. 348*.

We say across *dīn* that unless there is evidence, the basic principle is that he does not know. So Shaykh al-ʻUthaymīn says that it is permissible if someone was to dive into a pool or to immerse himself in water that it would be sufficient upon two conditions:

1. We already mentioned *niyyah*. Make *niyyah* that it is the *ghusl* for x, y, or z.
2. That a person should make *al-maḍmaḍah* with *istinshāq*. There has to be the rinsing of mouth and rinsing of nostrils.

His idea is that a person could close his mouth and no water will enter it. He might even hold his nostrils as well. Jumps in a pool, holds his nostrils, closes his mouth, and comes back out. Shaykh ʻUthaymīn رحمه الله says that this goes back to the issue about *maḍmaḍah*. Are the mouth, nose and nostrils from the face, and is it what is facing us?

That's the issue when it comes to *wuḍūʾ*. Is it obligatory to do or not? As we have mentioned before, the *ʻulamāʾ* differed over whether it is obligatory or not to clean the nostrils in *wuḍūʾ*. We know from the Prophet ﷺ that he did it, but is it obligatory? If it is obligatory, then the only way it can be is because Allah ﷻ says *faghsilū wujūhakum* (wash your faces). That *faghsilū* is a command and it should be obligatory. The other *ʻulamāʾ* said that it can't be facing because it's an inside organ. That's why they differed over whether it is obligatory or not.

Now when it comes to the issue of *ghusl*, we are not making an analogy on *wuḍūʾ*; we are now talking about another issue. It's not about whether we are facing or not. It's about whether it's from internal or not. We are not obligated to wash out internal, otherwise we have to rinse our eyes out. You might have to gargle and take it down to the throat. That is the argument. Is the mouth internal or external? Is the nose or nostril internal or external?

Now Shaykh al-ʻUthaymīn says that the *istinshāq* and *maḍmaḍah* must happen. If you remember, I told you in 'the chapter of *wuḍūʾ* that *maḍmaḍah* and *istinshāq* has a *mujziʾ* itself and has *afḍaliyyah* (meaning a sufficient level of action and an excellent level of action).

It's best to sniff water very high in the nostrils and squirt that out and make sure the nose is clean, a number of times. Likewise, take the water in the mouth, gargle, brush your teeth, and spit many times. My dad takes half an hour doing *maḍmaḍah*.

What's sufficient to remember is that as the water enters the nostrils, as long as the water enters the mouth and moves, that would be sufficient.

I just want to add the point that it is the **class position** that a person making *ghusl* has to do the rinsing of the mouth and at least some water should enter nostrils and preferably be blown out. Obviously, if I am doing the *Sunnah ghusl* and doing a proper one, then we are naturally doing all of these things - cleaning the nose and rinsing the mouth.

The next point that should be mentioned is: is the discontinuity of the obligatory a condition? We know that in *wuḍūʾ*, continuity and order of action is necessary. You

can't wash hands before the face; you have to do it in order. Is that the same for *ghusl* or not?

That's why the *ʻulamāʾ* differed. According to Imām al-Ḥajjāwi, it's not a condition. However, Shaykh al-ʻUthaymīn does consider it to be a condition. There has to be continuity; there should be no breaks in between and all actions have to be in order. Since there aren't many actions in there, we don't need to be worried about if it is in order or not.

By 'in order,' we mean that it is not permissible for a person washing his head to go outside, answer a phone, and then again come back and continue because he has broken the order. However, the *ʻulamāʾ* did say that if a *miskeen* is there, he starts and then the water runs out and he is waiting, this is an excuse because the water cut away and he didn't do it intentionally. I hope that makes sense. Unlike the first part which is that he does some part and then intentionally comes out, that kind of behavior is not going to be acceptable.

It is sufficient, however, to make the intention and then say *bismillāh*, and wash the entire body just once. By the way, it's the Ḥanbali opinion. Let's not put that into majority *Sunnah* and wash the body once.

Now we are talking about the Arabic,

ويَتوضأَ بِمُدٍّ، ويَغتسِلَ بصَاعٍ، فإنْ أَسْبَغَ بأَقَلَّ أو نَوَى بغُسْلِه الحَدَثَيْنِ أَجْزَأَ،
وَيُسَنُّ لِجُنُبٍ غَسْلُ فَرْجِه، والوُضوءُ، لأَكْلٍ ونَوْمٍ ومُعاودةِ وَطْءٍ.

The English translation of this last section is: one should make their *wuḍūʾ* with a *mudd* of water, and their *ghusl* with a *ṣāʿ*. These are measures of volume which I will explain soon. If one washes with less than these amounts of one intends the lifting of both states of ritual impurity at the same time, then that will be sufficient.

It is a recommended Sunnah for the one who is in *janābah* (the sexually impure one) to wash his private parts and make *wuḍūʾ* before he eats, goes to sleep, or repeats intercourse. Those are the three scenarios in which it is recommended to make the *wuḍūʾ* and wash private parts [before doing them].

First of all, the *muʾallif* says: a person makes *wuḍūʾ* with a *mudd* of water. The *mudd* is a quarter of a *ṣāʿ*, so 4 *mudds* = 1 *ṣāʿ*. The *mudd* has been given modern day measurement and it's also been given classical measurement. In the earlier times of the *fuqahāʾ*, they said that the *mudd* is average sized hands in an average size shape together. This is the *mudd*. It is important that you understand what I'm about to say. Number one, my hands are larger than the average size. They're too big, and the average size would be slightly smaller. Number two, the shape of the hands is important. For example, if you open up your hands wider, there is potential to get

more water, and if you close your hands up tighter, there is potential to get less in. So they always said average sized hands, with an average sized opening, which is normal.

In actual fact, Shaykh Muḥammad Mukhtār al-Shanqīṭi is a resident of Madīnah - and there is a very important role for al-Madīnah in the discussion of *al-mudd*. When Muḥammad ibn Ḥasan al-Shaybāni (the companion of Imām Abu Ḥanīfah and a great scholar who studied with many other scholars as well) was in Iraq studying with Imām Abu Ḥanīfah and other scholars, their *mudd* was simpler. They would go by their hands and that was the end of it. However, when they came to Imām Mālik, he said that the people of Madīnah don't actually do that. In fact, Shaykh al-Islām ibn Taymiyyah wrote an essay on this matter, and Muḥammad ibn Ḥasan al-Shaybāni changed his opinion on how much the *mudd* is as a result of meeting Imām Mālik. The reason I mention this is because this is an important part of recognizing that in *fiqh*, it's not just the *ḥadīth* that are taken into account, but also the actions of people, especially if those people are carrying a culture which is easily relatable to the Prophet Muḥammad ﷺ. This is what Ibn Taymiyyah wrote an essay defending, and Imām Mālik reflected it.

Here, actually, Shaykh al-ʿUthaymīn calls it a *ṣāʿ al-ʿurfī* (the cultural *ṣāʿ*) and the *ṣāʿ al-Nabawī* (the Prophet's *ṣāʿ*). So how much is a *ṣāʿ*? A *ṣāʿ* is four *mudds*, and a *mudd* is [a handful]. And if a *mudd* was from wheat, i.e. if we had good, clean wheat without a lot of husks and we were to measure it, then they said that a *ṣāʿ* is 2040 grams, so 2.04 kilos. 2 kilos is how you would translate it. Therefore, a *mudd* of wheat is 510 grams (basically half a kilo), and that reference is in *Sharḥ ʿUmdat al-Aḥkām*. Shaykh al-ʿUthaymīn himself has given the notes to that book, which is a collection of the main *aḥādīth* that are used in Islamic law. It's a book that is nothing but *ḥadīth* that cover the main *aḥādīth* of *aḥkām*, the rulings of Islam. It's a very good book for students of law; it's got very little spiritual aspects [and is] purely a collection of *aḥādīth*. That's the rough size of it.

So when we're talking about 1 *ṣāʿ*, 4 *amdād* is 2 kilos. However, Shaykh al-ʿUthaymīn says that upon *taḥqīq* (verification or authentication) the *ṣāʿ* of *al-Nabī* ﷺ is 80% of our one, one fifth smaller, which is about 22% smaller than ours.

How do you express that? The *ṣāʿ* of the Prophet ﷺ is 4/5ths of our measured one. That would be like 1600 grams. The *ṣāʿ* of the Prophet ﷺ was 1600 grams. This is just so that you get an idea of how little the amount of water it is. That's the *Sunnah*, and this *Sunnah* applies even if you have a lot of water. If a person were to do this, he would get rewarded. Shaykh Muḥammad Mukhtār al-Shanqīṭi says something very interesting here: he brings a number of evidences to show that there is actually a number we have to stick to, and what the rule is. The Prophet ﷺ did *wuḍūʾ* with 5

amdād.[2] A little bit about the measurements: there are a few other kinds of measurements mentioned by the Prophet ﷺ in terms of volume.

For example, the *faraq*... the Prophet ﷺ said in one *ḥadīth*, the *ḥadīth* of Kaʿb ibn ʿAjrah which is narrated by Bukhāri and Muslim, that if a person is making Ḥajj or *ʿUmrah* and he causes some problem or harm to the surrounding areas, then there has to be an expiation. In expiation, the Prophet ﷺ said: feed 6 *masākīn* a *faraq*. That's the word used in both *Ṣaḥīḥ Bukhāri* and *Muslim*.[3] Now, what is a *faraq*? A *faraq* is *al-mudd al-kabīr*. We learn now that there are two types of *mudd* - *al-mudd al-ṣaghīr*, which is [a handful]. How many of these make a *ṣāʿ*? Four. We then have *al-mudd al-kabīr*, which is 3 *ṣāʿ*. So in one *mudd al-kabīr*, how many *mudds* are there? Twelve. Whenever you hear the word '*mudd*', it always means the small one, but when you hear *al-faraq*, which is the same word for *al-mudd al-kabīr*, then you know it is 3 *ṣāʿ*, or 12 small, normal *mudds*.

Also, what I really liked about Shaykh Muḥammad Mukhtār Al-Shanqīṭi is that he also mentioned that as narrated in the *Ṣaḥīḥayn*, ʿĀ'ishah ؓ said that he washed ﷺ from a container that was the size of a *ḥilāb* (a container that one would use when one would use to go to the camel to milk it).[4] So they would go to it with a container big enough, assuming that they would get a good fill. You would go with a small one, because there could be a lot. So you would go with something bigger, and then it would fill up. What is the size of that? We do not know the exact size, but it's basically a bucket. So the *fā'idah* (benefit) of this is that we can see that there is some slight variations from time to time with the Prophet ﷺ's use of fluid. So I want you to know that it is permissible to use more water or less water, and that's the next statement: if one washes with less than these amounts.

This statement is basically there to put you at rest. If a person had a very small container, and he only had 2, he might think, 'I have to wash myself with 4 of these,' (meaning a *ṣāʿ*) and the answer is no. As long as he fulfills the conditions, meaning he washes all his body entirely, then that's permissible. Now you're thinking that this is absolutely insane; how can anyone wash their entire body with that much water? In reality, there's two things that need to happen:

You need to have very little body fat, and you need to be on the smaller side.

If you're on the smaller side with a very lean body, then you will pour that water over your head and you will be able to make that flow. 2, 3, or 4 of that will definitely be

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[2] *Ṣaḥīḥ al-Bukhāri, Book of Ablutions, Chapter: To perform Wuḍū with one Mudd, ḥadīth no. 201. Imām Muslim narrates a similar wording in the Book of Menstruation, without the last sentence about the amount for ablution, ḥadīth no. 325.*

[3] *Ṣaḥīḥ al-Bukhāri, Book of Pilgrims prevented from completing the Pilgrimage, Chapter: The Offering (Nusuk) is One Sheep, ḥadīth no. 1817. A similar narration is reported directly from Ka'b by Imām Muslim in the Book of Pilgrimage, ḥadīth no. 1201e. This narration in Muslim mentions the option of the fast before the option of slaughtering.*

[4]

able to flow over a body and wash it. Remember as I said, it's very unlikely that there will be soap being used in such a washing. Again, get it out of your head that when you hear the word *ghusl* you think shower, because if you keep thinking 'shower' then you'll never get the issue of shampoo, shower gel, soap, etc. out of your thinking. The *ghusl* is not to clean a dirty person. A person can be spanking clean, and then he needs to make *ghusl*, and it's literally a ritual wash, an act of pouring water over yourself, a spiritual moment. So keep that mind, *in shāʾ Allāh*. So it's allowed to use less than, and more than [this amount of water].

Shaykh al-ʿUthaymīn is asked a question here. He says that in our time, no one uses the hands or a bucket or a container, but we use taps (faucets and nozzles). So then what do we do?

Interestingly, Shaykh al-ʿUthaymīn says that because people are using taps and you cannot turn it on and off [trying to estimate a *mudd*], he says don't worry about that too much. What you need to know is that you don't go into the extremes in terms of the washing. He says that for *wuḍūʾ,* you know that it's three times to wash the arm, for example. So don't wash it ten times and seven times, because the water is flowing. Rather, wash it three times as per normal. He says that in *ghusl*, you are only meant to wash yourself once. So therefore, allow it to stay on and you can wash yourself completely - a complete washing. Then anything more than that would be above and beyond.

So effectively, Shaykh Muḥammad Mukhtār al-Shanqīṭi said something similar. He said it doesn't actually matter whether you use more or less than the *ṣāʿ* (the four *amdād*) as long as you do not be extravagant. So now hopefully he doesn't mention what extravagance is – and that is really the question. Everybody is about showers, vented systems, unvented systems, pressure pumps, a long relaxing shower after a hard day, etc. So what on earth is it going to be that is the standard? How is it going to work?

Student: [inaudible]

Ustādh: The question is – is even wastage something even applicable in our time? The reason that question is being asked, I assume, is for two reasons:

1. There is an absolute plentiful nature of water, everywhere, immediate, etc., and
2. That water is purified and cleaned and returned for use again. So you have huge amounts and the fact that it will come back again and you will use it after it has been cleaned.

What are your thoughts on that? Knowing that the Prophet ﷺ said that one is not to waste water even if he is by the river.[5] The river is two things: (1) abundant water, and (2) is it the same as a renewable source? Does it come back again? It doesn't come back in a recycled form, but it is a water cycle, which is the natural version of the water treatment system. So, the answer is that yes it does apply. I think that if you

[5] *Sunan Ibn Mājah, The Book of Purification and its Sunnah, hadīth no. 425.*

think about it from a spiritual point of view, how a person feels when they are being religious about something and you restrict something for the sake of following the *Sunnah*, you can feel the difference between extravagance and not. That is the point I am trying to make. It is not necessarily the fact that you can get away with wasting water, but you saying to yourself that this is a precious thing. I will also add that the fact that water meters were so rapidly introduced by the government and the fact that water reservoirs do sometimes dry out, it's not true and we do need water, and to be used to using less water is a good thing. There is no doubt that I will still emphasize that we minimize the amount of water that we use.

Still, ask the question. Will it be *isrāf* if a person is having a really long, hot shower? Normally this is not going to apply in the cold; it's going to be hot.

Student: Is it the case that you are actually using it for some use? You are having a long shower and you are using it to relax yourself, or clean yourself.

Ustādh: So there are two scenarios:
1. A person is really dirty, and therefore needs more water – that is understandable,
2. If a person is genuinely getting a physiological, medical benefit from being there, it's relaxing him, etc. – this is the benefit, can this be a use? I think if there is a defined medical benefit or there is a defined difference in mood, then I believe that it is permissible and I do not consider it to be extravagance.

I think there has to be a very specific mind-set for extravagance – for example those who brush their teeth with the tap running is ridiculous. There is no medicinal, no x, no y, no benefit whatsoever. So you would turn that off, leaving it on would be clear extravagance. Likewise, I guess if you were in the shower, turned the water on, about to go in, see that the soap is out, so you now know that you need to get out of the shower, look for soap, find it, open it – you know it is going to be a minute, so you turn the water off. So I think that is extravagance, and Allāh knows best.

Student: [inaudible]

Ustādh: You mean like using a lot of water in the bath? I think the same – I think that if a person runs a bath and they soak in it because they want to deep cleanse, or they want to do some treatment, or whatever people have baths for, generally I believe they do it for relaxing. I believe that is permissible. I don't believe there is any evidence to consider that a wasting of water, as long as it is not being wasted.

The next point now is: one intends the lifting of both states of ritual impurity at the same time.

So what's happening here? A person is in a state of sexual impurity – that is *al-ḥadath al-asghar and al-ḥadath al-akbar* – the two ritual states. Now, when a person goes in to make *ghusl*, does he have to specify accurately that he wants to lift his state of large impurity and small impurity? That is the point at hand.

Imām al-Ḥajjāwi has made it very clear: if one intends the lifting of both states of ritual impurity at the same time with just one *ghusl,* it would be done. Meaning that you wouldn't have to then make a separate *wuḍūʾ* afterwards.

So you would do the *ghusl*, you would say I want to be lifted of both states – the first state that requires *ghusl* and the second state which requires *wuḍūʾ* – but now I am going to do the *ghusl* – would that be sufficient? The answer is yes according to the Ḥanbali school.

The alternative would be that you would have to do the *ghusl* then follow it up with a separate *wuḍūʾ* – the latter is for the *ḥadath al-akbar* and the latter is for the *ḥadath al-aṣghar*. That is the question at hand.

Now Shaykh al-ʻUthaymīn says that for the *niyyah,* there are going to be four possible scenarios. The first one is the one that is mentioned in the question. The person will say, "I lift both states. I want to be able to pray."

Let's just say that he says my major and my minor state with this one *ghusl*. If he does that, both of them will be lifted because the Prophet ﷺ said a person will get that which he intended.[6]

إنَّما الأعمال بالنِّيَّات

All deeds are by intention and this is a position of the Ḥanbalis and Shaykh al-ʻUthaymīn is happy with this position.

The second scenario that the *niyyah* could take is that the person only states, "I want to lift my state of major impurity." So in his mind, he is not thinking about the small one. He is not thinking of *wuḍūʾ*. He is just thinking: "I want to get rid of my *janābah*. I want to get rid of my sexual impurity."

ويَسْكت عن الأصغر

He doesn't mention or even think about the small one. According to the statement of the Ḥanbali school, it will not lift the state of the small [one] at all. It will not lift the state of the small one because he has made it clear that unless you make intention for both of them, then it won't lift, right? So if you only lift one, you won't lift the small. Meaning that if you went into the bath saying, "I only want to lift my state of major impurity," then after the bath you would have to make a *wuḍūʾ* to pray. That's the point here.

[6] *Ṣaḥīḥ al-Bukhāri, Book of Revelation, Chapter: How the Divine Revelation started being Revealed to Allāh's Messenger, ḥadīth no. 1.*

According to the Ḥanbalis, this is unacceptable because they said, every action is by intention, and you never made the intention to lift the small state. That is the Ḥanbali position.

Shaykh al-Islām ibn Taymiyyah said, no both of them will be lifted at the same time. If you make the intention for just the lifting of the big one, both states are lifted. The reason for that is because Allāh ﷻ has said in *Sūrat'l-Mā'idah*, verse 6:

﴿وَإِن كُنتُمْ جُنُبًا فَاطَّهَّرُوا۟﴾

Allāh said if you are sexually impure, then just purify yourselves and:

فإذا تطهَّر بنيَّة الحَدَثِ الأكبر فإنَّه يُجزئه، لأنَّ الله لم يذكُر شيئاً سوى ذلك، وهذا هو الصَّحيح

Therefore, following the *āyah* means you are only going to make the intention for purification, which is purification from *al-ḥadath al-akbar*. Allāh ﷻ never mentioned anything else about anything small or big or *wuḍū'* or this. Therefore, that is the correct position and Shaykh al-'Uthaymīn agrees.

So in that second scenario, a person just walks into the shower and says, "I want to lift my state of *janābah,*" [this being] the reason he went in. Or, "I want to lift my state of menstruation," and that is all they think of. They didn't say, "And I want to get myself ready for *ṣalāh,*" which is a separate action. It requires *wuḍū'*, *ṣalāh* [does]. As for this, to lift off the *ḥayḍ*, we need to make washing. If we just say *ḥayḍ*, you will get the ability to make all the actions of normal *ṣalāh* as well. You will just have *wuḍū'*. That is the point, okay? And the same with sexual impurity.

The third scenario that a *niyyah* could be is:

أن ينويَ استباحة ما لا يُباح إلاَّ بالوُضُوء

This is getting technical now. A person, he makes a *niyyah* for an action which cannot be done except with *wuḍū'*. So he makes a *niyyah,* "I want to make *ghusl* for something," and that something is an act which someone has to have *wuḍū'* for but it might not necessarily have any connection with *ghusl*. Who can think of an example?

Student: *Ṭawāf* .

Ustādh: *Ṭawāf* is controversial and we already talked about the purification of that so let's forget about that one.

Student: Is he thinking about just minor purity?

Ustādh: No, something which is...

Student: Reading Qurʾān with the *muṣ-ḥaf*?

Ustādh: Yes, reading Qurʾān for example. Or, for example Shaykh says here:

أو ارتفاع الحَدَثَيْن جميعاً كالصَّلاة، فإذا نوى الغُسْلَ للصلاة، ولم ينوِ رَفْع الحَدَثِ، ارتفع عنه الحَدَثَان

So basically he said that if a person was to walk in to make *ghusl* and he makes the intention for *ṣalāh, ṣalāh* itself is an act which cannot occur without *wuḍū*ʾ, yes? By making an intention for the act which cannot occur without *wuḍū*ʾ, Shaykh al-ʿUthaymīn says both states are actually automatically lifted. Both the *ḥadath al-asghar* and the *ḥadath al-akbar*, just by intending the actual act itself.

If you remember back in Year One or the beginning of Year Two, we talked about this. When you intend a certain act in its entirety and it doesn't require you to be technical in terms of exactly what you are intending, I can say, "I want to make *ghusl* because I want to pray." Well if you're going to want to pray, that means you're going to have to have *wuḍū*ʾ. If you're going to want to have *wuḍū*ʾ, that means you're going to have to have *ghusl*. Meaning that by your statement, you necessitate that you will lift both states.

The final scenario is a more interesting one. You intend an act which cannot be possible except without *ghusl*. This is more controversial. So what could be the example here?

Student: Prayer?

Ustādh: No

Student: *Jumuʿah.*

Ustādh: It is not possible to pray *Jumuʿah* or *ṣalāh* without *wuḍū*ʾ.

We are intending,

أن ينوي استباحة ما يُباح بالغُسْل فقط

Student: Reciting Qurʾān.

Ustādh: The perfect example is reciting Qurʾān. Reciting Qurʾān does not require *wuḍūʾ* but it requires you to be free of *janābah*. You need to be free of *al-ḥadath al-akbar*.

So if you want to,

أو المكْثِ في المسجد

For example, to remain in the *masjid,* as we talked about a couple of weeks ago. You have a person who is there, he is in the bath and he is making the intention. He is not making the intention the proper way which is to lift the state of this, lift the state of that. He said I want to be able to go and stay in the *masjid*. I want to go and read Qurʾān - these are acts which do not actually require *wuḍūʾ*. Do you understand the problem now? The question is: if he had made this *ghusl* with this intention, what is his resulting state when he comes out? What can he actually do?

Here is what Shaykh al-ʻUthaymīn said:

فلو اغتسل لقراءة القرآن فقط، ولم يَنوِ رَفْعَ الحَدَثِ أو الحَدَثَيْن فيرتفع حَدَثُه الأكبر فقط، فإن أراد الصَّلاة، أو مَسَّ المصحفِ، فلا بُدَّ من الوُضُوء

This is fascinating. He says that if a person is now in the state of *janābah*, he walks into the shower, he says 'I want to make *ghusl* so I can stay in the *masjid* or recite the Qurʾān'… if that is all he made the intention for, that is the only thing that he can do when he comes out, even after he has made *ghusl*. If he wants to pray, what does he have to do? He has to make *wuḍūʾ*.

فلا بُدَّ من الوُضُوء

He has to add the *wuḍūʾ* because this person was so specific in his *ghusl* that he cut himself off from all the other actions of *ʻibādah* and he said, "This is what I want." Shaykh al-ʻUthaymīn' continues, and this is interesting. He says,

ولكن واقع النَّاس اليوم، نجدُ أنَّ أكثرهم يغتسلون من الجَنَابة من أَجْلِ رَفْعِ الحَدَثَ الأكبر، أو الصَّلاة، وعلى هذا فيرتفع الحَدَثَان

He says "Frankly, I am sticking to that."

Let me speak on his behalf with a level of much lower respect. He is basically saying that if you are that thick to make such an intention, then you deserve to go out there and make another *wuḍūʾ.* He is not saying that, but I will say it for him. If someone is going to make such a random *niyyah*, "I am going to make *ghusl* only to go and read Qurʾān," then that is all you are allowed to do.

Basically, in the end Shaykh al-ʿUthaymīn says that the reality of people is that when they go in the shower, they say I want to get rid of what I am here for. If you are menstruating, you get in and say you want to get rid of menstruation, or that I want to get rid of so-and-so. Out of the four *niyyāt*, this is the second position - the intending of the lifting of the state of *al-ḥadath al-akbar* which would be the *janābah* and the *ḥayḍ.* Therefore, you would be allowed to do everything that one requires to do, with no need to make extra *wuḍūʾ*.

Student: So it does not matter that *ghusl kāmil* consists of *wuḍūʾ*?

Ustādh: Correct, it does not matter that the *ghusl al-kāmil* contains the *wuḍūʾ* - that is considered *ghusl*. That is the *Sunnah* way of *al-ghusl* and it is separate to a separate *wuḍūʾ*.

The final part says it is a recommended *Sunnah* for the sexually impure to wash the private parts and make *wuḍūʾ* before they eat, go to sleep, and they repeat intercourse. This is very interesting.

Shaykh al-ʿUthaymīn says to make *wuḍūʾ* to eat, for the one who is *janābah*, is not obligatory by consensus; rather it is recommended. The evidence for that is: ʿĀʾishah ﵂ said

أنَّ النبي صلّى الله عليه وسلّم كان إذا أراد أن يأكل أو ينام وهو جُنُبٌ توضَّأ وضوءه للصَّلاة

That whenever the Prophet ﷺ wanted to eat or sleep when he was in *janābah,* he would make the *wuḍūʾ* of the prayer. [7]

توضَّأ وضوءه للصَّلاة

This *ḥadīth* has been narrated by Imām Muslim. The important lesson here is that there are some scholars who have said that this means washing your hands and

[7] *Ṣaḥīḥ Muslim, Book of Menstruation, It is Permissible for One who is Junub to Sleep...recommended for him to make Ablution...if He wants to Eat, Drink, Sleep or have Intercourse, ḥadīth no. 305b.*

washing your face. For example, ʿĀʾishah ﵂ spoke to a person who was in a state of *junub* and he wanted to go to sleep. She told him to make *wuḍūʾ* or make *tayammum*. That is narrated by Ibn Abi Shaybah, and it is *ṣaḥīḥ.* Ibn ʿUmar ﵁ said that if there is someone who wants to eat or drink or go to sleep, let him make *wuḍūʾ* (if they are in a state of *janābah*).[8] You are in a state of *janābah*, you want to eat, you want to drink, and you want to sleep - let them make *wuḍūʾ* first. ʿĀʾishah ﵂ also said the same thing in another *ḥadīth*. She said that if he wants go to sleep and they are *junub,* then let him make *wuḍūʾ* because he does not know what will happen to him when he is sleeping.

That could mean anything. For example, it could mean the need for the angels to come. *Allāhu aʿlam* what that means. But it means a person should be in as pure a state as possible. If you can make the *ghusl*, then that's great. If you can't, then at least make *wuḍūʾ*.

Now you might ask why that is not obligatory. Because these *aḥādīth* are very "*fal-yatawaḍḍaʾ*" - then let him make *wuḍūʾ*, let him do this.

In the *ḥadīth* of ʿAmmār ibn Yasir, he said that the Prophet ﷺ said:

رَخَّصَ لِلْجُنُبِ إِذَا أَرَادَ أَنْ يَأْكُلَ أَوْ يَشْرَبَ أَوْ يَنَامَ أَنْ يَتَوَضَّأَ وُضُوءَهُ لِلصَّلاَةِ .

The Prophet ﷺ gave a concession to a man. If he wants to eat or drink or go to sleep, that he should make the *wuḍūʾ*. This man was in a state of *janābah*. [9]

Now, I just want to quickly mention something about this *ḥadīth*. This *ḥadīth* was criticized by a number of scholars. A number of scholars consider it to be weak. You will see that in the footnotes at the bottom. Abū Dāwūd and Imām al-Dāraquṭni considered this *ḥadīth* to have a broken chain. Imām al-Tirmidhi said that it is *ṣaḥīḥ* and so did Imām al-Nawawi.

I just want to say that it is something which is a *Sunnah* act for you to do. Likewise, there is the issue of sleeping. There is a *ḥadīth* of ʿUmar ﵁ that he said:

قَالَ يَا رَسُولَ اللَّهِ أَيَرْقُدُ أَحَدُنَا وَهُوَ جُنُبٌ قَالَ " نَعَمْ إِذَا تَوَضَّأَ "

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[8] *Ṣunan Abu Dāwūd, Book of Purification, Chapter: Those who said that the Junub should perform Wuḍū, ḥadīth no. 225.*

[9] *Jāmīʿ at-Tirmidhi, Book on Travelling, Chapter: What has been mentioned about the Junub to eat and sleep when he performs wuḍū, ḥadīth no. 613.*

ʿUmar ﷺ said "If one of us is in a state of *janābah*, can we go to sleep?" The Prophet said yes as long as he makes *wuḍūʾ*. There is a condition. Then you can go to sleep.

In another narration, make *wuḍūʾ*, wash your private parts, then go to sleep. Therefore, there are a number of scholars in the *Ẓāhiri madh-hab* (the literalist school) who considered it to be obligatory, and a number of the people of knowledge considered it obligatory. However, and this is very interesting, all four of the *madhāhib* considered it to be a *Sunnah*. Now this is a big controversy in *fiqh*.

The wording of this *ḥadīth* is very blunt. If you want to go to sleep, you must make *wuḍūʾ*. It is very clear. The scholars are basically saying: how do we respond to that? Yet a majority of the *fuqahāʾ* considered this to be one which is indicative of a recommendation and not an obligation. Why? Because of the *ḥadīth* of ʿĀʾishah ﷺ that the Prophet ﷺ would go to sleep while he was in the state of impurity without touching water. This *ḥadīth* we are going to discuss in a second *inshāʾAllāh.*

Look at the notes and you can see the discussion starting. This *ḥadīth* has been narrated by Imām Aḥmad, Abu Dāwūd and Ibn Mājah. It was considered weak by Imām Aḥmad, Imām Muslim, Imām Ibn Yazīd ibn Hārūn, Imām Abu Dāwūd, Imām Tirmidhi, Imām al-Nawawi and a number of other *ʿulamāʾ*. It was only authenticated by a few [such as] Imām al-Ṭaḥāwi, al-Ḥākim, and al-Bayhaqi. Ibn Rajab was actually very critical of the people who authenticated this *ḥadīth*. However we can say that this *ḥadīth* is still a matter of difference of opinion.

I'll tell you something which is interesting. If this *ḥadīth* is *ṣaḥīḥ,* then it brings up an interesting discussion - the statement of the Prophet ﷺ and the action of the Prophet ﷺ. In his statement, he said to ʿUmar ﷺ that you must make *wuḍūʾ* before you go to sleep.[10] In his action, ʿĀʾishah ﷺ said that we saw and he did not touch water.[11] So there is a contradiction between the statement and the action.

Now is it a contradiction? That's the question. What did we say before? We said that before we say that it's a contradiction, we will try many things. First of all, can we make the *ḥadīth* weak? Some made the *ḥadīth* weak [and so now there is] no contradiction [and it is] obligatory to make *wuḍūʾ* before you go to sleep. Other people said that the *ḥadīth* is *ṣaḥīḥ;* [however] 'touch water' means *ghusl* and not *wuḍūʾ*. The third scenario is the easiest one, that the statement and the action are both to be taken and the fact that he didn't do it shows that it's not an obligation to make the *wuḍūʾ* and that brings it down to *istiḥbāb* (recommended). If a statement is made and an action goes against it, then it means that the first one can't be an obligation. That's the position of the four *imāms* and it's [also] the class position.

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[10] *Ṣaḥīḥ al-Bukhāri, Book of Bathing (Ghusl), Chapter: A Junub person should perform Wuḍū before sleeping, hadīth no. 290.*

[11] *Ṣunan Abu Dāwūd, Book of Purification, Chapter: The Sexually Impure person delaying Ghusl, hadīth no. 228. Imām at-Tirmidhi has something almost identical in the same chapter title, hadīth no. 118.*

What it brings up is an important rule and this is what Imām al-Shawkāni said. He is from the Zaydi school, and of course the war on Yemen you are seeing is against the Zaydi *shīʿah*. The Houthis are from them in principle, but they are more politicised *shīʿah* as opposed to the original Zaydiyyah. It's important to know these facts because the Zaydiyyah are very close to *Ahl'l-Sunnah* and their *ʿulamāʾ* are the *ʿulamāʾ* of *Ahl'l-Sunnah* as well. I want you to know that the *shīʿah* of Yemen have been living peacefully there for a long time and there are very little issues there. It's Iran that has really opened up this spilt and introduced the much more extremist *Ithnā ʿAshari shīʿah* creed to this conflict and it's turned it into a serious one. Otherwise Saudi Arabia never had a problem with the surrounding areas or the Zaydiyyah, but now of course, Yemeni dictatorships and tyranny back in the day over the last 10-20 years and of course Iranian interest have turned this into a very serious issue.

Imām al-Shawkāni used to have this belief that the Prophet ﷺ's actions are for himself and his statements are for the people, which is a very dangerous piece of *uṣūl*. Shaykh al-ʿUthaymīn رحمه الله spend three pages refuting this position, in which is argues that both statement and action are for us. In summary, his argument is that it is possible that his action is for him alone, but when it happens we will be told about it. Allāh ﷻ will make it very clear in the Qurʾān. I want you, for your own study, to look up *Sūratʾl-Aḥzāb*, verse 37 and *Sūratʾl-Aḥzāb*, verse 50. Both of these verses make it very clear that the Prophet ﷺ is given a concession. For example in verse 50:

﴿وَامْرَأَةً مُّؤْمِنَةً إِن وَهَبَتْ نَفْسَهَا لِلنَّبِيِّ إِنْ أَرَادَ النَّبِيُّ أَن يَسْتَنكِحَهَا خَالِصَةً لَّكَ مِن دُونِ الْمُؤْمِنِينَ ۗ ﴿٥٠﴾﴾

"…and a believing woman if she gives herself to the Prophet [and] if the Prophet wishes to marry her, [this is] only for you, excluding the [other] believers…"

﴿خَالِصَةً لَّكَ مِن دُونِ الْمُؤْمِنِينَ﴾

"… [this is] only for you, excluding the [other] believers…"

Can you see how specific that is? What does that mean? It means that if a woman came to the Prophet ﷺ and said that I want to marry you/gift myself to you (*hibah* means a gift), then the Prophet ﷺ does not have to pay a dowry, or have a *walī* [because] it's like a gifting. Whereas a normal marriage for us, it's not possible to get married without a dowry. Even if it's something small, there has to be a *mahr*.

Another scenario is [that of] Zayd Ibn Ḥārithah رضي الله عنه. The Prophet ﷺ was not allowed to marry Zaynab (Zayd's previous wife) and then Allāh ﷻ made it clear that He allowed the Prophet ﷺ to do it. And it will also help the rest of the believers whereby if they are in a situation where their adopted sons have ex-wives, then they can get married to them. Allāh is very clear in the Qurʾān where something is specific for the Prophet ﷺ and when something is for the Prophet ﷺ and the rest of the people. Therefore,

there is no basis whatsoever to say that if the Prophet ﷺ does an action, it is for him alone. His action is to be followed and his statement is to be followed.

Finally, if a person wants to return for intercourse (repeating intercourse), that again is a *Sunnah* to do [*wuḍū'*]. In *Ṣaḥīḥ Muslim* it is narrated that:

أنَّ النَّبيَّ صلّى الله عليه وسلّم أمر مَنْ جَامَع أهلَه، ثم أراد أن

Whoever has marital relations and then wishes to return then let him make *wuḍū'* in between.[12]

Some said that there are medical benefits to that but it doesn't matter if we know there are medical benefits or not. It is something that is an act *'ibādah*, something that if we have the intention to do it, it will be rewarded for, and Allāh ﷻ knows best.

[12] *Ṣaḥīḥ Muslim, Book of Menstruation, Chapter: It is Permitted for One who is Junub to Sleep...recommended for him to perform Wuḍū and wash his private parts...if he wants to eat, drink, sleep or have intercourse, ḥadīth no. 308.*

22. Chapter 10: The Chapter of Dry Ablution I

The chapter of dry ablution:

وهُو بَدَلُ طهارَةِ الماءِ إذا دخلَ وقتُ فريضةٍ أو أُبيحَت نافلةٌ وعَدِمَ الماء أو زادَ على ثَمَنه كثيراً، أو ثَمَنٍ يُعْجِزُهُ، أَوْ خَافَ باسْتِعْمَالِهِ أو طَلَبِهِ ضَرَرَ بَدَنِهِ أو رفيقه، أو حرمته، أو مالِه بعطش، أَوْ مَرَضٍ، أو هلاكٍ، ونَحْوه شُرِعَ التَّيمُّمُ.

Tayammum is legislated as a replacement for purification by water (wuḍūʾ) in the following conditions:

- The time for something obligatory has entered
- Something supererogatory - *mustaḥabb*, recommended, *nafl* - has become permitted
- When there is no water
- If the price of water has significantly increased
- If one cannot afford water
- If one fears by using or searching for [water], there will be harm to:
- himself
- his companions
- those in his care
- his wealth, through means of:
- thirst,
- sickness,
- or some other form of destruction, etc.

That's the opening paragraph of the author, Imām al-Ḥajjāwi رحمه الله.

The word *tayammum* in Arabic means something which is intended (*al-qaṣd*). It means to intend something or to objectify it. It's something you seek and ascertain, and you want to get there. That's the linguistic meaning.

As for its *iṣṭilāḥi* (technical) meaning in the *sharīʿah*, Shaykh al-ʿUthaymīn says on page 373:

وشرعاً: التَّعبُّد لله تعالى بقصد الصَّعيد الطَّيِّب؛ لمسْحِ الوجه واليدين به.

We read a lot and study a lot, and I have to say that Shaykh al-ʻUthaymīn is one of the best - if not *the* best - at defining things. Definition is an art and a really difficult skill. To define something to a kid, you can say whatever you want, and you make things very simple. The definition differs from time to time and from place to place. When you're defining something for a child, it's very different from when you're defining for adults. And the problem is, the one who is defining also changes [the definition], so when a layperson is defining, he doesn't need to worry about the technicalities, whereas if an academic is defining he has to respect his field. However, when a scholar is defining, he has to put out a definition which he knows will be read and studied and memorized, and it has to be utterly comprehensive. It has to cover every single possible scenario within very few words. So it's a very difficult skill and in my personal experience from reading definitions, Shaykh al-ʻUthaymīn is very short, succinct and comprehensive.

He says:

وشرعاً: التَّعبُّد لله تعالى بقصد الصَّعيد الطَّيِّب؛ لمسْحِ الوجه واليدين به.

Tayammum is the worship of Allāh, the Most High, by the seeking or using of clean, pure, good earth, by wiping one's face and two hands thereby with it.

That's the actual act. If you've got no water and you've got to make *wuḍūʾ*, you strike the earth until you have dirt on your hands. You will now wipe your hands and your face [with that dirt].

We will talk about this in detail later on, with regards to what the *madhāhib* say about wiping arms, the type of earth, etc. but that's basically what the *tayammum* is. There's obviously more to it than that; there's a lot of technical facts that we need to know.

First of all, *tayammum* is from the specific blessings of this *ummah*. It was not something that the Jews, Christians or any of the other previous nations had been given. And this is because of the *ḥadīth* in *Bukhāri* and *Muslim*, which is narrated by Jābir ibn ʻAbdillāh ﵁ that he said the Prophet ﷺ said:[1]

«أُعطيتُ خمساً لم يُعْطَهُنَّ نبيٌّ من الأنبياء قَبْلي: نُصِرت بالرُّعب مسيرة شَهْر، وجُعِلتْ لي الأرضُ مسجداً وطَهوراً، فأيّما رَجُلٍ مِنْ أُمَّتي أَدْرَكَتْه الصَّلاةُ فَلْيُصلِّ...»

[1] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing Hands and Feet with Dust (Tayammum), Chapter: Not Available, ḥadīth no. 335.*

"I was given 5 things that no prophet from the prophets have been given before me.

I have been aided by being able to terrify my enemies a month in advance. It will be a month away, and they will be terrified.

The Earth was made for me a *masjid,"* - meaning a place of prostration and not a mosque. The word *masjid* is being used in its linguistic sense here, so it means a place where a person makes *sajdah*, not where he prays "…and *ṭahūran."* (not pure, but purifying).

Remember the *fatḥah*. We talked about *wuḍūʾ* and *waḍūʾ*; when we make *wuḍūʾ*, we're doing the action, but we make *wuḍūʾ* with the *waḍūʾ*. The water which we make *wuḍūʾ* with is called *waḍūʾ*. The *ṭuhūr* is purification, the *ṭahūr* is that which is used. Therefore, "the Earth was made purifying for me."

Shaykh al-ʿUthaymīn stops the *ḥadīth* here: "therefore any one of my followers can pray whenever the time of the prayer is due." It doesn't matter where they are, they can pray anywhere. That's the second point.

To finish off the *ḥadīth*:

"The booty is made lawful for me, but it wasn't allowed for anyone before this *ummah*." The booty is the spoils of war - that which can be gained from the war. This was not something made permissible for the earlier nations, but it was given to the Prophet ﷺ.

"I have been given the *shafāʿah* (the key intercession) on the Day of Judgement. Every prophet was sent to his people except for me, and I was sent to all of mankind."

These are the five things in this very famous *ḥadīth*.

He said ﷺ that the Earth itself has been made pure for me. So that's a good start. So therefore, in the previous nations, if they didn't have any water, they would remain upon the state until they could actually find water.

It was a great difficulty upon them. Shaykh al-ʿUthaymīn said that it was also preventing them from connecting with their Lord. This is also something that we all feel on a day-to-day basis. People who don't come to the *masjid* often come and they feel very different from when they have not been there for a while.

I call it the morning blues, the time between *Fajr* and *Ẓuhr*. That's also a difficult time. There's work and you're busy and you get your lunch break and you enjoy your *Ẓuhr*. I used to always feel that a lot. That was a major problem. If you look at the *ḥadīth* about what the Prophet ﷺ says about the one who misses three *jumuʿahs*, his heart becomes locked and closed and dead because there's no connection anymore.[2]

[2] *Jāmi at-Tirmidhi, The Book of the Day of Friday, Chapter: What has been narrated about Neglecting the Friday Prayer without an Excuse, hadīth no. 500.*

If you think about it, *Jumuʿah* is the one opportunity that people get to connect with the *masjid* and people and Muslims, and they don't come to the masjid during any other time during the week, I am talking about the majority of people. That is why we have mentioned so many times in this class, the *fiqh* of the *khuṭbah*. A lot of people genuinely have no idea how to give a *khuṭbah*.

It's a reminder to myself here and the students of knowledge and the people who are listening that it's a disaster that people try to tell the story in a *khuṭbah* or they try to explain a contemporary story in a *khuṭbah*. The *khuṭbah* is meant to be a reminder of Allah ﷻ and his Prophet ﷺ. The Prophet ﷺ once stood up in the *minbar* and he recited *Sūratʾl-Kahf*, and that was it. It was not the prayer. It was the *khuṭbah*, and *Kahf* is its own drama. It begins drama, middle drama and end drama. A person could be taken all over the show thinking about the story, the good times, the bad times, the reality, the creation, etc.

The point is to get them to hear the Qurʾān. That is the best of all *khuṭbah*. I say that the people who come to the *khuṭbah* are godless people. I don't mean that they themselves are godless, but that's the way that you have to look at them, like they have not gone to the *masjid* for 7 days. You know that you only see your regular people in the morning or in the evening. You know that you've got a connection but the mass majority who turn up are not getting their *dīn* anywhere else but on Friday.

That's why you understand the mentality of those *khaṭībs* who say this is the only chance I have, so I have got to teach them something. That's the pressure that they have on themselves. They say "I have got to teach them something because they won't learn anywhere else."

This is defeatism which disgusts me. I'm saying: you know what, I don't care because that's their loss. If they don't know their *tawḥīd*, they don't know this, if they don't know that, they have lessons and they have books.

The *khuṭbah* is not for one person or for 10 persons. It's for every single person. It is for the scholar, it's for the *muttaqīn*, it is for the people of the Qurʾān and the scum of the earth. It is for every single person to come and be reminded of Allah.

The *dhikr* doesn't benefit only one person, it benefits the *muʾminīn*. Every person with *īmān*, when they hear Qurʾān, they don't even have to understand it - they think '*SubḥānAllah*, I haven't had enough of that all week. Why didn't I read this last night?' You could be reading Qurʾān all night, but when you hear someone else recite it has its own impact.

It's very important to have this focus as the *khaṭīb*. I have no idea why we are talking about the *khuṭbah*.

So if you understand this point that the *khaṭīb* is just touching peoples' hearts… not giving them a political analysis, not giving them a social analysis, but touching the

persons heart and that is his function, then you understand why the Prophet ﷺ said that if the person misses three *jumuʿahs*, his heart is basically gone. That's why it's important that Allah ﷻ allowed there to be another way out when we don't have water, because we do have *tayammum*.

Of course the actual story behind *tayammum* is its own drama. I don't know if you know the story of how *tayammum* was legislated. It all came through ʿĀ'ishah ؓ.[3] The Prophet was going on a journey. Some said it was a military journey which would make it even more interesting, and the evidences certainly indicate that.

There were a lot of people with him, lots of caravans, lots of people, so we should go on that assumption that this was a military expedition. The women would also attend and ʿĀ'ishah ؓ was with the Prophet ﷺ. She was wearing this nice necklace that the Prophet had given her and she lost it.

Now the story was that there was this whole army there and you lose your necklace, and you think 'There is no way I am stopping the army,' and she's like 'I am going to have to tell the Prophet ﷺ.' She did tell the Prophet ﷺ and his reaction was exemplary as well. He didn't say anything and he could have said so many things. When my mom says "I forgot a thingy" and I am just down the road in the car, she's going to hear about that for the next six hours.

So I got into the car and we had not even driven I think for more than ten meters and I said 'Oh my God' and then the driver said 'What happened? You forgot something?' and I felt such a [disgrace], it is one driver with me and is willing to turn around completely, I have no army, no ten people, no twenty people, [and still] I felt so ashamed that he might remind me and say 'You are so silly. How can you forget it?' that I said 'Nothing, nothing' and I winged the entire lecture. I basically made it up as I went along.

I am just saying that it is not easy to go and say and she did. She is a tough character, to be honest. ʿĀ'ishah ؓ is really a tough character and so she said this is what has happened. The Prophet ﷺ said, "Okay, no problem" and they stopped and they started looking. They looked for so long that the night appeared. They were all looking for this necklace and when they couldn't find it, they set up camp and *subḥānAllah* the Prophet ﷺ was so tired that he went to sleep. He goes to sleep laying as he normally would, using the thigh of ʿĀ'ishah ؓ as the pillow. So his head is there [on Ā'ishah's thigh], laying like this and she is sitting there in the tent.

What has happened is that the people there are now really freaking out. There are so many people who said "You again, your family this and that, we lost the whole day, spending the night" and the worst part, of course, was that there was no water and also where they stopped. That is the whole point. They had no water with them, there was no water in the area either, so they were genuinely very angry and *Sayyidinā* Abu

[3] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing Hands and Feet with Dust (Tayammum), Chapter: Not Available, ḥadīth no. 334.*

Bakr al-Ṣiddīq ﷺ really felt the heat and so he went inside [the tent] and was very angry with ʿĀʾishah, and he even gave her a little kind of pat on this side (on the other thigh of ʿĀʾishah). ʿĀʾishah ﷺ says in the narration that it hurt so much, but because the Messenger of Allah ﷺ was here [Ustādh points to the thigh], she did not want to [make noise] and she bit her tongue and did not say anything. The Prophet ﷺ carries on sleeping, none the wiser, and she hangs out and Abu Bakr al-Ṣiddīq ﷺ goes away.

When he woke up in the morning and said "Let's make *wuḍūʾ,"* they said that there is no water here, so in that moment Allah ﷻ sent down the *āyah*.

﴿فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا ۝٦﴾

"And if do not find water, then seek clean earth …" [*Sūratʾl-Māʾidah*: 6]

If there is no water, then make *tayammum*. If you don't find any water (**if** being very important here), then go and make *tayammum*, this dry ablution with clean earth - and the *āyah* goes on. The Prophet ﷺ now told everyone that this is what you do, demonstrated it to the people, and they followed. Whilst everyone goes out to do that, they have to move the camels to arrange this and straight underneath the camel is the necklace, right there.

So they find the necklace and they get the bonus of *tayammum,* and one of the Companions says to *Sayyidinā* Abu Bakr that this is not the first time that we took blessing from your family. We are always taking blessings from your family. Change of heart. Hindsight is a great thing. Usayd ibn Ḥuḍayr, the name of the Companion, he said:

ما هي بأوَّلِ بَرَكَتِكُمْ يا آل أبي بكر

"This is not the first *barakah* that came from the family of Abu Bakr."[4]

It's a nice statement and that is narrated by Imam al-Bukhāri and in *Muslim* as well and interestingly in the Book of Menstruation.

That is the introduction to *tayammum*. It is a blessing from Allah ﷻ, a great blessing. It allows us to maintain our connection with Allah ﷻ and that should be a reminder to us that genuinely whatever your situation is, there is a wider point here and I really

[4] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing Hands and Feet with Dust (Tayammum), Chapter: Not Available, ḥadīth no. 334.*

want to tap into this wider point that *tayammum* was given to us, so that we do not lose touch with Allah ﷻ.

You know it is about our relationship with our acts of worship. I told you before that we do many, many acts of worship, but they are not acts of worship at all. In the last few weeks, we talked about the act of washing ourselves. When we get there, we go to autopilot and start to enjoy the hot water, we start to enjoy the shower gel, we start to enjoy the shampoo. We don't really think it as an act of worship; our minds are not thinking that I need to make *ghusl* for *ḥadath*, that this is for *janābah*, this is for *jumuʿah*, this is for *ʿĪd* – it is not thinking and I told you that it is a *sharṭ* (a condition) for *ghusl* that you need to have a very clear *niyyah* that I am washing myself for this reason and that makes it an act of worship.

So when you are rubbing yourself, you are doing this for the sake of Allah ﷻ. Likewise, every other moment when we are in our daily lives, we should always have some kind of connection with Allah ﷻ *a*nd *tayammum* is one of those things because our act of worship are those little kinds of connectors. That is why when I teach the fiqh of *ṣalāh*, and when I teach most of my classes, I keep saying this statement 'Look to get people to pray.' You know when people like myself give *daʿwah*, I come across many, many crazy people. I am not talking about people that you will all know - non-*ḥijāb* wearing, maybe even *zinah* performing, maybe even drinking Muslims who are friends, colleagues, neighbours and who you do *daʿwah* to and you do your best. I come across them and more, because normally people bring me the weird and the wonderful - gay Muslims, and all kind of different people with different problems. Everyone has got their own issues - people who are extreme, and of course the majority of those are quite far from the *dīn*.

Something our *mashāyikh* used to say to us is that these are all small steps and you just want to get them and keep them in the game, which is my phrase. You just have to keep them in the game, and the prayer keeps them in the game. Get them praying and Allah says that the prayer itself kind of staves away this explicit lewd behaviour and evil. The prayer itself comes with other things that will eventually make it physically - forget even spiritually, divine, miraculous, forget the extraordinary - I am talking about the very real level. The prayer physically makes *ḥarām* difficult, but not impossible. You can pray and do everything, but a person who prays has to overcome himself, has to defeat that voice in his head that says “You just prayed and are now doing this,” which is a stronger voice than the voice which says you are going to the club and you didn't pray so it does not matter anyway.

To have a connection with Allah ﷻ is essential and I am saying that for everyone to have that in yourself and when you are giving *daʿwah* to another person. Just keep them in the game. Don't try to reach for the target immediately – let's try to solve the club issue, the gay issue, the *ḥijāb* issue. Get them in the game, get the connection going and that internal voice is a very strong one. That internal voice is what brought us and we can't go and really credit it to other people. They might have showed us a few things, but ultimately what keeps us going is our own internal voices. We know

the strength of that interval voice and to look at *tayammum* in this light is very helpful. *Tayammum* helps us in this matter [to keep the connection going].

The first legal statement is a very important one that we need to study. It is legislated as a replacement for purification. Now you might say that that makes sense, but actually there's a number of legal matters that hinge on how to understand this statement. First of all, what does it mean by replacement? It means that therefore it is not the *aṣl* (status quo) that's very important and it's very clear to see why. The proof is as Allāh ﷻ says:

﴿فَلَمْ تَجِدُوا مَاءً﴾

"If you do not find water…" [*Sūrat'l-Mā'idah*, 5:6]

So water is therefore the principle; there can't be any doubt about that. The benefit of saying that it's a replacement is that it is not possible to do *tayammum* if the original is still there. It's not permissible whatsoever to do *tayammum* when water is present, unless there are exceptions that we shall cover later on this chapter.

وإلا فهو قائم مقامه، ولكن هذه الطَّهارة إذا وُجِدَ الماء بطلت، وعليه أن يغتسل إن كان التَّيمُّم عن غُسْل، وأن يتوضَّأ إن كان عن وُضُوء، والدَّليل على ذلك

Therefore the meaning of the fact that it's a replacement is that if you've just made *tayammum* for *ghusl* or *wuḍū'* and then water becomes available, so you have to now make *ghusl* or *wuḍū'* again. This is because the basic rule is that you cannot now use the replacement.

What is the evidence for this? There are two evidences. Firstly, the *ḥadīth* of 'Imrān ibn Ḥusayn ﷺ,[5] the long one about *ghusl* that we covered over the last two weeks. In it, the Prophet ﷺ said to the one who had become *junub* and there was no water to wash himself:

عليك بالصَّعيد فإنه يكفيك

Go and find some dust; it will be sufficient for you.

[5] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing Hands and Feet with Dust (Tayammum), Chapter: Not Available, ḥadīth no. 348.*

I.e. the Prophet ﷺ told him to go and make *tayammum*. When water became available for that person, the Prophet ﷺ said to him:

خُذْ هذا وأفرغْه عليك

Take this [water] and pour it over yourself.

So he had been told to make tayammum, he made *tayammum* [but when] the water comes the Prophet ﷺ now said to him to take the water and wash yourself. So once the water comes, the *tayammum* is invalidated.

The second evidence is a very interesting *ḥadīth*. It's not the most authentic, I'm going to go over the chain with you. It is the statement of the Prophet ﷺ when he said:

الصَّعيد الطيّب وُضُوء المسْلم، وإن لم يَجِد الماء عَشر سنين، فإذا وجَدَ الماء فَلْيَتَّقِ الله ولْيُمِسَّهُ بَشَرَتَهُ، فإن ذلك خيرٌ

Pure earth is the ablution of the Muslim even if he does not find water for 10 years. But when he finds water then let him fear Allāh and wash himself (linguistically - let it [water] touch his skin) with it, because that is better.

This *ḥadīth* has been narrated in this wording by al-Bazzār on the authority of Abu Hurayrah ﵁.[6] Al-Haythami said that its men are from the men of the *ṣaḥīḥ*, meaning that all its narrators are used by Imām al-Bukhāri, so this is a praise. Ibn al-Qaṭṭān said that its chain is authentic. However, Imām al-Dāraquṭni said that the correct position is that this is actually a *mursal ḥadīth* on the authority of Ibn Sīrīn.

What's a *mursal* ḥadīth? It is a statement of the Prophet ﷺ, but the *tābiʿi* doesn't mention the Companion that he heard it from. Every *mursal* is form of a weak *ḥadīth* according to the majority of the scholars.

The *ḥadīth* has also been narrated by Imām Aḥmad, Abu Dāwūd and al-Tirmidhi with slightly different wording. A number of scholars considered this *ḥadīth* to be authentic. It's also been narrated by Abu Dharr as well and Imām al-Tirmidhi, al-

[6] *Ṣunan Abu Dāwūd, Book of Purification, Chapter: The Sexually Impure person performing Dry Ablution, ḥadīth no. 332. Sunan an-Nasa'i narrates the same sentence of ten years but does not add anything about finding water in the Book of Purification, ḥadīth no. 323. Al-Bazzār narrates an almost identical sentence to this narration in the Book of Purification, Chapter of Tayammum, but he adds 'the fear of Allah" in it, ḥadīth no. 131.*

Nawawi and Ibn Ḥibbān considered the narration of Abu Dharr to be authentic. I think this *ḥadīth* is okay.

We now know that these two evidences show that if water is present, then the *turāb* cannot have any impact, can't do anything and has to be replaced by water. The next key question:

وهل هو رافِع للحَدَثِ، أو مُبيح لما تَجِبُ له الطَّهارة؟

This dust, what is it actually? Does it a) lift the state of ritual impurity (*ḥadath*) or b) is it something which makes certain acts permissible? Those acts which, by the way, require purification. Did you understand the difference?

Let's go through it again. In the first one, I'm ritually impure. I've just woken up from a long sleep and need to make *wuḍū'*, and if I make *wuḍū'* I can do everything. So the *tayammum* in position (a) will lift my ritual impurity and I can do whatever I want now as per normal. In the second opinion, it is that which allows the doing of an action which requires *wuḍū'*. So for example it would be done for the prayer, because the prayer itself requires *wuḍū'*, but it wouldn't be for anything else. So it permits me to pray. Likewise, if it was allowing to do a *nafl* prayer, it wouldn't allow me to pray an obligatory prayer with it, as it's only allowing me to do that act.

Now these two are very different opinions, and the *madhāhib* differed on what the *tayammum* actually does. Of course the first one is more comprehensive because once you've lifted the state of impurity, you're open to do everything and anything.

Now let's look and see what the scholars said about it. Some of the scholars said it was *rāfi'in li'l-ḥadath*, and the others said no, it is *mūbīḥun limā tajib lahū al-ṭahārah*. Shaykh al-'Uthaymīn says that the correct opinion is the first one – that it actually lifts the state of impurity just like water does - it replaces water perfectly. Just like water would allow you to do everything, then this dust also allows you to do everything.

What is the evidence?

(1) The statement of Allāh when He mentioned *tayammum.* He said:

﴿مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُم مِّنْ حَرَجٍ وَلَٰكِن يُرِيدُ لِيُطَهِّرَكُمْ ۝٦﴾

"Allāh does not want to put upon you any difficulty; He only wants to purify you." [*Sūrat'l-Mā'idah*: 6]

"He wants to purify you" – so this word is very clear, that this dust actually purifies you. It doesn't make an act permissible, it actually purifies you.

Remember this, and we have said this a hundred times these last three years and I will say it again – *wuḍūʾ* doesn't physically clean anybody, *ghusl* doesn't physically clean anybody, and dust definitely doesn't clean anybody. Get your mind away from physical cleansing; this is all about spiritual impurity. When you do your *wuḍūʾ,* it takes away your spiritual impurity – it does not involve soap, your hands could still be dirty and full of mud, but your *wuḍūʾ* is completely fine as long as the water touches everything. It doesn't need to be clean water (i.e. it could be muddy pure water). The dust itself is purifying the spiritual state.

(2) *Wa juʿilat lī al-arḍ masjidan wa ṭahūran* – the earth has been made for me a place of prostration and a purifier for me.[7] When you say *ṭahūr* with the *fatḥah,* then it means that which you purify yourself with.

(3) Shaykh then says dust is replacing water, and what does water do? It lifts the state of impurity. And the *qāʿidah al-sharʿiyyah* is that the replacement must do that which it replaces. Therefore it lifts the state of impurity – water doesn't allow you to do actions, it actually lifts it.

Shaykh al-ʿUthaymīn says now that we have proven that the first position is right, what is the benefit of this discussion? Why did we need to make this differentiation? He says the reasons why are:

i. If we said that it is that which is to make something permissible, then it would mean that it would be impermissible to do an act higher than that, or more than that.

   For example, he said that if you have made *tayammum* for the *Sunnah* prayer, you would have to then make another one for the obligatory prayer because it is only allowing you to do single acts. If we said, however, that it lifts the state of ritual impurity, then you can pray the *nafl*, you can pray the *farḍ*, etc.

ii. If we said that it makes certain acts permissible, then if the time goes (the time limit) then your *tayammum* is finished.

   For example he gives a scenario: if a person made *tayammum* for *Ṣalāt'l-Ẓuhr* and then the time ran out and now *ʿAṣr* has entered and needs to pray *Ẓuhr*. He would need to make *tayammum* again because the *tayammum* that he made for *Ẓuhr* was for *Ẓuhr* in its time as an act of *ḍarūrah*, and he would have to make *tayammum* again in the *ʿAṣr* time just to pray *Ẓuhr*. Then he would have to make it again to then pray *ʿAṣr*.

[7] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing Hands and Feet with Dust (Tayammum), Chapter: Not Available, ḥadīth no. 335.*

These are the problems you get to if you consider it to be *mūbīḥ* and not *rāfiʿn liʾl-ḥadath*. As we said, if we consider it to be *rāfiʿn liʾl-ḥadath* then there is no issue.

iii. Shaykh al-ʿUthaymīn then says that if you believe it to make things permissible only, then you have to make the intention for that act. If you did not make the individual intention then it hasn't even allowed you to even do that act. Whereas if you only do it for the lifting of the state of ritual impurity, you are covered against all acts without any kind of problem.

Now the Shaykh says something very interesting – he says that when our author said "it replaces water" or "it is replacing purification by water," what he is trying to suggest is that it replaces water in everything.

In terms of purification, [it replaces] water used for *wuḍūʾ*, *ghusl*, for lifting the state of *ḥadath*. We also said that we have to use water to remove *najāsah*, like *istinjāʾ*, or removing filth on your hand. Therefore, taking this linguistically, it is suggesting that you could actually get rid of *najāsah* from your hand using the dust, and that is what the Ḥanbalis are suggesting. "The area you are about to pray on, the clothes that have *najāsah* on them, and your skin that has got *najāsah* on it" – are they trying to say that *turāb* replaces water in all of these as well? If this is the case then it would be a big problem. Shaykh al-ʿUthaymīn says that clearly this is not what the author intended, so don't you understand anything like that by this either. It is only for lifting the state of *ḥadath*. However, in the Ḥanbali *madh-hab*, and this is the official *muʿtamad* Ḥanbali position, you can actually use or should actually use *tayammum* to clean the body from *najāsah*, not the floor and not the clothes, but the body itself. So if the body itself had some actual dirt on it, *tayammum* would cover for the dirt that you cannot get rid of yourself.

Let me just give you an example. You've got filth on you and you tried everything to get rid of it but you can't and it's still there. So basically what they are saying is that you would make *tayammum* and you would pray with the *najāsah* on your skin. And the act of this *tayammum* is purifying the so-called *najāsah* on your skin. That is basically what they are saying (the Ḥanbali *madh-hab*).

أي أنه يتيمَّم إذا عدم الماء للحَدَث الأصغر والأكبر، ويتيمَّم إذا كان على بَدَنِه نجاسة ولم يَقْدِرْ على إزالتها، ولا يتيمَّم إذا كان على ثَوبه أو بُقعَته نجاسة.

والصَّحيح: أنه لا يتيمَّم إلا عن الحَدَث فقط لما يلي:

1–أن هذا هو الذي وَرَد النَّص به.

2–أن طهارة الحَدَث عبادة، فإذا تعذَّر الماء تعبَّد لله بتعفير أفضل أعضائه بالتُّراب، وأما النَّجاسة، فشيء يُطْلَبُ التَّخلِّي منه،

Okay so what he basically says is this: according to the Ḥanbali school, you will use *tayammum* to lift the state of minor and major ritual impurity, and if there was impurity upon the body as well. You wouldn't use *tayammum* to purify your clothes and to purify the floor.

The correct position is that - as Shaykh al-'Uthaymīn says and it is the **position of this class** - that the *tayammum* only lifts the state of the ritual impurity. Nothing else. Why?

Because the *naṣ* has only referred to the *tayammum* to be used in this manner. All of our evidences from the Qur'ān and *Sunnah* only indicate that it is to be used to lift the ritual state of impurity.

He says that to purify ourselves from *ḥadath* is an act of worship and it is well-defined and established. We can't just kind of make it up as we go along.

And water is something which physically takes away the dirt. So how is it possible that you would actually make *tayammum* and the dirt is physically still there? Dirt is not a ritual state, it's a physical state. The *tayammum* cannot physically help you.

وعلى هذا: إن وَجَد الماء أزالها به، وإلا صلَّى على حَسَب حاله؛ لأنَّ طهارة التيمُّم لا تؤثِّر في إزالة النَّجاسة

He says if you had some dirt or any *najāsah* upon your skin, then you have to wash it off with water. If you don't have water, then you pray as you are with the *najāsah* upon your hands and you do not make *tayammum*. You do not make *tayammum* because the *tayammum* cannot affect this physical *najāsah* in any way.

It cannot affect it because the *najāsah* is still on your hand. Do you understand the point that he is making? We can now just talk and I definitely want to cover these first few because it is important to understand that this is, that *tayammum* is legislated for us when:

- The time of something obligatory has entered
- Something supererogatory becomes permitted

Both of these two positions are only relevant if what? Who can explain to me something interesting about these two?

Student: [inaudible]

Ustādh: Excellent. It is irrelevant to us because they are only relevant if you consider that the *tayammum* makes things permissible. It is not a lifter of a state of impurity. If you hold it to make things permissible, then these two conditions are then needed:

1. It has to be for the obligatory time and it has to have entered because it is for a *ḍarūrah*.
2. That the actual *Sunnah* thing that you want to do has to be permitted. It has to be permitted. The example would be *ṣalāh* in a prohibited time. So for example it has to be a time where it is a permissible time like after *Maghrib* for example as opposed to before *Maghrib* (after *ʿAṣr*), which is a prohibited time in general.

So I don't want to go into this now. It is a different chapter; it's a chapter of *ṣalāh* but I want to say to you that Shaykh al-ʿUthaymīn himself says that this is irrelevant for us because we do not consider *tayammum* to be *mūbīḥun*. We consider it to be *rāfiʿun al-ḥadath* because it lifts the state of ritual impurity. It does not matter, [whether it is for one or two].

What Shaykh al-ʿUthaymīn says is that once you have made *tayammum,* you do not have to wait for the time of something obligatory. You do not because 'I have made *tayammum*. There is no water and I will do everything that I need to do with my *tayammum* because I am in a state of *wuḍūʾ*. I do not have to wait for things to become permissible. I don't need to wait for *Sunnah*. I don't need to wait for obligatory times. I don't need to wait for entry, for exit, for any sort whatsoever'. Is that clear everybody?

Student: Why did they restrict... [inaudible]

Ustādh: Because if you think about what a *mūbīḥ* is. In essence, what is a *mūbīḥ*?

Student: Something that Allāh has made permissible... [inaudible]

Ustādh: Exactly, which is a *ḍarūrah*. A *mūbīḥ,* by definition, is allowing you to do something which is *ḥarām* and you can only do something which is *ḥarām* in a *ḍarūrah* and the *qāʿidah sharʿiyyah* with *ḍarūrah* is that only the minimum is allowed in order to get the minimum done.

This is a principle which applies across the *sharīʿah*. Whether it would be starving and eating pork. Whether it would be (according to the majority of scholars) making *wuḍūʾ* for *al-istiḥādhah* or the one who is irregularly bleeding and they are only allowed to do it for the prayer time and they have to do it again and again.

Student: But people take the opinion that it is... [inaudible]. Whilst water is present you have to use water to make *ṣalāh*. Do you take that position? [inaudible]

Ustādh: Okay so the question is: if we do then take it as *rāfiʿin liʾl-ḥadath* (that it lifts the state of ritual impurity), then why is it that when water is present, it loses its power?

And the reason for that is because there is no contradiction between the two. It is replacing water. It has the full power of water when it comes to lifting the state of impurity. The fact that when water is present, it loses its status, is not a reflection whether it is *rāfiʿin liʾl-ḥadath* or *mūbīḥ*. It's the fact that it is a replacement factor only. It's not connected to that argument of *mūbīḥ* or *rāfiʿin liʾl-ḥadath*.

Student: Yes, but if a person... [inaudible]

Ustādh: So a person has no water, he needs to make *wuḍūʾ* and so therefore he makes *tayammum*. He hasn't broken the *wuḍūʾ* and he hasn't gone to the toilet. How is it possible that suddenly his state of *ṭahārah* has suddenly gone when he didn't break it just because the water has come?

The question you ask is coming in about 3 or 4 weeks' time, much further down and it's a very important one and it is one of the famous issues that the *salaf* differed over. The *imāms* before them differed over this. But I just want you to know that this does not affect the discussion of whether it is *rāfiʿin liʾl-ḥadath* or not because whatever happens. The issue of whether the water appearing breaks your *wuḍūʾ* or not is an exceptional state anyway. It is a *musthathna*. It is something which is separate. It does not change the discussion of whether it is *mubih* or *rāfiʿin liʾl-ḥadath*. It is a different debate and a very important one.

This *ḥadīth* is *ḥadīth Bukhāri*, *ḥadīth* ʿImrān ibn Ḥusayn. When the water came, he told him to take this water and pour it over yourself. It is a direct proof. However, we are going to discuss this. A number of the *salaf* said that there is no evidence that a person - unless they've not broken their *wuḍūʾ* - can continue. Some of our own teachers are on this opinion as well.

To conclude these two points, Shaykh al-ʿUthaymīn says,

والصَّواب أنه رافع، فمتى تيمَّم في أيِّ وقتٍ صحَّ، وقد سبق بيانه

Basically and simply, the correct position is that *tayammum* lifts the state of ritual impurity completely. Thus whenever he makes *tayammum* in any single time of the day, it is correct, it is authentic, it is not invalidated, it is not restricted and every act of *ʿibādah* can be done using it until he himself breaks his *wuḍūʾ*, goes to the toilet for example etc., then he can make *tayammum* again.

We will start with the rest of the conditions next week.

Q & A

Q: Why does *tayammum* not lift (or remove) the *najis* state?

A: Common sense. First of all, the evidence is clear from the Qurʾān and *Sunnah*. The Prophet ﷺ only used *tayammum* to lift the ritual state of impurity i.e. *ḥadath.* Never is there any evidence to show that it lifted a physical state. Secondly, common sense shows that if you have some faeces upon you, the only thing that is going to clean that is to get rid of the faeces - it is not just to do *tayammum*, it will not affect the physical area. We do not believe that it can actually physically clean. Therefore it (*tayammum*) has no function in physically cleaning.

23. Chapter 10: The Chapter of Dry Ablution II

وهو بَدَلُ طَهارةِ الماءِ، إذا دَخَلَ وقتُ فريضةٍ أو أُبِيحَتْ نافلةٌ وعُدِمَ الماءُ أو زادَ على ثَمَنِه كثيرًا أو ثَمَنٍ يُعْجِزُه أو خافَ باستعمالِه أو طَلَبِه ضَرَرَ بَدَنِه أو رفيقِه أو حُرْمَتِه أو مالِه بِعَطَشٍ أو مَرَضٍ أو هَلاكٍ ونحوِه شُرِعَ التَّيَمُّمُ

There is an interesting translation point here. The phrase *shuriʿah al-tayammum* in Arabic is right at the end of the paragraph, and in English ("*tayammum* is legislated") we put it right at the beginning of the paragraph because it is very difficult to make sense. So it would be (in Arabic): "There is a replacement for purification by water when… and for that *tayammum* is legislated." In English, that wouldn't work because there would be that final comma then the statement and then you would have lost the flow. That is why in translation we often change it around. I am personally comfortable calling with that a translation.

You know translation itself has an art. There is an academic nature to it – not only translation but also transliteration, which is the way that you spell words. There is a new class being created around the Qurʾān and how to be able to develop *tadabbur*, i.e. in a technical fashion. Part of that class is on translation and understanding translations. Translation itself is a knowledge, and one of my closest friends has a very beneficial series on YouTube on this matter – his name is Abu Rumaysah, and it is called Qurʾān Translations. It is something which is very beneficial for you if you want to understand the art of translation of the Qurʾān, and if you want to get through the minefield of how many there are.

There are loads of translations. We all know about Abdullah Yusuf Ali - that's the original one. We all know about The Noble Qur'an; we call it the Saudi one. You would have heard that people call one Salafi, one Sufi – each one is given a title which is given according to how they understand the author to be, or how they understand how it's funded, etc. There is a very important agenda behind every single translation – everyone has a plan. When you start to study, what you will learn is that every translation of the Qur'ān is actually a *tafsīr* as well. The Qur'ān by itself, in its original nature, is not *tafsīr* – you read it, and if you understand Arabic, you are not making *tafsīr* of it – there are some words where you need to take an opinion to understand it, so you are mentally making a *tafsīr*. For example:

﴿صِرَاطَ الَّذِينَ أَنْعَمْتَ عَلَيْهِمْ﴾

When you read "the path of those that you are pleased with," you are mentally saying to yourself "Okay, later in the Qurʾān Allāh does tell us that those people are *al-siddiqīn*, *al-shuhadāʾ*, *al-ṣaliḥīn*, *al-anbiyāʾ*." So that is a little bit of *tafsīr*, but in principle, you are just doing a literal translation.

But [regarding] the art of the Qurʾānic translation, there are so many out there, and he will go through each one and give you the positive and negative points of each one. My personal favourite and one which he rates as well is the one which is the Oxford World Classic, which is by Professor Abdel Haleem. That is not free from issues; there are a number of issues with it and that is why it is good to study these kinds of topics properly.

Some translations are okay in the hands of the basic reader and others need to be protected from the basic reader because things are being read into it. You've got these two extremes - you have got the people who are kind of taking all kinds of notes and basically taking you down a garden path, and translating things in the way that they understanding with their own *ʿaqīdah*, their own *fiqh*, and their own *tafsīr* already being played and then only giving you a final word. So you get a very clean translation and you feel very comfortable with it because it is very easy to read, but you are not realizing that actually you have been played with the meaning of a word.

Then you have the other extreme, which is like The Noble Qurʾān, like the Saudi one (Mufti Muhammad Taqi ul-Din al-Hilali). That one is the exact opposite in that they are terrified to actually touch the text. So they will give you absolutely everything in brackets. So every word will be followed by huge brackets like full sentences in there and with maybe five different options and whatever. Which kills the reading experience but of course is a very safe one to read. You are allowed to make your own choice. You've got extensive footnotes which give *ḥadīth* references to each [of the] meanings. So they will have their own pros and cons. It's very important to understand that kind of thing and obviously part of this class is to understand how we're doing this translation.

We've mentioned Musa Furber before. He is a convert brother who studied Ḥanbali *fiqh* and Shāfiʿi *fiqh* and he is *māshāʾAllāh* qualified in that. He wrote this original translation and we use that to then do our own version. I found a few things that I changed and one or two mistakes. [There were] some other things which I found there was no point in me changing because it was actually really well translated. So it is important to understand that we are studying the Arabic, but the translation needs to be linked back to the Arabic as well. Otherwise, we wouldn't really be doing a proper study.

Anyway, so in the translation [it says]: *tayammum* is legislated as a replacement for purification by water when the time for something obligatory has entered. Something

which is above and beyond - you know I want to mention here as well, this word, supererogatory. That is a massive mouthful. Supererogatory.

Normally what do we say? We say voluntary. Would you agree? The word in Arabic is *nāfilah*. *Nafl*. You know the word *nafl* in Arabic. *Nafl* means something which is additional. Now here's the problem - *nafl* means something which is additional, something which is extra, and by its very nature it is not something which is obligatory. That is what the word *nafl* means. So *nāfilah* is this kind of thing.

However if you are looking at English, voluntary only means something which is not obligatory. Does that make sense? That's all it means and that's not what *nafl* means. *Nafl* is something which is from the chapter of *Sunan* (the rewarded acts). It is not from the voluntary acts. Does that make sense? It is from the rewarded acts. So we need an English word which basically says that it is optional, it is extra, but it is above and beyond the obligatory. And that actual English word exists and it is supererogatory.

Supererogatory does not mean voluntary. It means above and beyond obligatory. It is a very interesting word. It is the exact translation for the word *nāfilah* or *nafl* or *Sunnah*. It means above and beyond. So I just wanted to point it out to you.

So something supererogatory becomes permitted. Now, as I mentioned last week, these two points are only relevant if you follow the Ḥanbali position which is that *tayammum* is something which makes things permissible. Whereas what did we say? Who can remember what our class position was? What did we say are the two possibilities that *tayammum* could do?

Student: [inaudible]

Ustādh: Okay, so number one, it actually is *rāfiʿul-ḥadath*. It lifts the spiritual impurity from you. You are back in the game fully to do everything. Or it allows you to do an act specifically. So it is not actually making you pure but it is allowing you to do the act. Are they both the same? No, they are actually different because if the second one is the one in play, then that means that you couldn't then read Qurʾān with the *tayammum* that you were using to pray your prayer with. Simple as that, because it is per act.

What we said is the correct position, and the position of the majority is that when you make *tayammum,* it is a full replacement. It is a complete replacement. So once your *tayammum* is done, it's like you're in *wuḍūʾ*. You are actually in *wuḍūʾ*, so you can go and do whatever you wish as per normal. So these points (one and two) only really come into play if you are following the Ḥanbali position of it being something which makes something permissible. But we said it doesn't matter. So these two conditions do not apply. The time for something obligatory to have entered is not important. If we don't have water, we make *tayammum*. It doesn't matter if the time enters [or does] not enter. It does not matter if we are making one supererogatory action permissible or not.

So then, the next [point] is where we are now - number three. No water.

عَدِمَ الماء

'Adima'l-mā' means the complete absence of water.

هذا الشَّرط الثَّاني لِصِحَّة التَّيمُّم أن يكون غيرَ واجِدٍ للماء لا في بيته، ولا في رَحْلِه، إن كان مسافراً، ولا ما قَرُبَ منه.

It does not matter if he is a traveler or not - he does not find it in his house or he does not have it with him when he is travelling, and the time for prayer is now here. The time for prayer is running out.

First question you might ask is: what if time is still plenty? Do you go straight to *tayammum*? No, the answer is that you are always giving yourself that extra period of time to seek, but it is a judgement call. You are not going to be judged if you have fifteen minutes left and you could go for another five minutes and so you could maybe find water. You don't force yourself to go five minutes; it is a judgement call, and you don't think you are going to find water. You may have been looking for it or may have been waiting for it at home, then open the tap and you have been told it is coming, but it is not coming, so you would then do it. You would actually make use of it [*tayammum*]. It is actually the absence of water.

أو زاد على ثَمَنه كثيراً

Or the price of the water that you can get access to, has actually significantly increased. It has not just had an incremental increase, but significantly increased. What does Shaykh say?

أي: إذا وجد الماء بثمن زائد على ثمنه كثيراً عَدَل إلى التَّيمُّم، ولو كان معه آلاف الدَّراهم. وعلَّلوا: أن هذه الزِّيادة تجعله في حُكْم المعدوم.

Shaykh al-ʻUthaymīn ﷺ says that it does not matter if you have thousands of *dirhams* yourself; you could be rich and have lots of money with you as well. If the water is being exploited, and someone has got water and they are saying for example, how much more? Because he said it has been increased significantly, a lot. What is a lot? There is no *ḥadīth* and there is no *āyah* that tells us what a lot is. A lot is completely determined by the *ʻurf* and this is another part of *fiqh* where your culture takes place.

Let's have a go. What is the price of water bottle these days? Say a 1.5 litre bottle. About a pound. What do you think would be a significant increase? £5, and I think everyone can see that is crazy. Would you agree? £10 is ridiculous. £5 is stupid. What do you think about £2.50?

Student: [inaudible]

Ten, twenty pence, thirty pence here and there is nothing. £2.50 is one hundred and fifty percent increase. That is over double the price. What do you think about that?

Student: [inaudible]

That is the interesting point. There are two observations for me. When I said £5 everyone nodded. When I said £10 everyone nodded. When I said £2.50 everyone paused. There are few people who are mulling it over. You know when people start to mull things over, the *fiqh* of the issue is what our *ʻulamāʾ* say. When people start to 'um, um' that is then where you do not make a ruling, because while some people are not comfortable with the idea, they might feel comfortable paying that. They might have made it before. It is within the possibilities of actually being a price that one can pay. You might expect to go to London somewhere near Tower Bridge and it being sold for that much. You expect it. As you just heard, at a petrol station, you expect to pay something crazy like that. It is crazy, but not in the crazy, crazy, £5 crazy sense. I can't tell you what it should be.

The point is that you look at that and say, "I am being exploited big time." That is way above and beyond anything normal. I don't know, but we are talking £3, £4, £5 or something like that. Three or four times its price would be a problem. Now, Shaykh al-ʻUthaymīn ﷺ says that it does not matter how much you have got, because the money that you have is irrelevant. The price of it is so high is that is presence is like its absence. The fact it is there to be bought at such a high price, it is like it does not even exist, because I am not obliged to be paying such huge sum of money to buy water. Shaykh al-ʻUthaymīn says:

والصَّواب: أنه إذا كان واجداً لثمنه قادراً عليه وَجَبَ عليه أن يشتريه بأيِّ ثمن، والدَّليل على ذلك قوله تعالى: ﴿فَلَمْ تَجِدُوا مَاءً﴾

When Allāh ﷻ says "And if they are not able to find water..." Shaykh al-ʻUthaymīn says that if you are able to buy it, regardless of how much the cost is, then you must. This is Shaykh al-ʻUthaymīn's position: if you are able to buy it (meaning you have the money and you are wealthy enough), then you have to buy it.

فاشترط الله تعالى للتَّيمُّم عَدَم الماء، والماء هنا موجود، ولا ضرر عليه في شِرائه لِقُدْرَته عليه، وأمَّا كون ثمنه زائداً فهذا يرجع إلى العَرْض والطَّلب، أو أن بعض النَّاس ينتَهِز حاجَةَ الآخرين فيرفع الثَّمن.

What Shaykh al-ʻUthaymīn is basically saying is that obviously people are playing the market. They are doing what they are doing and that is their own problem, but if you have the ability to pay for that water regardless of how much is costs, then according to the *āyah* you have to buy it and have to use it. That is because you did not come under the category of:

﴿فَلَمْ تَجِدُوا مَاءً﴾

Meaning you did not find water. You did, you are just now saying you cannot find it. This is Shaykh al-ʻUthaymīn's position and this has always been his position. It is not my person personal position at all. My personal position is as the Ḥanbali position states - that if the money is high, then you are not obliged to be paying for this water.

﴿لا يكلف الله نفساً إلا وسعها﴾

I find it very difficult to actually justify a person having to pay over the odds for that water. It goes against the principles of our *sharīʻah* because there are actually many opportunities for us to do things by exerting ourselves. What is the limit we would say to this position? What about if they want £100, what if they want £200? Just because I have £200 in my pocket, should I spend it on water? I think there is no *ḍābit* on this position. It does not have a good parameter and a good control. However, the **class position** will remain as Shaykh al-ʻUthaymīn's position, which is that you should pay for it. But I want to put that footnote that I personally follow the Ḥanbali position in this matter and you have the choice to do so as well. The class position is the position of Shaykh ʻUthaymīn.

The next statement is: for one that cannot afford water.

أو ثَمَن يعجزه ، أي لا يَقْدر على بَذْلِه بحيث لا يكون معه ثَمنه، أو معه ثَمن ليس كاملاً، فَيُعتبر كالعَادِم للماء فيتيمَّم.

It is simple - the person cannot afford it. "It" is, for example, £1 but he only has 20p, or it is £20 and he only has £10. It does not matter what the price is - he cannot afford it, so what else is going to do?

He doesn't have to beg for it, for example. Now that's actually quite an interesting point. If you agree that he doesn't have to beg or ask other people for the money, then you yourself are actually answering the question as well. In *fiqh* you have two types of obligatory actions - one which is an obligation in and of itself and then the other, which is an obligation for you to do even if you are unable to do that obligation. Meaning you have to do the things to actually achieve that obligation.

Ḥajj is a classic example. It's one of the pillars of Islām and it's a massive obligation, however if you don't have the money, then it is not obligatory. So the question is asked: is it obligatory for you to go and earn that money? So go and work double shifts, for example, and you know you can do it. You work 35 hours but what if you work 70 hours for the next six months and then you could do *Ḥajj*. It that obligatory? The answer is no and there is a consensus on that. It's a very unique point of *fiqh*. It is not obligatory for you to have to earn the money to go to *Ḥajj*. If you went and worked 70 hours because you wanted to go to *Hajj*, that's excellent and you would be rewarded for it. It's a good thing to do and it's a great act of worship, but the question is: are you obligated to work triple hard or are you obligated to have to save? The answer is no, you don't have to put yourself through hardship.

That's one type of obligation. There are other types of obligations where you have to do every single thing to achieve it. So take the prayer for example. If you have no *wuḍū'*, you have to go and make *wuḍū'*. If you don't have water for *wuḍū'*, you have to go and make *tayammum*. Meaning that the obligation has to absolutely be achieved. You can't say that you don't have water and therefore you're not going to pray. You have to go and find something that will allow you to purify yourself, i.e. *turāb*. It's important to be able to understand this difference in category.

This is another example here. A person is not able to make *wuḍū'* - is he obliged to go beg for the money to pay for it because he doesn't have enough? The answer is no, just straight to *tayammum*.

The next point is:

أَوْ خَافَ باسْتِعْمَالِهِ أو طَلَبِهِ ضَرَرَ بَدَنِهِ

Or one fears that by using it or searching for it, it is a harm to himself.

فإذا تضرَّر بَدَنُه باستعماله الماءَ صار مريضاً

For example, if this person has an eczema condition or another kind of sensitivity or maybe he has significant wound, and he will be harmed by using the water, then Allāh ﷻ says in the verse of *tayammum*:

﴿وَإِنْ كُنْتُمْ مَرْضَى أَوْ عَلَى سَفَرٍ ۝٦﴾

"But if you are ill or on a journey…" [*Sūrat'l-Mā'idah*, 5:6]

Already you can see that the concession has been given; if you have a problem, you have the solution here.

كما لو كان في أعضاء وُضُوئه قُروح، أو في بَدَنِه كُلِّه عند الغُسْل قُروح وخاف ضَرَر بَدَنِه فله أن يتيمَّم

So for example, on his limbs he has some wounds. Or he needs to make *ghusl* and the wounds are on his body, so he can't pour water on himself. He doesn't have to make *ghusl*. *Tayammum* is there to protect his body.

وكذا لو خاف البرْد

Likewise, [consider] a scenario where the water has gone cold. What I mean by this is not that it has gone cold in a hot environment but rather the water has gone cold and it is cold and you're genuinely concerned that you will catch pneumonia or you'll weaken your immune system. So what he'll do if he is afraid of the cold is heat the water.

What he will do if he is afraid of the cold is heat the water. If he is unable to find something with which to heat the water (i.e. he has the water, but can't find something to heat it), Allāh ﷻ has given him a way out. If he has the water but can't

heat it because he hasn't got gas or electricity, is he forced to use this water? Allāh ﷻ says:

﴿وَلَا تَقْتُلُوا أَنفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ٢٩﴾ [النساء: 29]

"Do not kill yourselves. Indeed, Allāh is Most Merciful with you."

This doesn't refer fighting in a battle or whatever. This is the *āyah* which covers a number of Islamic rulings. Here, we're using it for *tayammum* in the issue of cold water, if you're going to get ill. Likewise in the issue of starving yourself and waiting for something *ḥalāl* to come along when you are starving, then you're allowed to eat something *ḥarām* of a minimal quantity. Likewise for example, smoking. Smoking comes under this *āyah* as well, because we know that smoking - according to the majority position, certainly - actually physically takes away and reduces from your life quality, in terms of the lung problems it causes, as well as the other impacts that it has.

ʿAmr ibn al ʿĀṣ, the Companion, used this very āyah when he had cold water and was in cold conditions, and he made *tayammum*.[1] When they asked him what he was doing, he recited this *āyah*. It's very important for us because we're now seeing direct *tafsīr* of a verse by the Companions themselves. Remember, when we try to understand the meaning of the Qurʾān, we have a checklist. It starts off with:

Does Allāh ﷻ explain it somewhere in the Qurʾān in a different place? That's what we go to first. For example:

﴿صِرَاطَ الَّذِينَ أَنْعَمْتَ عَلَيْهِمْ﴾

"Those with whom Allāh ﷻ is pleased," and Allāh has told us in *Sūrat'l-Nisāʾ* who those people are.

If the āyah is not explained by Allāh, we find a *ḥadīth* of the Prophet ﷺ, in which he explains the meaning.

If there's no *ḥadīth*, then we go to the Companions and see what they say, and this is a classic example of this. We see this āyah which could mean so many different things, but the Companions have used it in the context of cold water.

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[1] *Sunan Abi Dawūd, Book of Purification, Chapter: When the Junub person is afraid of suffering from the cold, does he perform Tayammum, hadīth no. 334. This ḥadīth was graded as authentic by 'Allāmah al-Albāni.*

Clearly, you're not always going to die of using cold water, but it may cause you a lot of hassle, or make you ill, and there could be the possibility of dying or getting some kind of infection, etc. and this is a very interesting benefit. It doesn't have to mean that I'm definitely killing myself, because that's not definitely going to happen. So if by using it, there's harm to himself, [then do *tayammum* instead].

He also says "*ṭalabihi*" (in searching for the water). Either there's harm to himself because he uses it, and we've already said because the water is too cold, or he has some wounds, etc. Now we [will be discussing] searching for it. This could be the 'far away' example. You know that you can find water, but it's going to take you 10 miles to go and get it, and you're going to become ill. Or for example, it's very cold outside, or there's a storm, etc. - any kind of scenario where you reaching the water is going to cause harm is something which allows you to make *tayammum*. The evidence for all of this is the statement of Allāh ﷻ:

﴿وَلَا تَقْتُلُوا أَنفُسَكُمْ ٢٩﴾ [النساء: 29]

He also says:

﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ ١٩٥﴾ [البقرة: 195]

"And do not throw yourselves into destruction with your own hands."

Again, basically don't kill yourselves. Allāh ﷻ has also said:

﴿وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ ٧٨﴾ [الحج: 78]

"He did not place for you in this religion anything from difficulty."

The difficulty, as Shaykh 'Uthaymīn says:

وخَوْفُ الضَّرر حَرَجٌ

To actually be afraid of some kind of harm to you is a *ḥaraj* (a kind of difficulty). That is how he technically, Islamically defined 'difficulty'. Also, in the famous *ḥadīth* narrated by Imām Aḥmad and Ibn Mājah and so many other scholars which are *in shāʾ Allāh* authentic, the Prophet ﷺ said:

«لا ضَرَرَ، ولا ضِرَار»

This is the famous *ḥadīth* which you will have read in *Arbaʿīna'l-Nawawiyyah*.[2] There is no harm, and there is no reciprocation of harm. You're not allowed to go and harm people, or do something which would allow harm to be reciprocated back to them. So that's neither causing it nor being the cause of it. That's with respect to himself.

The next issue is harm to his Companions. *Rafīq* means the Companions. It means 'friend' as well, but generally when the word *rafīq* is used, it is a term of endearment but it is technically someone who is with you, mostly in a traveling scenario, where they're restricted with you, they're literally stuck with you. That's mostly in traveling. If you only have a small amount of water, which is actually meant to be his/her drinking water, you could technically make *wuḍūʾ* with it yourself. But by doing so, you will leave a tiny or no amount of water left for him/her to drink, then you're actually causing harm to him/her, and therefore you are allowed to make *tayammum* and leave the drinking water for your companion.

Also Shaykh al-ʿUthaymīn رحمه الله mentions an interesting point. He says in the Ḥanbali *madh-hab* that they said the word *rafiq* which means 'companion', and that is a word which is very general.

This means that it doesn't specify whether it is Muslim or non-Muslim. The idea here is that it is permissible for you to go and make *tayammum* if the companion is not a Muslim. But Shaykh al-ʿUthaymīn make an interesting point.

He says there is a condition, and that is that the non-Muslim is a *maʿṣūm*. *Maʿṣūm* means innocent, like how we use it in Urdu. And *maʿṣūm* also in Arabic means innocent. Actually its technical translation-- does anybody know what it means? 'Sinless' is what I would call a consequential kind of meaning. What does it [technically] mean when someone is *maʿṣūm*?

Student: Protection

Ustādh: Protection, correct. It is important to understand how we get to why the Prophet ﷺ was sinless. He is sinless because he's protected. It's not because the word means sinless. Does that make sense? So this is what I was trying to say. *Maʿṣūm* therefore means someone who is protected. The child is innocent, not because the word *maʿṣūm* means innocent, but they are protected because their children, and they do not have the ability to think.

[2] *Sunan Ibn Mājah, The Book of Purification and its Sunnah, hadīth no. 638.*

Likewise, the Prophet ﷺ has been forgiven. He's protected from sinning. It is not that he is sinless; it is not that he doesn't do things. He does everything for the sake of Islam. He is always looking for the best possible option. So he is *maʿṣūm*.
So when you say that the non-Muslim is *maʿṣūm*, here you are using the linguistic meaning of *maʿṣūm*. That's why I thought I would explain that.

Who is the non-Muslim who is protected? Shaykh al-ʿUthaymīn say that is the *dhimmi*, the *muʿāhad*, and the *mustaʾmin*.

So these are the very technically political terms. I can try and translate them.
The *dhimmi* is the one who pays tax protection. He pays tax as Allāh says in the Qurʾān, so therefore he becomes like a citizen of the state and he's protected.

The *muʿāhad* is someone who has a *ʿahd* between you, like a treaty. So maybe there is a war and you establish some kind of security and some kind of agreement, and so you are in a state of treaty.

The *mustaʾmin* is someone who is basically safe. He has been given *aman*. He came to you and he sought safety and he was granted. This is the modern day visa in my opinion and the opinion and a number of scholars. The *mustaʾmin* is anyone who goes into a Muslim country with a visa, because of either the permission to be there officially. What else does that mean? It means that I am here legitimately and I expect protection, I expect my rights, and so on and so forth.

So these are the categories and all of the three categories are those of the non-Muslim who is basically protected. Their blood is protected. Obviously in a non-Muslim country, it is not applicable as well, because we are the protected ones and they are the *aṣl*. That is also an important point. It can be someone who is at war with you. It can be someone who is *ḥarb*.

أو حرمته

This is funny. You're allowed to make *tayammum* if you fear any harm to your *ḥurmah* and those of the people that you're responsible for. We're talking about your wife, or any other woman that you are responsible for. These all come under that category.

أو مالِه

His wealth. How does wealth come into it? He has water and the animals themselves need water. If he uses the water, for his *wuḍūʾ* and animals would die, it would be a

financial loss. Therefore it would be permissible for him not to use water for his cows, goats and sheep to drink that water and he makes *tayammum* with the remainder.

24. Chapter 10: The Chapter of Dry Ablution III

بابُ التَّيَمُّمِ

وهُو بَدَلُ طهارَةِ الماءِ

إذا دخلَ وقتُ فريضةٍ أو أُبيحَت نافلةٌ

وعَدِمَ الماء أو زادَ على ثَمَنه كثيراً، أو ثَمَنٍ يُعْجِزُهُ، أَوْ خَافَ باسْتِعْمَالِهِ أو طَلَبِهِ ضَرَرَ بَدَنِهِ

أو رفيقه، أو حرمته، أو مالِه بعطش، أَوْ مَرَضٍ، أو هلاكٍ، ونَحْوه

شُرِعَ التَّيمُّمُ، ومَنْ وَجَدَ مَاءً يَكْفي بعضَ طُهرِه تيمَّم بعد اسْتِعمالِه

وَمَنْ جُرِحَ تَيَمَّمَ

[This is] the chapter of *tayammum* (dry ablution). *Tayammum* is legislated as a replacement for purification by water when the following conditions have been achieved.

1. The time for something obligatory has ended
2. Something supererogatory becomes permitted
3. When there is no water
4. If the price of water has significantly increased
5. One cannot afford water
6. One fears by using that water or searching for it that
   a) there is harm to themselves
   b) harm to companions
   c) harm to those in his care
   d) harm to his wealth.

That harm could be either by sickness or by any other destruction.

First of all, what did we say? That purification by water or *wuḍū'* or *ghusl* is the *aṣl*. That is the position that we use as Muslims to purify ourselves. But if we can't do that for some reason i.e. lack of water or some kind of problem, then we will replace it. This replacement is called *tayammum*. It is a complete and utter replacement.

According to the Ḥanbalis, it is permitted five times, when 5 things happen.

The first two I have explained before and will not explain again. They are specific only to the Ḥanbali *madh-hab*. They are not the class position, i.e. when the time for something obligated has ended or is something that is *nafl* or supererogatory, it itself becomes permitted.

These two are technical statements that only the Ḥanbali *madh-hab* quote. But we consider as the majority view that *tayammum* itself is a complete replacement for the purification. But if you don't hold that opinion or if you don't believe that *tayammum* itself will purify you but instead only allows an act of *ʿibādah* (so you only believe that *tayammum* is the key that allows you to pray or is the key that allows you to read the Qurʾān like the Ḥanbalis believe), then you have to have the first two conditions:

- You can only make *tayammum* when the obligatory time has passed.
- You can only make *tayammum* when something that is a *nafl* action is allowed.

But because we don't hold that opinion and we don't consider it to be a *mubīḥ*, which is what it is technically phrased, we consider it as *rafʿ al-ḥadath*. *Tayammum* is exactly like water. You don't have water, and when you have *tayammum*, it lifts the state of ritual impurity from you. You become pure.

For the ones who do *tayammum*, you can do everything. You get up and do *tayammum* every time. You can make your *tayammum* in the morning, and then you can do any *wuḍūʾ*. You can do your *Fajr*, you can do your *Ẓuhr*, you can do your Qurʾān. You can go to work, come back. There is no need for you to do anything that is additional. So number one and two are taken out of the equation.

So the third condition is that there is no water.

Number four is: if the price of water has gone up significantly. The word "significantly" refers to something that is down to quota, what other people believe is to increase.

Like if you had 30 or 40 cents or £.50, a pound, a dollar. This is not a massive increase. But if it is twice the price or three times the price, or five times the price, that is not typical. Shaykh al-ʿUthaymīn actually considered that this is not acceptable. This means that even if it has gone up in price and you have the money, you have to pay for it. If you have $10 in your pocket, and the bottle is $10, you have to spend $10 on the water.

I said in my position that that's not the case. This money is not to be spent on something where the value is not representative of the water. Whereas if the water is just 50 cents normally, then that's all that it should be worth. And Shaykh al-ʿUthaymīn's position is what it is. And that is the difference between the main scholars, and this is a well-known discussion.

The sixth is: one cannot afford water, and this does not have anything to do with the price of water. One not being able to afford water is quite different from the price of water being expensive. A bottle could be 50 cents, but you have no money, you only have 10 cents left. You don't have enough food, and you're not going to spend all of that money on water, so there is a difference there. So that is the point.

The next point is: if, by the use of water, you are going to face any kind of harm. Now, we are going to cover [the concept of] harm in this lesson. What is the actual definition of harm? The author first talks about who the harm should occur to, and then he talks about what the harm should do.

He talks about harm from using it, or harm to the body or group that you are in, like your companions or those who are under your responsibility like your family or your wife.

Last week, I told you what harm to wealth is. A classic scenario would be a flock of animals, and they have water and you don't have water [with which] to make *wuḍūʾ*. By taking their water, they will then not be able to drink water, and they would either starve or get sick.

Likewise, your crops. For example, it is a very dry period of time, and they need some water that you have for them. If you make *wuḍūʾ*, the crop is destroyed, the livestock is destroyed, and the flock is destroyed. This is not in line with the *sharīʿah* or the objectives of *sharīʿah*. Here you would not use the water. You would leave the water for the plants or for the animals, protect your wealth, your investments, and you make *tayammum*. That is when there is a physical harm.

Another harm could be when you are searching for the water. That's why he says 'when one fears by using it or searching for it.'

As for searching, maybe you have to go very far to find it or you might have to take a risk, like it is very dangerous outside, like a war zone for example. We think there are all kinds of possible options and all are on the table. One does not have to put oneself in harm's way in order to get it.

Let's finish off this particular chapter. We have arrived at the statement that is on 280, that is:

أو مالِه بعطش، أَوْ مَرَضٍ، أو هلاكٍ،

ʿAṭash is thirst and *ʿāṭish* is someone who is thirsty. *Maraḍ* is sickness. *Halāk* is a word that has been thrown in to cover destruction. *Halāk* is something getting messed up. The thirst is straightforward, and this is the most important because culturally and especially as Paks, when we think about the reason why we are going to use water,

we probably think that you would have to die first before you are allowed to make *tayammum*.

Whereas the statement *ʿaṭash* means just thirst. You're thirsty all the time during Ramaḍān. You make it out to the end of the day. When we think thirsty, we think discomfort due to lack of water. Obviously, there has to be some personal responsibility when it comes to any ruling like this for a person not to be using the water that they have got and saving it for their drink and making *tayammum*. There has got to be some personal responsibility when it comes to having a ruling like this. You cannot just say: I'll just have this water and cover my thirst for a little while and just make *tayammum* for fun. Do not take liberties. The *sharīʿah* is being flexible but it is not there for you to play it like a game. That is something that which is important.

That applies to all the aforementioned categories - yourself, your *ḥurmah*, your *rafīq*, and your *māl* (wealth).

And *maraḍ* is a large word - it could be skin conditions, for example. This is the obvious area where if you were to use water, you would get harmed. [Think of] an open wound that you have not been able to get covered, or the bandage is water-sensitive. If it is not waterproof and it would become soggy, that is going to be under the doctor's advice. Also *maraḍ* will stretch to more than just a physical wound; it will also stretch to physical ability as well. For example, if a person is paralysed, they cannot reach down to wash their feet at all, they cannot move freely and lift up their hands, it is very difficult, and they do not have someone to make *wuḍūʾ* for them. Remember, if there is someone else to make *wuḍūʾ* for them, then they have to make *wuḍūʾ* e.g. wash their face for them and all of their parts for them with the water. If they cannot and there is no one there, then we can prepare for them some dirt or dust and that will come later in the chapter and they will do it themselves.

Harm or *maraḍ* does not just mean your physical skin, hole, wound, cut, or gash; it could mean some other physical problem that the person is going through.

أو هَلاكٍ ، كما لو خاف أن يموت من العَطَش

The other [forms of] destruction can be of any type. Here, Shaykh al-ʿUthaymīn gives the example of someone dying of thirst. It can be any other thing that you fear

ونَحْوه ، أي: من أنواع الضَّرر.

فالضَّابط أن يُقال: الشَّرط الثاني: تعذُّر استعمال الماء، إما لِفَقْده، أو للتَّضرُّر باستعماله أو طَلَبِه،

وهذا أعمُّ وأوضَحُ من عبارة المؤلِّفِ.

Basically Shaykh al-ʻUthaymīn says that he can summarise this whole second condition of making *tayammum*: we can say [that one should do *tayammum*] when it is impossible to use water. The first condition would be the absence of water, and the second would be that it's impossible to use present water. What would this be?

الشَّرط الثاني: تعذُّر استعمال الماء

The second condition is that it is impossible to use water either because one cannot find it or because of harm that would be caused by using it or looking for it. Thus, the second position to not use water (to do *tayammum*) is that if there will be some kind of problem whilst using it or searching for it…

شُرع التَّيمُّمُ

Tayammum would then be legislated.

I want to mention something here about this word here (*shuriʻa*). I mentioned this in last weeks' lesson about the order of translation. In the Arabic, *shuriʻa'l-tayammum* has been put right at the end in the Arabic, but we put it right at the beginning in English because of the flow of the translation. Shaykh al-ʻUthaymīn wants to make a point, he says,

شُرِع: جواب «إذا» في قوله: إذا دخل، وإذا تأخَّر الجواب، وطال الشَّرْط بالمعطوفات عليه، فعِنْد البَلاغيين ينبغي إعادة العامِل ليتَّضِح المعنى، لكنَّه لو أعاد الشَّرطَ هنا لعَادَ الأمْرُ كما هو؛ لأنَّ هذه الأمور كلها تابعة للشَّرط.

What Shaykh al-ʻUthaymīn says here is one of real reasons why we changed the order. Basically, Shaykh al-ʻUthaymīn says that when you start talking about a subject and there are so many conditions and so much detail in-between in the actual statement that you want to make (i.e. the '*tayammum* is legislated' comes right at the very end of the paragraph), he says that it is becoming of the author to repeat the actual thing itself (*tayammum* itself), almost to remind ourselves of what we are actually talking about.

The chapter was the chapter of *tayammum*, so your mind is already [thinking] about *tayammum.* Then he said instead of him saying 'it is this, it is this, it is this, etc.,' then instead of saying 'it' is legislated, he says,

شُرع التَّيمُّمُ

'Tayammum is legislated.' That is matter of *balāghah* - Arabic rhetoric, the style of using the Arabic language in its many, many beautiful points, to make a point more better, more beautiful, more articulate, more eloquent, more expressive, etc. – this entire art is called *balāghah*. It is from the *balāghah* of the English language that we do not translate it linguistically exactly like the Arabic. We said *tayammum* is legislated at the beginning and then listed down [the conditions].

I just wanted to make that point and Shaykh al-'Uthaymīn also comments upon that.

قوله: وله: شُرِع، أي: وجب لما تجب له الطَّهارة بالماء كالصَّلاة

Again, he is saying it is something which is legislated fully and properly in the religion. It not something which is a cheap kind of *fatwa;* this is a proper Qurʾānic principle, it is part of our law, and it is done and dusted.

Student: Is *tayammum* legislated if water is available but by the time you have reached that water the time for *ṣalāh* would have ended?

Ustādh: So [I'll mention] two points. The [answer to the] first question is actually coming later and in detail. The answer is yes; this is basically the exact definition of 'lack of water'. The [possibility] of finding of water (in the future) would mean there is no such thing as 'lack of water' then, because you could search for it for the next one month – and eventually you will find water. 'Lack of water' has to have a definable kind of parameter and that is that I cannot be searching for water for the rest of my life; it has got to be for this current and present prayer time. That would be included. Those are the two points.

Student: [inaudible]

Ustādh: That is what is coming right now. The question is that if you have got enough water to do everything the whole *wuḍūʾ* [requires] and when you get down to the feet you do not have enough water, what happens? That is the next two sentences.

In the next Arabic paragraph, the *mu'allif* Imām al-Ḥajjāwi رحمه الله says

وَمَنْ وَجَدَ مَاءً يَكْفي بعضَ طُهرِه تيمَّم بعد اسْتِعمالِه، وَمَنْ جُرِحَ تَيَمَّمَ لَهُ وَغَسَلَ البَاقي ويَجبُ طلبُ الماءِ في رَحْلِه، وقُرْبِه، وبِدلالةٍ،

So the rough translation of this would be, 'Whoever finds water that is sufficient for part of his purification then makes *tayammum* after using it'. Don't make this your complete sets of notes, because I am not releasing this particular set. Next week you will have the proper set.

'Whoever finds water that is sufficient for part of his purification then makes *tayammum* after using it', for the rest of the body parts basically.

'Whoever has a wound makes *tayammum* for it and washes the remaining. It is required for him to seek water from his travelling companions, the local area and using indicators'.

Let's look at what is going on. Now we are in this scenario where

وَمَنْ وَجَدَ مَاءً يَكْفِي بعضَ طُهرِه تيمَّم بعد اسْتِعمالِه

Whoever has enough water (*yakfīy*, *kafīy*, enough) for *baʿḍ* (some or part of) their *ṭuhr* (their purification)-- so the reason why the word *ṭuhr* has been used is because it will encompass *wuḍūʾ* and *ghusl*. It is not only saying *baʿḍa wuḍūʾihi* or *baʿḍa ghuslihi*; he could have said both, but he actually said *ṭuhr* to encompass the entire chapter. *Ṭuhr* means purification, so that means his *mustaḥabb wuḍūʾ*, his obligatory *wuḍūʾ*, etc.

Mustaḥabb wuḍūʾ means that he already has *wuḍūʾ* and he wants to do it again and we covered that before. The obligatory *wuḍūʾ* is that he has broken *wuḍūʾ* for whatever reason and has to make *wuḍūʾ*. And you have *ghusl* which could be *mustaḥabb,* or you have a *ghusl* which could be for a reason (like for *jumuʿah* and that is not necessarily obligatory which we will come to later), and then you have *ghusl* which is absolutely obligatory like from *janābah*.

The word *ṭuhr* applies to all of them; it is easy and you don't need to get into complicated discussions [distinguishing between the different types when you use the word *ṭuhr*]. So the point is that if you have water, according to the Ḥanbali *madh-hab,* do part of your washing - whatever that washing is - then you make up the rest with *tayammum*.

Let's look at this claim. Shaykh al-ʿUthaymīn رحمه الله says that the biggest point the *muʾallif* has made in this statement is the concept that one can combine between the two forms of purification and that is a big claim. Why is it a big claim and why is that a controversial claim? Because one is meant to be an *aṣl* and the other one is meant to be a replacement. You know when you think about it, a replacement means you do something in the absence of the first, so if you are doing the replacement along with the first, how is it a replacement? Does that make sense? So that is the controversy around the concept. Can you use both at the same time?

Let's have a look at this.

مثاله: عنده ماء يكفي لغَسْل الوَجْه واليدين فقط؛

Shaykh al-ʻUthaymīn ﷺ says for example that there is a guy making *wuḍūʾ* and he has enough water to wash his face and his hands, meaning his arms.

فيجب أن يستعمل الماء أولاً؛

So he has to use the water first. He will wash his hands, wash his nose maybe, wash his face and wash his arms. So what is left? The wiping of the head and washing of the feet.

فيغسِل وجهه ويديه، ثم يتيمَّم لما بَقِيَ من أعضائه

So he will wash all of this and then he will make *tayammum* for the rest. He will make *tayammum* for the rest.

وسبب تقديم استعمال الماء،

Why would you use the water first? This brings its own problems, of course, because your hands are now wet and we will come to this point being an issue. The reason you would use the water first to do that is because:

ليَصْدُق عليه أنه عَادِمٌ للماء، إذا استعمله قبل التَّيمُّم.

He says the reason you do it is to actually make it confirmed that you genuinely don't have water. Otherwise you have water, don't you? If you don't use the water, then you have water.

How do you know what is enough and what is not enough? According to the Ḥanbalis, you would have to use the water and now the water runs out and you now are still hanging. So now you would basically need to the rest with the genuine lack of water. That is the reason why it is done in this manner. What is the evidences for this? The evidences is:

1- قوله تعالى: ﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ ...﴾

"So fear Allah as much as you are able..." [*Sūrat'l-Taghābun,* 64:16]

1) The statement of Allah ﷻ in *Sūrat'l-Taghābun*, verse 16: "Fear Allah as much as you can." What did you do? You had water, made *wuḍū'*, and the water ran out. What else am I meant to do? Okay, I am going to make *tayammum*. That would be the application of the verse:

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

And the second evidence for doing this (i.e. for using *tayammum* after the water has run out) is the statement of the Prophet ﷺ:

2- «إذا أَمَرْتُكُمْ بأَمْرٍ فأْتوا منه ما اسْتَطَعْتُمْ»

This famous *ḥadīth* is in *Bukhāri* and *Muslim.* "If I command you to do something, then do as much as you can of it,"[1] or linguistically translated as: "...then do it as much as you can." I don't know if there is a difference.

Student: [inaudible]

Ustādh: 'Do as much as you can' also fits in to what you said, which is that 'do it as much as you can' could actually mean do it 100% and do it again and again and again. It does still mean that. Do it as much as you can.

It does not negate the fact that you could do it all and do it again and again and again, but you get tired after five times. Do it as much as you can. I think both translations are wrong.

Student: [inaudible]

Ustādh: Okay, let me do it again. So the Arabic, I will translate it bit-by-bit linguistically.

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[1] *Ṣaḥīḥ al-Bukhāri, Chapter of Holding fast to the Qur'ān and Sunnah, Chapter: Following the Sunnah of the Prophet, ḥadīth no. 7288. Also narrated by Imām Muslim with slightly different wording in the Book of Ḥajj, Chapter of Ḥajj is obligatory once in a lifetime, ḥadīth no.1337.*

إذا أَمَرْتُكُمْ

If I command you

بأَمْرٍ

concerning an issue

فأْتوا

come with it/bring it

منه ما اسْتَطَعْتُمْ

from it as much as you can.

That is the linguistic translation, and of course it does not work like that. So if I command you to do something, then come to me with as much as you can of it.

Student: [inaudible]

Ustādh: No not at all. That is a really good question. The question is: does the *ḥadīth* itself give the option of being both? I am so clear in my mind that this *ḥadīth* is like a *fatwa* position, it is a *ḍarūrah* position, and one is not meant to be a normative, repetitive scenario. This is the kind of *ḥadīth* that you use in a one off scenario. Complete of it whatever you can.

If I command you to do something, do whatever of it you can.

This is the *ḥadīth* narrated by al-Bukhāri in *Kitāb'l-I'tiṣām*. Very interesting where Bukhāri has put this *ḥadīth* - the *ḥadīth* of Clinging onto the Sunnah, *Bāb al-Iqtada bi Sunnani RasūlAllah* ﷺ, *ḥadīth* number 7288. Whereas in *Muslim* he put it in the Kitāb of Hajj, Bāb Farḍu al Hajj Marrat fi'l 'Amr, he put it in the Book of Hajj the Chapter of Doing the Ḥajj at least once in one's lifetime.

Shaykh al-'Uthaymīn continues, and he says:

فنحن مأمورون بغَسْل الأعضاء

We have been commanded to wash the limbs. We have washed our faces and we have washed our hands and the water has run out, so we fear Allah with respect to this action and we make *tayammum* for the remaining two obligations: the *mas-ḥ* of the *rā's* (the wiping of the head) and the washing of the feet, that *tayammum* is entirely the *taqwa* of Allah. That is the actual definition of the verse. That is what Shaykh al-ʿUthaymīn says, the *tayammum* that you do that is the *taqwa* of Allah and it covers those two actions.

To clarify, *tayammum* does not mean that you then wipe that area with dust. For example, if it was a gaping cut on your elbow, and you know *tayammum* is just striking and just the hands of the face, they might think that my water is not going to go here, then it is the wiping here – but that is not the case. When I say *tayammum* covers the rest of the actions, it is just the act itself which covers the wiping and the washing of the feet.

The Ḥanbali position: your water runs out then you make up the rest of the actions with *tayammum*.

Shaykh al-ʿUthaymīn says that some of the scholars said:

لا يجمع بين طهارة الماء وطهارة التَّيمُّم

There is no combining between the purification using water and purification using *tayammum*; you cannot combine between the two. In fact he says,

بل إذا كان الماء يكفي لِنِصْفِ الأعضاء فأكثر فإنه يستعمل بلا تيمُّم، وإذا كان يكفي لأقلَّ من النِّصف، فلا يستعمل الماء بل يتيمَّم فقط

Interesting, strange statement that either (a) the water is going to be sufficient for more than half of the limbs that you need to wash. If the water you have is enough for more than half of the limbs, you use it and the rest is then covered. That is it. Or the second scenario, (b) the water that you have is only enough for less than half of the limbs. Let us try and divide it up; what do we need to do? Wash our hands, (forget the mouth and nose), wash the face, two arms, head nothing really, and then the feet. Let us say we have enough water for the face, and arms. I would say that was more than half. In this case, you would not do anything. This is

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

This is,

فأْتوا منه

Meaning "do of it whatever you can." This is what we did. We did of it whatever we could. Basically, we used all the water as much as possible with nothing else left, and that is the *taqwa* of Allah - I took it to its last drop.

That is why Shaykh al-ʻUthaymīn made a really big point in the last point, saying that *tayammum* is the taqwa of Allah. Now the *taqwa* of Allah would be the fact that you despaired that the water did not finish off the rest of the limbs but there did not need to be anything else further done – that is the *taqwa* of Allah.

In the second part he says, let us say the water is less, and the water only washes the hands and the face. You then have the arms left, the head, and the feet - this is obviously not enough. To be honest, that water would need to be a tiny amount of water. If you have this tiny amount, you do not even start the *wuḍūʾ*. It is not even half way, so you make *tayammum*.

He says,

وعلَّلوا ذلك بأنَّ الجَمْع بين الطَّهارتين جَمْعٌ بين البدل والمبدل، وهذا لا يَصِحُّ لأنَّه من باب التَّضَادِّ

Why did this opinion even come into fruition? Because it is the combination of the *aṣl* and the replacement. How can you have a combination of something which is meant to be replacing the original? [In that case], it is no longer called a replacement. So this is a contradiction; it is like a paradox, therefore does not make any sense. He also said that another reason that they gave or another ʻ*illah* for the action:

وعلَّلوا أيضاً: بأن القاعدة العامة في الشَّريعة تغليب جانب الأكثر

That the basic principle in *sharīʻah* is that we always give precedence to the majority - that which can get most of the job done. If the limbs that can be washed are more than what is not washed, then there is no need for *tayammum*. This is the principle of *sharīʻah*. If it is the opposite, then *tayammum* has to come into it. He says the

scholars responded to this argument, and this is the first group responding to the second group.

ورُدَّ هذا: بأن التيمم هنا عن الأعضاء التي لم تُغْسَل، وليس عن الأعضاء المغسولة

They said that, the problem that you have is that you are seeing it the wrong way. You are seeing the purification as one entire part, and we (the scholars) are not. We are seeing that the washed limbs are their own purification and that the unwashed limb is its own purification. *Tayammum* is being used on behalf of the unwashed limbs; it is not actually the combination of two purifications in act of worship. It is two separate acts or forms of purifications.

It's not the combination of two purifications in two modes of purification in one purification. No, it's two purifications with two modes of purification.

فليس فيه جمع بين البَدَل والمبدل

Therefore, you see that the first purification was everything that washed something as an act of purification, and everything which is now remaining unwashed is a second act of purification. Then we use a purifier of water for the first act of purification, and for the second act of purification, we used the purifier of dust. So we have two purifying forms and two separate acts. We don't have a combination of the *aṣl* and the replacement in a single act of purification.

بل هو شبيه بالمسْحِ على الخُفَّين من بعض الوجوه، لأنك غَسَلت الأعضاء التي تُغْسَل، ومَسَحْتَ على الخُفِّ بدلاً عن غَسْل الرِّجْل التي تحته.

Shaykh al-'Uthaymīn رحمه الله says that you look at it in another way. It's almost similar to how you wipe over your socks or shoes. This is as poor a statement I've heard, by the way. This is like when you wash everything and then you wipe over your socks or shoes. There was washing and there was wiping, so according to them, they are basically splitting the two acts of purification into a washing and a wiping at the end, which honestly opens up so many problems to try and use that argument that it's best not to go there. It was a mistake to even open that door.

وقال آخرون: إنه يستعمل الماء مطلقاً، فيما يقدر عليه ولا يتيمَّم
وعلَّلوا ذلك: بأن التَّيمُّم بَدَلٌ عن طهارة كاملة، لا عن طهارة جُزئيَّ

Some other scholars said that one should use the water regardless; it doesn't matter whether it's the most or not. Whatever it covers, it covers, and whatever it doesn't cover, it doesn't. That is because *ṭahārah* cannot be divided. It is a complete act of worship and so therefore he does what he can.

What is Shaykh al-ʻUthaymīn's position? He says:

والصَّواب: ما ذهب إليه المؤلِّف، وربما يُسْتَدلُّ له بما رُويَ عن الرَّسول صلّى الله عليه وسلّم في
حديث صاحب الشُّجَّةِ

The correct position is what the author has gone for. He says that he supports what the author has said, that one will basically make the *wuḍū'* and then will follow up with the *tayammum*. And I think that it can be supported with the *ḥadīth* of the Prophet ﷺ in which he told the person who had been afflicted by a wound:

«إنما كان يكفيه أن يتيمَّم، ويَعْصِبُ على جُرْحِه خِرْقَة، ثم يمسَحُ عليها، ويغْسِل سائر جسده»

It would have been sufficient for him to make *tayammum*. He should have covered his wound and wiped (*mas-ḥ*) over it, and then washed the rest of his body.[2]

You know he died as a result of the water coming onto the wound because he was told that he has to wash it. So you see the fact that the Prophet ﷺ is actually saying that there's two things that should have happened in the entire act of purification. This is not the issue of *tayammum*.

Student: [inaudible]

Ustādh: Yes, but that *ḥadīth* not only mentions washing. I also wanted to make it clear that this not *tayammum;* this is *al-mas-ḥ* which we covered in the Chapter of Wiping. That's when we're talking about a particular area which has got a bandage and it's not something for *tayammum*.

[2] *Ṣunan Abu Dāwūd, Book of Purification, Chapter: The Wounded person performing Tayammum, hadīth no. 336.*

Let's remind ourselves of the authenticity of this *ḥadīth*. The *ḥadīth* is authentic, and it's on page 244. It was narrated by Imām Abu Dāwūd in the Chapter of Purification. It was authenticated by Ibn al-Sakan and Ibn Mulaqqin. Ibn Ḥajr said that this *ḥadīth* has been narrated by Abu Dāwūd with a chain in which there is a weakness and there's a difference of opinion over its narrators. Imām al-Nawawi didn't consider it to be authentic and Imām al-Bayhaqi said that this *ḥadīth* is not very strong. Yet this is a *ḥadīth* which all the *fuqahāʾ* used unrestrictedly. We've already discussed that, the use of the *fuqahāʾ* of *ḥadīth* which they considered to be part and parcel of the *ʿurf* and the *fiqh* of the people. Actually, that concept of how the people understand something it coming up now.

فجمَع النَّبيُّ صلّى الله عليه وسلّم بين طهارة المسْحِ، وطهارة الغسْل

The Prophet ﷺ clearly combined the purification of wiping and the purification of washing here. Therefore, we go with Shaykh al-ʿUthaymīn's position even though *fī qalbi shayʾ* (I have a doubt) in this matter. We will go with the **class position,** that if they are running out of water they will use the water as much as they can and then they will make *tayammum* for the remainder.

Let's now look at some practical applications or what could happen in a scenario where they have a wound.

وَمَنْ جُرِحَ تَيَمَّمَ لَهُ وَغَسَلَ البَاقي

So whoever has a wound would make *tayammum* for it and wash the remaining.

So someone has a wound on their limb, and by a wound Shaykh al-ʿUthaymīn رحمه الله means something which will be harmed by water, because there could be many wounds that [would not be affected by the water] - a bruise, for example.

Shaykh al-ʿUthaymīn رحمه الله reminds us that the making of *tayammum* for a bruise has nothing to do with the availability of water. Normally *tayammum* is done if there's no water, but here making *tayammum* has got nothing to do with having enough water; [rather], it's to do with harm. The Shaykh says that if we look at what Imām al-Ḥajjāwi رحمه الله says,

وظاهر قول المؤلِّف: «تيمَّم له» أنه لا بُدَّ أن يكون التَّيمُّم في مَوضِع غَسْل العضوِ المجروح، لأنه يُشْتَرَط الترتيب

That if we are making *wuḍūʾ,* then what's very important is that *tayammum* occurs right at that moment that that limb is being washed. So for example, if the entire left arm [has a wound], then you can't make the *tayammum* before. First, you would wash your hands, mouth, nose, face, right arm and then you would do *tayammum* and then you would continue washing the rest of the body. The reason for that is because as we know and as all of the *madhāhib* say, in *wuḍūʾ* we have two things which are a condition: *tartīb* (doing the actions in sequence) and *muwālah* (not delaying the actions). Why is the 'no delay' part important? Because what you could do is that you could make *tayammum* before you come to the actual bathroom [to make *wuḍūʾ*]. You could go out to the garden for example, make your *tayammum* and end up talking to your neighbour for a while.

You go out to the garden, for example, and make your *tayammum.* You could say, "right I've got to go make *wuḍūʾ*." And you've got this big wound now. So I'm going to go out to the garden first because I can't be going back and forth, back and forth. I go, I make my *tayammum* and then what might happen is that you go out there, you roll up your sleeves, you get yourself ready, and you make your *tayammum*. You're about to go inside, [and] you neighbor comes out for a little chitchat, 'what's happening,' this, that, blah blah, and then instead of it being a one minute job, it takes 20 minutes. She wants to know about this, she wants to know about that, blah blah blah. Then you go back inside and you're going to make *wuḍūʾ*. 20 minutes has gone by. You know what I'm saying? It's not like a continuous action, is it? So *muwālah* [is missing], meaning that the act itself is seen like a complete kind of sequence has not occurred. It has not been achieved.

As for the order, the order is also obligatory. So there can be no big gaps, no big time lapses, and there has to be an order. So therefore the making of *tayammum* or the covering for the injured part has to occur within the act of *wuḍūʾ*, in its right place. However, what do you think [it is] for *ghusl*?

In *ghusl,* we covered that the Ḥanbali position is that there is no *tartīb*. There is no condition of *tartīb*. It is a very simple kind of act. It's just effectively getting yourself wet with the intention. After the intention, there is no specific requirement for order of *wuḍūʾ*, putting water over the head, washing the right hand side, etc.

If you were to, as I said, jump into the swimming pool and say, "*Bismillāh, ghusl* for *janābah/Jumuʿah/*whatever," you'd have to take your hand away and let water go in here and stuff, but that's it. Job done. Now obviously if you jump in, you can't say 'let me jump in with my right arm like that.' You're just going to go straight in and everything's going to get soaked in one go. So you can't get some kind of order. Obviously they believe that there is no kind of order.

أما إذا كان الجُرح في غُسْل الجنابة، فإنه يجوز أن يتيمَّم قبل الغُسْل، أو بعده مباشرة، أو بعد زَمَنٍ كثيرٍ

According to the author, if he was making *ghusl* for *janābah* (sexual impurity) for example, it would not matter that this person could actually make the *tayammum* for the wound before the *ghusl* or immediately after it or after it by a long time. *Al-muwālah* and *tartīb* is not something which is a condition.

هذا هو المذهب

This is a position of the Ḥanbali School.

لأنهم يَرَون أن الغُسْل لا يُشْتَرَط له ترتيب ولا مُوالاة[(710)]، فلو بَدَأَ بِغَسْل أعلى بَدَنِه، أو أَسْفَلِه، أو وَسَطِه صَحَّ

This, of course, is the Ḥanbali position because they do not consider it to be an obligation to maintain order whilst washing yourself. So therefore, you could actually start washing your feet first or the middle part of your body first and the top part later. Or the exact opposite. It wouldn't matter. All of it is accepted.

That is the evidence. You see they are saying that there is no evidence to say that it has to be top, bottom or right to the left. Not in an obligatory manner, anyway. What's the evidences for this position? Allāh ﷻ says,

﴿وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا﴾

We covered this a couple of weeks ago. Allāh ﷻ says that if you are in a state of *janābah*, what do you do? Purify yourself. What did Allāh ﷻ say in the [*āyah* of] *wuḍū*'? Wash your face, wash your this, that. Allāh ﷻ did no forget order when He talked about this.

The most important lesson I ever learnt about the Qur'ān is that Allāh ﷻ forgets nothing. That is my number one advice to all students. The first lesson-- and it's not an obvious one, by the way. That's why it took me time to realise the importance of this lesson, that Allāh ﷻ forgets nothing, meaning that every single thing is there for a reason. So you don't understand, but what you do understand is that the gap, the

missing thing which you thought it was missing, or the order, you're thinking 'why didn't He mention it?' No, Allāh ﷻ didn't forget anything.

So here just before it, Allāh ﷻ has given the order for what *wuḍū*' should be. Therefore it is clear that *wuḍū* should be in order. When Allāh ﷻ says if you are in a state of *junub*, *fa-ṭahharu* (then purify yourself with the water), then you know that there is no condition for *al- muwālah* or *tartīb*. As Shaykh al-'Uthaymīn says, this statement then allows a person to start from the beginning, from the top, from the bottom, etc.

This is what Shaykh says here. He says so therefore (as I said to you), if the wound is in the hand, then he has to wash his face first. The he makes *tayammum*, then he wipes his head, then he washes his feet. I already said that, right? It lifts his *wuḍū*'.

This is the really awkward part and this is why we are going to see a different position for the class. He says that if you are going to follow this position then you are going to have to keep a towel with you. You have to have a towel so that you can dry your face and your hand because it is a condition that the *turāb* (the dirt) has dust. If you've got wet hands, then you kill the dust. You see what I'm saying? You actually go against the *aṣl* of the *tayammum*. So if you are doing this *tayammum* kind of scenario, then you're basically going to have to dry your hands before you hit the earth.

وإذا كان على وجهك ماء فالتَّيمُّم لا يَصِحُّ

If you have water on your face and you wipe your face with the *ghubār*, the *tayammum* is invalidated. It is void. It is not correct. Some of the scholars said - and this is my position from the longest time and *alḥamdulillāh*:

وقال بعض العلماء: إنه لا يُشترط التَّرتيب ولا الموالاة،

Actually, there is no condition for *tartīb* or continuity or any gap issues. No conditions whatsoever. There are none of these conditions

كالحَدَثِ الأكبر

Just like if you were in a state of *janābah* and made *ghusl*. Then it's the same for the small one as well.

وعلى هذا يجوز التَّيمُّم قَبْل الوُضُوء، أو بعده بِزَمن قليل أو كثير

Now this is the interesting statement. Maybe the gem of the day.

هذا الذي عليه عمل النَّاس اليوم، وهو الصَّحيح

In this position, *wuḍū*ʾ with a problem like a wound no longer has order and continuity. So I do not need to worry about it like I do not need to worry about it for having a bath for *ḥadath al-akbar*. Therefore, I can make *tayammum* before I start the bath or I can have the bath and miss the point, and then make *tayammum* after it. Or do the missed part afterwards as well by a long time.

He says this has been the action of the common people today and forever and ever. It's like what the common people do. Never have the common people ever - whatever their understanding of the issue or even their misunderstanding of the issue - never have you seen them halfway through *wuḍū*ʾ, get a towel, dry their hands and all the rest of it and try to do *tayammum* in between. But rather it's seen that *tayammum* is the cover and the washing is then the rest of it. He says this is what the action of the people has been.

He says that this is the correct position and this is what was chosen by al-Muwaffaq. Al Muwaffaq is who? Al-Muwaffaq is of course Ibn Qudāmah al-Maqdisi, the author of *al-Mughni*. And al-Majd, who is Al Majd? Majd Ibn Taymiyyah, meaning the grandfather of Ibn Taymiyyah who is the Ḥanbali master in the Taymiyyan family. He is *al-muʿtamad*. He is the *madh-hab*, far more than his grandson. Even though his grandson of course is very good at Ḥanbali *fiqh,* but al-Majd is the *marjaʿ* and the *aṣl* when it comes to the Ḥanbali *madh-hab* and its positions.

With Shaykh al-Islām ibn Taymiyyah as well. Ibn Taymiyyah himself as well, this is his position. A person does not need to maintain order with respect to the *wuḍū*ʾ and *tayammum* in that kind of scenario if he has some kind of problem. I hope that that made sense *in shāʾ Allāh* and that will be sufficient for today. Let's open up for some questions.

Q & A

Q: What is the *ʿillah* of *tayammum*? Is it the amount of water? Because in one case *tayammum* was also for the harm as well.

A: At the beginning we mentioned the *sharīʿah* reasons and the conditions for *tayammum*. The Ḥanbalis give a number of reasons for it, but according to our class position it is the lack of water, it is the inability to buy water, it is the harm that is caused if one buys water which is too expensive, it is the causing of harm to oneself, it

is the causing of harm to a number of those that are around you (those who are accompanying you, those who are under your care), to your own wealth, your flock, your crops that would be harmed if you used their water, all of these are *ʿilal* – reasons to do *tayammum*.

Q: People waste a lot of water, and we all know that the amount of water wasted is useful for many ablutions and a tiny amount of water is something which is possible to make *wuḍūʾ* with. So we didn't go with the opinion that if there is not even enough to finish…

A: No we didn't go with that; that was the position of the school. They said that you look at the amount of water – is it going to cover more than half of the limbs or is it going to cover less than half of the limbs? And so therefore you make a judgement call on it. If it is going to cover less, then you make *tayammum* for the entire act – that was the second position, which we did not take.

Q: Some people cannot make wuḍūʾ' with a small amount of water.

A: Obviously it would apply on a case-by-case basis. It is a shame that a person cannot do it with a small amount of water, but there are some people who have never been taught to or trained. So if your entire life the only thing you know is standing in front of [a tap gushing with water], then that is obviously what you understand. Whereas if you have been in the hood then you can do it with half a bottle, or whatever it was that we did.

Q: So you wouldn't be sinful?

A: No, no, I don't think it would be sinful. It would be judged upon what it is. Obviously if there were someone around and someone advising them, then it's something different.

Q: What is the verse number for "… and if you are in a state of *janābah,* then make purification"?

A: *Sūratʾl-Māʾidah,* verse 6.

Q: What if you are paralysed and you can't make *wuḍūʾ*?

A: And you can't move at all? Then someone else will come and they will make the *wuḍūʾ* for you. If you are unable to physically make the *wuḍūʾ*, then the person who is with you will do it for you.

Q: What if there is no one with you?

A: If there is no one with you and you cannot move, then you will pray exactly as you are - you don't even need to make *wuḍūʾ*. If you are physically paralyzed, you cannot move at all, and you don't have someone else to come for you, then this is the exact definition of "*fataqullāh ma-staṭaʿtum*". You want to pray and you know that to pray requires *wuḍūʾ*, but you cannot make *wuḍūʾ.* The *taqwa* of Allah here is the entire *wuḍūʾ*. The way Shaykh al-ʿUthaymīn formulates his argument is very important to make a definition of *taqwā* of Allāh. It will differ each time and in every scenario. So here the person would just make the intention – I tried to purify myself, I can't and I am going to pray now in my current state and *astaghfurullāh*, and that's it, and it will be fully accepted.

Q: If you are going to make *wuḍūʾ* in a washroom on a plane, and it is difficult to make *wuḍūʾ* there, is there an opinion you held about what you can do?

A: The *wuḍūʾ'* that I am talking about has nothing to do with *tayammum*. The "One Minute *Wuḍūʾ*'" basically means exactly that amount of water [small amount indicated with his index finger and thumb] and washing only the obligatory parts. That's why we did the video; to show it, and to try and make people understand the difference between wiping and washing. People in their minds think that to wash means to have lots of water, etc. That is not what washing is – washing is simply the running of water, or the ability of water to fall off of the skin, or the movement of water on the skin by itself. Whereas wiping would be a wet hand that you would use to wipe and the water is not moving in itself, it is literally not covering the entire area – there is a very big difference between wiping and washing with a very small amount. So washing is actually making everything wet. The idea of that "One Minute *Wuḍūʾ*'" in a plane was to minimize everything – minimize for example the cleaning of the nose, the washing of everything only once, etc.

You know *subḥān Allāh* I told you guys, but I don't know if you remember it from Year 1. The big difference in toilets in the UK is that we don't have a very high water level which has its own pluses and it has its own negatives. I think, and *Allāhu taʿāla aʿlam,* that my opinion shifts to Canadian or American ones. I think that could be the more *Sunnah* based one. I'm not so sure and convinced, but let me do my research.

Q: [inaudible]

A: There is no need for the second position here, which was that we will use the water or make an assessment of the water. There is no need to have to make a judgment that's not natural, and natural is a different stand. People know how to take this, they are not silly, they look at the snow for example and they say, 'I can do this', or they say, 'I can't do this'. You know what I am saying? They don't need to go and get the evidence, go and get checked over and everyone puts analysis about what else done, and genome or whatever.

It's a general understanding that I can do this or not. And to be honest, most of you can handle the cold in a normal scenario. When it is very cold and you don't have the ability to dry, then it is something which is far more difficult and making *wuḍūʾ* is a lot easier than to making *ghusl*, for example.

I actually remember doing the snow one here. I actually made *wuḍūʾ* with snow and it was snowing when we were doing it. I think it was in first year. It's important that you make it in water so there is an intrinsic level of cold as well. I say that because if it is so cold that there is no melting on the skin, that's one reason to not be using it. There has to be some intrinsic body warmth for it to melt so that the water can run down, otherwise snow can't be used; *aṣlan*, it's like ice.

Q: What if a person makes *wuḍūʾ* and then they want to make use of wiping over socks; do you have to put the socks immediately after *wuḍūʾ,* or is it the case that you can put the socks a couple of hours later as long as you are still in *wuḍūʾ*?

A: Right, so what if I say to you that I don't hold the condition that you have to put your socks on immediately? There is no evidence that one has to do that. The answer is: as long as you are still in *wuḍūʾ* and you have not broken it, you can put the socks on and then you can enjoy all other benefits of wiping and so on.

If you are in the *ḥaram* and the time for *ṣalāh* is about to start (and nowadays you are so far away), can you make *tayammum* and pray? I would like that you guys answer that question. Do you get the question? You are in *ḥaram*, it's time to pray and the *adhān* goes off and you are so far away from the *wuḍūʾ* areas - are you allowed to do *tayammum* and pray?

Student: I say no.

Ustādh: I think we covered this in Year 2. It is absolutely impermissible in this situation, because there is no lack of water, no lack of time, just a complete lack of planning. Isn't it? Complete lameness, and not just on the behalf of the questioner. We have all been there.

All of the Paks like most of us are, we just go to the *zamzam* taps and do a Pak job which is not good. It's not good and I don't do that.

Q: If someone has a big cut and covered it with bandage it would be a big mission and a big hassle to remove in order to *wuḍūʾ.* Does a person does *wuḍūʾ* of the rest of the body and do *mas-ḥ* on the bandage?

A: Yes, that's correct. That is exactly what they do.

25. Chapter 10: The Chapter of Dry Ablution IV

The most important thing that we learned last week was the principle that if you run out of water while making your *wuḍūʾ*, what do you do? You make it up with your *tayammum*.

So you started off with your water, and you're doing it and everything's fine, and suddenly you don't have enough to finish, so you make *tayammum,* and that covers basically the unwashed parts because you have used the water.

Whoever has a wound and finds water sufficient for part of the purification will then complete it by making *tayammum* afterwards. The basic important rule that we learned is that according to the Ḥanbalis, because the order of the cleansing is only an obligation in *wuḍūʾ* but not in *ghusl*, they are insisting that the *tayammum* is done in order.

So the idea would be that you know that the water is going to run out, and you make *tayammum* after it. That doesn't make sense anyway, because you need to be 100% certain that the water is not going to be sufficient for *wuḍūʾ*. The issue is the next one. Whoever has a wound makes *tayammum* for it and washes the remaining. This, according to the Ḥanbalis, would mean that if you had a cut on your left arm, you would have to start your *wuḍūʾ*, wash, wash, wash, now wash your face, and then make *tayammum*. *Tayammum* cannot have any residue on your hands or face when you have it, because then it becomes some other kind of substance, and not dirt.

So you would have to dry everything and now that *tayammum* has now covered this left arm, and then you would go back to wiping your head with the water and wash your feet. So *tayammum* straight into where the wound is.

But we said that there is no evidence that obligates this, and that it is sufficient for a person to just do it. This is the position of Ibn Qudāmah and Ibn Taymiyyah as well. That was basically the summary of last week's lesson. If you have a big cut on your left arm and you know that you can't wipe it, I am going to remind you of what the principle of wiping is. You might be thinking, 'what about wiping lightly over it or what if it is covered?' So let me make it clear that it is uncovered. It is bleeding badly, and you can't touch it or whatever. You would have to make *tayammum*.

So what you would do is that you would make your *tayammum* and then you would wash your hands and make your full *wuḍūʾ*, leaving that part out, and the *tayammum* that you made in the beginning would be making the compensation for the arm. That's the **taught position of the class** and the *fatwa* position.

I'm just going to quote you the rule or the *qāʿidah fiqhiyyah*. They said that if you have a wound, it will be of one of two types - it will be either covered, or it will be open. It'll be either an open wound or covered with a bandage and splint or whatever. So you either have a cut, wound, or a break, but the skin is visible and you can see it, or it is covered with a dirty cloth, a shirt, or whatever.

So if it is open or uncovered, it is obligatory to wash it with water.

If you can't wash it with water, then you have to wipe over it. With a wet hand, you'll wipe over it, and you will not get it soaking wet. You will just literally just touch it, just think of it as a large open ulcer. It can't be wetted, so you would just literally just touch it. It is impossible that you wipe over it.

If you physically cannot touch it (you cannot even touch it, so forget about water getting onto it), then you would make *tayammum* and it has to be in that order. Wash it, and if not then wipe it, and if not then you make *tayammum* because you can't touch it. This is for the open wound.

The second type of wound is covered. If it is covered by whatever, the only thing that one has to do is to wipe it. If it is a possibility that it would be harmed even by wiping it (despite the fact that it is covered - maybe it is something that is very thin, or maybe it doesn't need a reason; you know and people have told you that this is going to be harmed by wiping over it), then only then can you move over to *tayammum*.

That's what the *fuqahāʾ* said, and this is what the *qāʿidah fiqhiyyah* is. Is that clear, everybody? So now you know when you will use *tayammum* - when you have some kind of wound, or when you don't have to use water. That's straightforward.

ومَنْ وَجَدَ ماءً يَكْفِي بعضَ طُهْرِه تَيَمَّمَ بعدَ استعمالِه. ومَن جُرِحَ تَيَمَّمَ له وغَسَلَ الباقِيَ،

That's what we covered last week

ويَجِبُ طَلَبُ الماءِ في رَحْلِه وقُرْبِه وبِدَلالةٍ
فإنْ نَسِيَ قُدْرَتَه عليه وتَيَمَّمَ أعادَ.
وإن نَوَى بتَيَمُّمِه أحداثًا أو نجاسةً على بَدَنِه تَضُرُّه إزالتُها أو عَدِمَ ما يُزِيلُها أو خافَ بردًا أو
حُبِسَ في مِصْرٍ فتَيَمَّمَ

That's five and one category, and the other category is…

أو عَدِمَ الماءَ والترابَ صَلَّى ولم يُعِدْ،

The English translation of all that is: Whoever finds water sufficient for part of his purification, will complete it by making *tayammum* afterwards. Whoever has a wound makes *tayammum* for it and washes the remaining.

That's last week's lesson, and today we will be doing this: It is obligatory for him to seek water from his fellow travellers, the local area, or by asking for help and/or using any other indicators."

If he forgets that he can get water and he is actually now about to make *wuḍū',* and he is automatically thinking that he doesn't have water, so that's why he makes *tayammum* but he actually forgets that he can get (the water), then he must repeat his prayer. This is something which we are going to talk about that today.

One does not need to repeat the prayer however, if one intended and performed *tayammum* cleansing for the following scenarios:

1 - Cleansing for many different types of major impurities,
2 - Cleansing for filth on his body which he cannot remove due to the harm that will cause him
3 - For lack of something to remove dirt on his body (he is making *tayammum* because he lacks that something i.e. water, that removes the filth on his body)
4 - He makes it because of the fear of the cold
5 - He makes it because of being trapped in his town.

So these are five things, or five reasons. If he has these five reasons and he makes *tayammum* and then he prays, then he does not need to make up his prayer.

One should also pray if there is no water or dirt is found. So there is no water, there is no dirt, then he just prays and he doesn't need to make to make it up later. That is the chapter that we are trying to cover today.

[As for the] first one (looking for water), I think we've already covered it. I have to be honest with you, I cannot understand why he repeated it, because he repeated this just literally a few lines ago. And if I think about it, the commentator has not mentioned it so there must be a reason which I can't see as to why he has actually repeated it the same statement. He has, of course, added to it which is an important addition which I am going to explain.

Anyway, the main thing is that he is trying to say it's obligatory to go and find water. You actually have to go and make a major effort

حكمه: أن فاعله مثاب

He says that the ruling is that a person who goes to find the water will be rewarded,

وتاركه مستحق للعقاب

And says the one who does not go looking for water deserves to be punished.

This is very interesting because this is not normal kind of statement of *faqīh* will say.

ولا نقول يعاقَب تارِكُه؛

You will not say that the one who leaves it is punished with the definitive; [rather it is said that] he deserves to be punished as opposed to [saying] he will be punished. This is something I have to say is not the norm that you see from the *fuqahāʾ,* but the Shaykh says that it is possible that Allāh ﷻ will pardon him:

﴿إِنَّ اللَّهَ لاَ يَغْفِرُ أَنْ يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَنْ يَشَاءُ ١١٦﴾

"Indeed, Allāh does not forgive association with Him, but He forgives what is less than that for whom He wills." [*Sūratʾl-Nisāʾ*, 4:116]

The evidence for it being an obligation is because Allāh ﷻ says:

﴿فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا﴾

"…and do not find water, then seek clean earth…" [*Sūratʾl-Māʾidah*, 5:6]

Fatayammamū is a command. It means if you don't have water, you must go and find it.

Where does he look for it?

فِي رَحْلِه،

from his fellow travellers

والرَّحْل: المتَاع، والمراد الجماعة

Basically, whatever bags they are carrying. So he has to look to make sure that it has definitely gone. So for example, it might be that he has told someone to go get water and he's not sure whether they've bought it back or not. They might have left it. So he has to physically make the effort. That's the point that's being made here. I mean I understand why he's repeating it again, because he wants to emphasise that you have to actually make the effort. A person might just say that he can't find water and just make *tayammum*, but there has to be a real physical effort. So not only does he ask amongst his people that he is travelling with (his travelling party) and [searching] in the stuff that they have, but also:

وقُرْبِه

the local area

Qurb means the people that are around him and any other local areas that make sense to him. So the local shop or looking for pool, a pond, a lake, a well, and so and so forth.

والقُرب ليس له حَدٌّ محدَّد

This local area has no actual limit which has been specified by the Prophet ﷺ, therefore it returns back to the culture. So in our culture, what is it going to be? This obviously differs. Nowadays we have time to jump in a car and go quite far. So what are the parameters that will stop us going crazy? [Consider] two things; firstly, there is no immense difficulty (*mashaqqah*). So for example, the time travelled would be at least an hour, and distance would be… I don't know. If I had no water and there was no water anywhere around, I don't think that going to Tesco in [another area] would be out of the question. That's about 3-6 miles. The second thing is if the time of the prayer will run out. So if it was going to run out, they would have to pray on the way anyway.

This is without necessarily asking or checking and so on and so forth; this is just the obvious. Meaning that at that time, obviously it would be an open area and you'd look

around, send people to look in different directions, and you'd all have a quick look. So the third statement that is being mentioned to really ram it home that you have to do a proper search is:

وبِدلالةٍ

or using any other indicators

The *dilālah* or *al-dilālah* - both are acceptable. It means that there is a person of locality or someone who you ask and they tell you, or there is a proof to indicate by the actual various kind of indicators that there is some water.

I am trying to think of some examples, but I guess it may be an internet search that you make and you look that the water is over there; you can get it from that shop. The point is that you get a clear [proof]. It might be late at night and you think that every shop is closed and there is one place that is open.

So just ramming it home that you have to take all possible precautions. The next point is:

فإن نَسِيَ قدرتَه عليه وتيمَّم أعادَ،

For example, he knows that he is in an area or that he knows that he is at home and the water has run out and he believes that there is no water anywhere. Just assume that there is no water anywhere, and he makes *tayammum* and he prays. As soon as he finishes praying, he remembers that actually he has some water in the cupboard. So he now has to go and make *wuḍū'* with that and he needs to pray. This is what they said.

And if it is said to them, why would you need to pray again when Allah ﷻ said:

﴿رَبَّنَا لاَ تُؤَاخِذْنَا إِنْ نَسِينَا أَوْ أَخْطَأْنَا٢٨٦﴾

"Our Lord, do not impose blame upon us if we have forgotten or erred."

[*Sūrat'l-Baqarah*, 2:286]

So if someone said that to you then the response to them would be:

أن هذا تحصيل شَرْط، والشَّرط لا يسقط بالنِّسيان،

What we are trying to do is trying to ascertain a condition of the actual prayer. It is a condition of the prayer that we are trying to ascertain and the conditions of the prayer are not laxed in the time of forgetfulness. Forgetfulness does not apply in two conditions.

ولأنه حَصَلَ منه نوع تفريط، فَلَوْ أنه فكَّر جيداً؛ وتروَّى في الأمْرِ لَتَذكَّر

Shaykh al-ʻUthaymīn رحمه الله says that this is also a bit of negligence; it is not a normative type of forgetfulness. He just had to think for a second, meaning that the water has run out and the immediate first thing you should think about is 'Where is my water? Do I have any water stored?' And then you would [realise], ah, there is it and you would go and look for it. This is Shaykh al-ʻUthaymīn's position and it is a controversial position.

There are some scholars who would say that if he has forgotten, then this is forgetfulness and it is a definition of forgetfulness. It does not matter if it happens in the *sharṭ* or the *rukn*. The significance of this point is, for example, that in the prayer, forgetfulness will only save you in the *wājibāt* and the *sunan* (in the obligatory matters and the supererogatory matters) of the prayer. But, for example if you miss one of the conditions or the or the pillars… for example, you forget to make a *rukūʻ* in the first *rakʻah* and then after the prayer you say 'I forgot,' you have to actually make up the prayer. The whole prayer [needs to be made up], depending on the time that has gone by. In the *arkān* and the *shurūṭ*, in these kind of matters forgetfulness is not compensated by just leaving it. It has to be compensated by [satisfying] the actual action.

Whereas in other levels of obligation or other levels of rulings, it is possible for forgetfulness to be allowed. Some scholars said that he does not need to pray again.

لا يُعيد، لأنَّه لم يقصد

He does not need to repeat the prayer because he did not intend to go against the ruling of Allah ﷻ and when he actually did pray, he prayed whilst around him was no water. When he prayed, he did not physically, actually go against the ruling. He just forgot that there was another place where there was some water. It was not like there was some water right there and he did not make the *wuḍūʾ* and made *tayammum* and he prayed right in front of it. That would be a joke and a sin. They are saying that this

is genuine; there is actually no water and he missed it, and therefore this is an exception which does not need a required action.

I have to say to you that Shaykh al-ʻUthaymīn knows in his heart that this position of repeating the prayer is a strict one.

There is definitely something in his heart of sympathy for the position that does not need to repeat the prayer. However, as he, as we, and as many of the *fuqahāʾ* state, we stick to the safer position; so therefore he says

والأَحْوَط

The safer position and the most encompassing position which covers basically both options is that a person should repeat the prayer again.

والعلماء إِذا قالوا الأَحْوَط

Shaykh al-ʻUthaymīn is putting a reminder for us all and we should benefit from this reminder. He says when you hear from the scholars the statement that is the safer position,

لا يَعْنُون أنه واجب

They are not basically saying this is obligatory for you to do, but they mean that the way of caution is to leave it or do that particular action you are considering. Caution in Arabic is the word *waraʻ*, which is translated as like a scrupulous kind of approach to the *dīn,* a cautious approach to the *dīn*, a kind of caring and focused approach to the *dīn*. We know that in a *ḥadīth* which is not too bad, the Prophet ﷺ said that one of the greatest characteristics a person has in the religion is *al-waraʻ* (this caution).[1] Always making sure that if there are two options, then just making sure that one thing is covered.

This, of course, is in a matter of doubt. This is not contradictory to the position if there were two scenarios the Prophet ﷺ would take the easier one of the two – that is still in its place. These are two valid positions; however when there is a scenario in which

[1] *Ṣaḥīḥ al-Bukhāri, Book of Limits and Punishments set by Allāh, Chapter: To carry out the legal punishment; and to take revenge on those who transgress Allāh's limits and boundaries, hadīth no. 6786.*

there is no clarity on two different scenarios and one could be this and one encompasses that and it's not clear, then that is that kind of position we should take.

لئلاَّ يُعرِّض الإِنسان نفْسَه للعقوبة، وهنا يُفرِّقون بين الحُكْمِ الاحتياطيِّ، والحُكْمِ المجزوم به. ذكر هذا شيخ الإِسلام رحمه الله.

As Ibn Taymiyyah ﵀ mentioned, we are not talking about an issue where we are worried about the fact that there is some kind of difficulty for us in trying to work out what is the right position. We can say what the right position is and we are happy with that. We are talking about being careful so that a person does not come under the punishment of Allah ﷻ. There is an attitude, there is a sense of being careful, there is a desire to be avoiding doubt. There is a desire there by the person to not just go for the weaker positions but rather be clear on their position. This is personal kind of application, as opposed to legal one, and that is what Ibn Taymiyyah mentioned.

In summary, there are these two possibilities, but in principle if a person did know that afterwards, the water could have been achieved or they could have found it, or they could have done, X, Y and Z, and it would have not led to have prayer being run out on time and it was not going to be too difficult, etc., and they went ahead and prayed, then they need to repeat the prayer. That is very clear.

The next statement

وإِن نَوى بتيمُّمِه أحداثاً

All of these scenarios are when a person looks at a scenario and he makes *tayammum*. For all of the following scenarios when he makes *tayammum* and he prays, it will be sufficient for him. We are now going into specific scenarios.

The first one is if he intends to lift the state of a number of ritual impurities, *aḥdāth*. *Ḥadath* is spiritual, ritual, impurity and *aḥdāth* (plural of *ḥadath*) is a number of them. For example, he says that this one single *tayammum* will cover a number of different types of impurity, even if they are of different genus types. For example, you have got some kind of ritual impurities that are from the same type such as urinating and defecating. They are two different things but they are from the same type of actual *ḥadath*. Shaykh al-ʻUthaymīn says, for example, that if someone urinates and many, many times, like if you have urinated five times, then this is a single type of *ḥadath*. The same one has just been repeated a number of times. He makes the intention for just one to be lifted, the *tayammum* will help him with all the minor acts, all of the acts of the prayer, it covers the intention of lifting the state of impurity, and it will cover him from any of the acts of *ʻibādah* that are required.

أو تكون من أنواع من جِنْس واحد كما لو بال، وتغوَّط، وأكل لحم جَزور، فهذه أنواع من جِنْس واحد وهو الحَدَث الأصغر

For example, a person can go to the toilet and urinate or defecate or, as per the position of the Ḥanbalis, eat camel meat. All of these three are also from the same genus, i.e. they only create *ḥadath'l-asghar* (minor ritual state of impurity).

A different type of ritual state of impurity would be if a person urinated and had a wet dream. These are two different types of genus. The first one is *al-asghar* and the second one is *al-akbar*. One requires a bath and the other requires a *wuḍū'*.

فإذا تيمَّم، ونَوَى كُلَّ هذه الأحداث، فإنه يجزئُ، والدَّليل قوله صلّى الله عليه وسلّم: «إنَّما الأعمال بالنِّيَّات، وإنما لكلِّ امرئ ما نَوَى»، والتَّيمُّم عَمَل؛ وقد نَوَى به عِدَّة أحداث فله ما نَوى.

The issue is that if a person had different types of impurity, you would have thought that he'd have had to make different types of *tayammum*. One *tayammum* for the *wuḍū'*, one *tayammum* for the wet dream, etc. The position of the *fuqahā'* and the Ḥanbalis is that if a person makes one *tayammum* with the intention, "Allah ﷻ please lift my state of small impurity and my large impurity, etc.", it will be accepted from him. The evidence is that the Prophet ﷺ said that indeed all actions are by intention.[2] There is no proof to go against that.

This is something very different to the previous one. The previous one was a mistake, whereas now we are talking about a legal scenario. In the previous case, a guy made *tayammum*, forgetting that he had water. That's done. Now we are in a new section. We are describing five different scenarios. If they occur and a person makes *tayammum*, does the person have to repeat the prayer?

The first one is a scenario where a person makes multiple intentions by one *tayammum*. The second scenario,

أو نَجَاسة على بَدَنِه تضُرُّه إزالتُها

[2] *Ṣaḥīḥ al-Bukhāri, Book of Belief, Chapter of The Statement of the Prophet: Religion is an-Naṣīḥah: to Allāh, to his Messenger, to the Muslim Rulers and all the Muslims, hadīth no. 54. An identical narration is reported in Sunan an-Nasā'i in the Book of Divorce, hadīth no. 3437.*

Some urine falls upon a wound and the person cannot touch the wound and cannot put any water on it. He has a *najāsah* upon his wound, what will he do?

فيتيمَّم على القول بالتَّيمُّم عن نجاسة البَدَن

He will make *tayammum* for the fact that he has *najāsah* on his body, which if you remember from a few weeks ago, is what I said is the position of the Ḥanbali school. *Tayammum* can be done for something which has fallen on to the skin. We did not accept that as the class position.

We said that *tayammum* is not for anything to do with the skin; rather *tayammum* is solely for the ritual impurity, as you will see in the next point. The third scenario is if we run out of wet wipes or we run out of water which we would normally use to clean filth from the body. The previous scenario was on a wound. We can't get the urine off the wound. We can't touch the wound because it will be harmed.

The third scenario is that it [urine] lands on your knee but you have no water to wipe it off or you have no wet wipes to clean it. You would make *tayammum* for this. Shaykh al-'Uthaymīn said,

أن النَّجاسة على البَدَنِ يتيمَّمُ لها إذا لم يَقْدِر على إزالتها، وأما النَّجاسة في الثَّوب، أو البقعة فلا يتيمَّم لها.

والصَّحيح: أنه لا يتيمَّم عن النَّجاسة مطلقاً

If you look carefully at what the author said, he only said about *najāsah* upon his body. The Ḥanbalis consider it not permissible to make *tayammum* for *najāsah* upon your *thobe*. If it is upon your *thobe* or in the area that you are about to pray and you can't get rid of it, you cannot make *tayammum*. If it's on your body, then you can make *tayammum*. That's the Ḥanbali position.

Shaykh al-'Uthaymīn says that there is no making *tayammum* for *najāsah aṣlan* – it has no meaning. Doing the action means nothing. Whether you make *tayammum* for the *najāsah* on the floor, or your clothes, or on your body, *tayammum* is not for physical *najāsah*. Physical *najāsah* must be cleaned. You cannot have an act done for it.

Shaykh says if you want an example of how a person can have *najāsah* in a place, it is like he is trapped in an animal pen, for example, where he has to pray. Shaykh says that he just makes *wuḍū'* as best as he can and he will pray in his area.

أو خافَ بردًا

Or someone who fears the harm of the cold.

It could either be that the water itself is freezing cold that it causes him a problem and he cannot find anything to heat it up. Just to let you know, it is not permissible to go and make *tayammum* if you have cold water and you have a gas cooker. You have to heat the water up on the gas cooker.

Also for example, if you don't have water inside and you have to go outside to get the water and it is freezing cold and you can't get to the water itself because of the cold, and you have a parka to put on to get to the water, or you have a car so that he can get to the place, then you have to take that car and you have to put that jacket on. The idea here is that he doesn't have the ability to find a jacket to be able to put on to withstand the cold to get the water. So it is not just the cold, which is the issue, or cold water or cold conditions – it has to be the lack of fuel to warm the cold water, or lack of clothes to protect from the cold weather. This has to be exhausted before a person is able to suddenly make *tayammum*. And this is because Allāh says:

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

"Fear Allāh as much as you possibly can"

He says if he is able to find fuel or a coat, he must use the water. Basically, there is no exception. If you are able to use the water, you must use the water.

أو حُبِسَ في مِصْرٍ فتَيَمَّمَ

So I have translated this as "being trapped in his town." Let me translate this literally. *Ḥubbis* means that one is restricted. It could mean imprisoned, or another kind of scenario – trapped in a room, kidnapped, prisoner. Or it could be some other scenario like there being a natural disaster or something and he is trapped. So that is our first concept of *ḥubbis*. And he is unable to get access to water.

The word *miṣr* in the Arabic language means "a city". The reason the word "city" has actually been stated in this particular statement is because normally the only person who is actually allowed to make *tayammum* is the one who is a traveler. So, if he is in his own city, in his own town, then he is not *musāfir* – so he is just trying to make it very clear that *tayammum* is not actually linked to the *ʿillah* for *safar*, it is not linked

to the journey, it is allowed to be done regardless of whether he is at "home" or outside. It doesn't matter here if he is at home or abroad or whatever; he does not have the ability to get water and so therefore he is done.

He says if a person is trapped and he is unable to get either hold of water or dirt, he has to pray. If the time is about to run out, he has to pray. He doesn't need to repeat that prayer again either. Is that clear everybody? He has to pray regardless and he is not to wait either for water or for dirt. If the time is running out, he must pray.

And then the final statement then is,

أو عَدِمِ الماءَ والترابَ صلَّى، ولم يُعِدْ

One should also pray if there is no water or dirt to be found and he does not have to make it up later. So again, he is trapped somewhere and he is in a scenario where he is walking. Actually no, I don't want to make up examples. He's trapped. That's the best, simple way. He's trapped and there is no dirt and there is no water.

The reason I didn't want to make up an example is because virtually every example of walking will bring some kind of dirt. So just keep it to that fact that he is trapped and there is no water and there is no dirt and he is not able to get out of that place and no one is bringing him any water or dirt. So then he will pray in his state as he is,

محافظة على الوقت الذي هو أعظم شروط الصلاة

This is something very interesting that Shaykh al-'Uthaymīn says. He says he will pray in order to preserve the most important and the biggest condition of the prayer, which is the time. That's the most important thing about the prayer and this is a reminder to all of us.

Student: He wouldn't do the *wuḍū'* at all?

Ustādh: He wouldn't do the *wuḍū'* at all and that's it because what other *wuḍū'* is there? There is no water, and he has no dirt. So there is none and he will just pray and he doesn't need to repeat the prayer.

The evidences for that are what Allāh ﷻ said in *Sūrat'l-Taghābun*.

﴿فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ﴾

"Fear Allāh as much as you can."

And then the statement of the Prophet ﷺ which we covered last week,

«إذا أَمَرْتُكُمْ بأَمْرٍ فأْتوا منه ما اسْتَطَعْتُمْ»

"If I command you to do something, then do as much of it as you can."[3]

This doesn't mean you do a whole action a number of times. Because if I command you to do something as much as you can, then it wouldn't mean do it once, twice or three times. What it would actually mean is that if you're told to not eat *ḥarām*, then you try to survive as much as you can until you have to eat *ḥarām*. That is the point. The Prophet ﷺ also said:

«أيُّما رَجُل من أمَّتي أدْرَكَته الصَّلاةُ فلْيُصَلِّ»

"If any single man of my nation is there when the prayer time comes, then let him pray."[4]

Interestingly, he says that the *ḥadīth* is on page 29, but I can't find it, so I'll give the reference afterwards. The *ḥadīth* that I just mentioned previously is authentic of course, but for the one that I just mentioned, there is no possible reason *ever* to not pray within the time. The only possibility would be for a person to combine, and he'd have to have a reason to combine. You would not combine if you know that the reason you have is not going to change, then that's not enough reason to combine. If you're a *musāfir*, or you're x, y, z, then you have the option of combining anyways, so you would utilize that option and play that card.

As Shaykh al-'Uthaymīn says, it's a good opportunity for us to take the lesson that the most important thing about the prayer is the time. Let's take a couple of questions.

Q & A

[3] *Ṣaḥīḥ al-Bukhāri, Chapter of Holding fast to the Qur'ān and Sunnah, Chapter: Following the Sunnah of the Prophet, ḥadīth no. 7288.*

[4] *Ṣaḥīḥ al-Bukhāri, Book of Prayers, Chapter: The sayings of the Prophet (pbuh) "The earth has been made for me a Masjid (place for praying) and a thing to purify (to perform Tayammum), ḥadīth no. 438.*

Q: The question is, to what limit are we allowed to get water? What if it means looking through some person's place or whatever?

A: The answer is that that's not permissible. It's not okay to do the *ḥarām* when looking for the water. You'd have to ask of course, but if the person is not there and there's a bag which is closed in a manner that someone has actually closed it, then it's not permissible to open it and take their water and use it for your *wuḍūʾ*, especially when Allāh has given a clear alternate option, saying 'make *tayammum*.'

Q: [inaudible]

A: If you have a cut on your face (meaning you can't make *tayammum* on your face and you have can't wipe over it), then do the *tayammum* on the hands and make it around the cut, not actually touching it. If you are unable to wash and wipe, then the ruling is that you make *tayammum*, and if you can't make *tayammum* fully on that part of the hand or face because of a cut, then the *tayammum* would miss that little part out. We're going to come to that later *in shāʾ Allāh*.

Q: Since *tayammum* is a replacement for the entire purification act, then would it be sinful to just do *tayammum* only in removing *ḥadath*, in the case of a wound preventing the washing of the left arm? Is it *wājib* (required) to do the remaining limbs in *wuḍūʾ* or is it just *Sunnah*?

A: The question is, seeing as *tayammum* is a complete replacement [for wuḍūʾ] (in the situation with the cut), then why not just do it as a complete replacement? Why are you saying you would do it part with water and part with dirt? We explained that last week. In summary, there is no legal reason to not use the water. The only thing you have a legal reason for is to not wash the actual part of the body which is hurt. The person there does not have the justification to make *tayammum* for the other parts of the body which could have been washed absolutely fine.

Q: With respect to the requirement to ask those you are travelling with for water to make *wuḍūʾ* - to those being asked for the water, is it an obligation to provide them with water if they know that, even though they do not need it now that they will need it at some point in the future?

A: That's a good question, and I don't know the answer to that. *Allāhu aʿlam*.

26. Chapter 10: The Chapter of Dry Ablution V

This is a whole new section which starts off with the statement of Imām al-Ḥajjāwi رحمه الله:

ويَجبُ التيمُّمُ بِتُرابٍ طَهُورٍ غير محتَرقٍ له غُبار وفُرُوضُه: مَسْحُ وَجْهِهِ، ويَدَيْه إِلى كُوعَيْه، وكذا التَّرتيبُ والمُوالاةُ في حَدَثٍ أصْغَر. وتُشْتَرطُ النيةُ لما يَتَيَمَّمُ له مِنْ حَدَثٍ، أو غَيْرِه. فإِن نَوَى أحدَها لم يُجْزِئه عَنْ الآخر، وإِن نَوى نَفْلاً، أو أطلقَ لم يُصَلِّ به فَرْضاً، وإِن نواه صلَّى كُلَّ وقتِهِ فُرُوضاً ونَوافلَ.

It is obligatory to make *tayammum* with pure dirt which has not been baked, and has intrinsic dust.

Its obligatory actions are:

- Wiping the face
- Wiping the hands including the wrists
- Maintaining the above order, in the case of minor ritual impurity.
- Keeping everything continuous, in the case of minor ritual impurity.

We mentioned last week that in the *ghusl*, the Ḥanbalis don't consider it necessary to maintain the order, and even *muwālah*, which means continuity and without large time gaps or anything. Whereas in *wuḍūʾ*, the small *ḥadath*, they do require it. That's why in the case of minor ritual impurity, we must maintain the above order and keep everything continuous.

It is a condition (*sharṭ*) to intend the lifting of the ritual impurity, or any other reason that *tayammum* is being made for. If he intended only one, it does not suffice for the other.

If he intended something supererogatory (*nafl*) or did not specify at all, he is not to pray an obligatory prayer with it. If he did intend (the obligatory) then he can pray all obligatory and supererogatory prayers during that specific time.

A lot of this stuff we've covered before, theoretically, in *wuḍūʾ*, from a point of view of continuity (*niyyah*), obligation, etc., so we should be able to move through this very smoothly. This is referring to page 390 in *al-Sharḥ al-Mumtiʿ*. What does Shaykh al-ʿUthaymīn start off with?

He says that it's clear for *tayammum* to be applicable when there are conditions for the actual *tayammam bihi*, which is what you use to make *tayammum*. *Ma yatayammamu bihi:* this is a use of the verb to indicate that which is used to make *tayammum*. What are the conditions? Before we start, I would like to say that we will go over the positions of the *madh-hab*, but you will see that the class position is completely different. First of all, the *madh-hab* says that it must be *turāb*. *Turāb* is dirt in English and when I say dirt, I don't mean sand and I don't mean stones. When you hear the word *turāb*, you know that we're not talking about *ḥajar* (stones) and we're not talking about *ramal* (sand). We're talking about just the normal dirt that we would have in the garden, towards the trees, what you would dig up under the grass etc. Just plain earth. That is actually a difficult word because you think that certain words would apply to it but they don't. Soil, dirt, earth - I think these are the key words that apply to *turāb*.

The problem with mud is that you think that mud has water in it. Mud doesn't always have to have water. When you say the word mud, does it necessitate that it's wet? Is mud by definition wet? I don't know. If mud is by definition wet, then it is not *turāb*. We are talking about dry, normal, earth surface. That's the first thing. The *madh-hab* and indeed the majority of the *madhāhib* insist that it must be *turāb.*

فإِنْ عَدِمِ التُّرابَ كما لو كان في بَرٍّ ليس فيه إِلا رَمْل، أو ليس فيه إِلا طِين لكثرة الأمطار فيصلِّي بلا تيمُّم

Therefore according to the *madh-hab*, if they are in a desert where there is all sand and no earth or in a tropical rainforest where all of the ground is soaked, then they pray without making *tayammum*. That's the position of the *madh-hab*.

That is because the Prophet ﷺ said,

وجُعِلت تربتُها لنا طَهُوراً وفي رواية: وجُعِل التُّراب لي طَهُوراً

"Its dirt has been made purifying for us."[1]

This *ḥadīth* has been narrated by Muslim on the authority of Ḥudhayfah. The one that is well known is "its earth has been made purifying for me." That is narrated by Ibn Abi Shaybah and by Imām Aḥmad and is a *ḥadīth ḥasan*. Both are authentic.

[1] *Ṣaḥīḥ Muslim, Book of Mosques and Places of Prayer, Chapter; Unavailable, ḥadīth no.522a.*

هذا يُخصِّص عُموم قوله صلّى الله عليه وسلّم: وجُعِلتْ لي الأرض مسجداً وطَهُوراً

Also, the *ḥadīth* where the Prophet ﷺ said that the earth (ground) has been made for me a place of prostration and purification. Earth. *Arḍ,* linguistically, means the world. Heaven and the Earth. *Al-arḍ* in this *hadith* means the ground you walk on.

The *madhāhib* said that this general word has been specified by the word *turāb.* The word for ground is *āb* and the word *turāb* is *khās*. Earth has been specified by *turāb* only.

Our response to this,

بأنه إذا قُيِّد اللفظ العام بما يوافق حُكْم العام، فليس بِقَيد.
وتقرير هذه القاعدة: أنَّ ذكر بعض أفراد العام بحُكم يوافق حُكم العام، لا يقتضي تخصيصه.
مثال ذلك: إذا قلت: «أكرِم الطَّلَبَة» فهذا عام، فإذا قلت: أكرم زيداً وهو من الطَّلبة؛ فهذا لا يُخصِّص العام، لأنك ذكرت زيداً بحُكْمٍ يوافق العام

Basically, the Shaykh says that it is a weak argument to say that when the Prophet ﷺ says that the ground has been made pure for me, then the word *turāb* has been used in another *ḥadīth*. This is the actual application and the specific identification of the general phrase, earth. Shaykh al-ʿUthaymīn says that this is not always the case. As long as the basic principles and characteristics remain the same, it doesn't mean that it's the only application. It can also possibly be another thing that has the same characteristic.

For example, if someone says to you to be nice to the students and then someone says be nice to Zayd, he's one of the students. The point is that being nice to Zayd does not mean that he's the only person that you can be nice to. It restricts the niceness only to Zayd; he is only one of them. He is a student. The characteristic of being a student is in Zayd, so therefore we can be nice to him and cover the issue. Meaning that it is not necessary that this is only restricted to one thing and in our point, *turāb*.

Shaykh al-ʿUthaymīn goes into a few examples, and I don't want to get into those because they are deep *uṣūl* examples, and I just don't think that it is relevant for our discussion. The key to understand is that having just one definition of the earth does not mean that that should be applied. For instance, the earth does not mean all of the earth. The earth has other things, and if the same can be achieved by other aspects of the earth, then it should be given a chance.

That's why Shaykh al-ʿUthaymīn رحمه الله puts his opinion forth. His position is:

والصَّحيح: أنَّه لا يختصُّ التَّيمُّم بالتُّراب

بل بِكلِّ ما تصاعد على وجه الأرض، والدَّليل على ذلك

Actually, the correct position is not specified or restricted to that only. It is applicable to anything that rises to the top of the earth or any surface on the ground. He says the evidence for this is as follows.

Number one is the statement of Allāh ﷻ where He says:

﴿فَتَيَمَّمُوا صَعِيدًا طَيِّبًا ۝٦﴾

[*Sūrat'l-Mā'idah*, verse 6]

Let's look at the Arabic here. *Fatayammamū* - we know that *tayammum* is the process.

Ṣaʿīdan comes from when you ride, when you go up. So *ṣaʿīd* in the language has been interpreted as dirt only for the fact that it is on top, on the surface basically.

So they are actually restricting the linguistic meaning of *ṣaʿīd* to dirt, whereas linguistically it actually means anything which is on top. So that is why Shaykh al-ʿUthaymīn, Shaykh al-Shanqīṭi and other scholars said that anything which goes to the top of the surface and takes the top of the surface of the earth or the ground, it would be called *ṣaʿīd* because it got itself to the top. That therefore means sand is in, it means stones are in.

Student: Grass?

Ustādh: Grass is a plant, but obviously the base of the grass, and so on and so forth.

Sometimes people are going on a journey, in which the paths are sometimes made of sand, sometimes made of stone. Take the mountains, for example. Sometimes they're going where the place is made of soil. So Allāh ﷻ did not specify one thing over another. That is why He said:

﴿صَعِيدًا طَيِّبًا﴾

Ṭayyibah here means pure. It means good and pure. So it means anything which is on the top of the earth which is not *najis*. That's what the word says, basically.

The second evidence is that when al-Nabi ﷺ was in *ghazwat Tabūk*, his paths involved much walking in the desert, walking huge distances in the desert. This, as we all know, is nothing but pure, proper sand. There is no doubt anywhere. There's not a single evidence to show that: (a) he carried any *turāb* with him, (b) that he prayed without *tayammum*.

These are the two things. Either (a) he carried it to a *turāb* with him, and he would hit it with him, and he would pray. Or the other evidence would be as the Ḥanbalis said that he would just pray without doing any form of *wuḍū'* or *tayammum*.

We don't have that. So the basic *aṣl* is what? Our basic *aṣl* is that if he had water, he would have used it. If he did not have water, then he would have made *tayammum* on the sand. If someone was to turn around and were to say, hold on, it is a possibility that what you are suggesting is also not a proof, because you need to prove that he did *tayammum* on the sand. We will say at least that there is no proof to say that he only did it on earth. It might not be the strongest of evidences for us, but it is certainly a response to them, which is only restricting it to dirt. For that reason, it is Shaykh al-ʿUthaymīn's position as well as the **class position** that any surface can be used.

Now we will carry on bit-by-bit before we open it up. The second part is that it is *ṭahūr*. If you remember *ṭahūr* means what? What did we say back to year one and two? What does *ṭahūr* mean?

Student: Pure

Ustādh: Purifying

We said that in the Ḥanbali *madh-hab*… in fact, in a number of *madhāhib* they divide all this kind of things into three categories. What are they?

1) *Ṭahūr*, which is purifying

2) *Ṭāhir*, which is pure

What does pure mean? According to them, pure means it is clean, but it can't be used to cleanse. It is pure, but can't be used to purify.

3) *Najāsah*, which is dirty, filth.

This is the case for water and they apply it to dirt as well. Let's look at this. The Ḥanbalis said that dirt has to be *ṭahūr*, therefore it can't be *najis*, therefore if you come across some dirt that has had urine or faeces in it, then it can't be used. That is because Allāh ﷻ says:

﴿فَتَيَمَّمُوا صَعِيدًا طَيِّبًا﴾

"... then seek clean earth ..." [*Sūratʾl-Māʾidah*, 5:6]

Use *ṭayyiban ṣaʿīdan* and of course if it has *najis* on it, then it is not allowed. And there is no doubt about that and we agree upon them on that and there is no issue. But also, according to the Ḥanbalis, *ṭāhir* dirt is also not acceptable. Give me an example of *ṭāhir* dirt? Someone give me an example. Ḥanbalis said that you can't use *najis* dirt and you can't use *ṭāhir* dirt, only *ṭahūr* dirt. I gave you an example of *najis*, you give me an example of *ṭāhir.* Anyone online? Anyone? Think back to the chapter of *wuḍūʾ*.

Student: Some coloured soil or something

Ustādh: No. That is a major fail. Not even one example.

Ṭāhir soil would be clean soil, normal soil that someone has used and they have picked it up and then you reuse the same one. That is the easiest and the most common example. Clean soil is absolutely fine, no nothing, but because it has been "spiritually" used elsewhere, because it has been used by him, been beaten for example and wiped off his hands, it is *mustaʿmal* and remember we spoke about that – the concept of used water in *wuḍūʾ*.

Student: So it's not just soil that has like poo in it?

Ustādh: *Najis* is clear, it has faeces, it has urine in it – it's dirty. This, according to the Ḥanbalis is actually clean soil but someone has already used it. It's not dirty, someone just used it.

And *ṭahūr* is actually purifying. That is the position of the *madh-hab*.

As for the correct position, the **class position** is like that which we chose for water – we went into all three and we said that water can only be of two types – it is either *ṭahūr* (pure and purifying) or it is *najis*. Likewise, dirt is either pure and purifying or it is *najis* – there is no middle ground, there is no "*ṭāhir*" state, there is no evidence for it.

The next one is that it is:

غيرِ مُحْتَرِقٍ

- meaning that it cannot be burned, it cannot be baked. We are talking about cement for example, or clay, or porcelain, or in its powder form – anything that has been manufactured. You cannot use that, that is an artificial baked process and none of that can be used. That is according to the Ḥanbali position.

Shaykh al-ʿUthaymīn said – to be honest this is… (video skips here)… it can be made *tayammum* with.

I have to say it is very difficult to disagree with that. It is going against so many of the positions, but when you actually look at them, the evidence is not there. For example, the next one is going to be *lahū ghubār* – it must have intrinsic dust.

We know by necessity that – how can it be having dust if it is wet? But as you are going to see now, Shaykh al-ʿUthaymīn is going to say that there is no evidence whatsoever that it needs to have dust. So because he does not see the need for dust, then he is not going to have any problem with water being part of the actual surface.

I also agree that there is no evidence, and the class position is that any kind of surface will be sufficient – and you are going to see the evidences for it. I have given you the evidences that it is not *turāb*, but now we are going to show that the evidences for it having to have dust is not necessarily a must. However, doing it on wet kind of mud etc., there is no doubt that you are moving into an area of difference of opinion – so it is best to step back there. But regardless, the position of the class is that every surface – wet or dry, baked or not, artificial or not – as long as it is on the surface of the earth and it is clean, it is pure, then it can be used for *tayammum*.

As for the Ḥanbalis, they said it must have intrinsic dust:

له غُبارٌ

This is the fourth condition of the conditions of *tayammum*. So according to them, if it is wet earth, you cannot make *tayammum* with it at all.

The Shaykh says: therefore, think about this, listen to what the Ḥanbalis are saying. If we are walking in a land and it rains, and we have got no *wuḍūʾ*, and there is not enough water to make *wuḍūʾ* with and the whole area is wet, we cannot even make *wuḍūʾ*. We cannot even make *tayammum*. That's according to them. So everyone will pray without making *tayammum*. That is what the Ḥanbali position is.

What is their evidence?

Their evidence is actually quite a simple one. Allāh ﷻ says:

﴿فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُم مِّنْهُ﴾

"Wipe your faces and your hands from it." [*Sūrat al-Māʾidah*: 6]

"From it" - this *min* is called *minʾl-tabʿīḍ* - the *min* of division. So, it's the *min* which divides something. So if I say: I want this from that - if I want two answers from you, that suggests that there is the ability to divide the room into answers - 5 answers, 7

answers possibly, and I'll take two. It means that the thing itself is divisible. So therefore, they said that the *min* means that the dust or *ṭurāb* itself must be divisible. And when you say "wipe from it", it is referring to the dust of it.

You're dividing the actual thing into parts. If you are going to divide it into parts, what will it be divided into? Naturally it's the physical aspect and the dust particles.

That's the only evidence they have. They don't have any other evidence at all. Shaykh al-ʿUthaymīn says that as for the correct position, that it is not a condition to have dust.

The evidence for that is because Allāh ﷻ said:

﴿فتيَمَّمُوا صَعِيدًا طَيِّبًا﴾

"...then seek clean earth..."[*Sūrat al-Mā'idah*, 6]

He said make *tayammum* from anything that is pure from the earth. He did not say anything else.

Secondly:

أنه كان يسافر في الأرض الرملية التي أصابها المطر و لم ينقل عنه أنه ترك التيمم

This is, in my opinion, a bit of a weak position. He said that the Prophet ﷺ would often travel in lands which were full of sand (deserts) and [he would also travel to] those lands which would be affected by the rain. We have not seen anything from the Prophet ﷺ that would have affected the *tayammum* because of that.

He also narrated another interesting evidence as well. In the same *āyah* of *tayammum* in *Sūrat al-Nisā',* the *min* has not even been mentioned at all. So Allāh ﷻ says:

﴿ فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ ﴾

"…then seek clean earth and wipe over your faces and your hands." [*Sūrat'l-Nisā',* 43]

He didn't say 'from it' (*minhu*) that comes in *Sūrat al-Mā'idah*. *Sūrat al-Nisā'* was revealed before *al-Mā'idah*, so this verse is the *aṣl*.

Another thing is the *ḥadīth* of ʿAmmār, narrated by Bukhāri that the Prophet ﷺ hit the earth with his two hands and then he blew into them (*nafakha fīhimā*).[2] We're going to learn that it is the *Sunnah* to blow into the hands. Shaykh al-ʿUthaymīn makes a point, that if the dust is a condition, then what's the point of blowing it away? Definitely the sign of this [dust] is going to go [by blowing]. This is clearly not about the dust itself.

He also makes a side point that there is a condition there that the dust must be permissible. Now you might ask what he means by permissible. It means that the land where it comes from is not stolen or that which has been defrauded, etc. The question is: does it become invalidated? For example, you have no water and you come across a well or a pool that was [on] stolen land. Is it permissible for you to make *wuḍūʾ* from it? The answer is yes, but it's just something which is disliked.

There is no evidence that your water would not be correct for you to use. It would be correct. So that's all that. Any questions on that so far? So we're talking about the substance itself. Are there any questions about substance?

Student: Just to be clear. For *tayammum,* you don't have to visibly see the dirt on your hands. It's just the actions...

Ustādh: Correct. That's according to our class position. I don't want to say that it's just the action, because clearly Allāh ﷻ said that it must be *ṣaʿīdan ṭayyiban*. So there is actually a meaning behind it, that we are actually striking something physical that has to be pure. So I don't want to turn this into some big, mystical, metaphorical action, which is always the danger when you're trying to respond to people who want dirt and you're saying, 'blow it off.'

You can either go too far and it comes across that it's actually not important, anything, any old surface can be hit, whatever. Well yes, you can do it off a wall. This is a natural wall and you can do it off that. Off of a painted wall is no problem as well, since it will have dust on it. Any surface, wall or floor can be used for *tayammum*. It doesn't matter whether it is made of gypsum or plaster or cement or clay or pottery or earth. Whether it is on the floor or not, wet or not, hot or not, baked or not. Stones, sand, mixed or not. It has to be clean and it has to be struck.

You are not meant to blow everything off either. It's not an idea that you completely clean your hands. There is no wiping of the hands, for example. There is a strike and it is allowed for you to blow, just to get some of the majority of the dirt off and then it is a wipe of the face (this is coming afterwards). And then a cleaning of the hands.

That blowing is only a *Sunnah* act. It's an act of the *Sunnah*. That's all. Yes?

Student: [inaudible]

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[2] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing hands and feet with dust (Tayammum), ḥadīth no. 338.*

Ustādh: To be on the safe side. Well look, there is no doubt that - and I want to mention here another point, not only do we want to move so far that we turn the whole thing into a mystical, metaphorical thing. But also we want to remember that there is something special in *ṭurāb* itself. In *ṭīn* itself. So even though the answer to your question is: no, you don't have to go super extra to find something mega dusty and super earth. Any surface will do and that's fine. I don't want to belittle earth, dirt, *ṭurāb* itself. It has a function in cleaning. There is something miraculous to it and so on and so forth.

In a *ḥadīth* of the *kalb* (dog), for example, in the issue of its qualities with respect to medical treatment.[3] *Shayṭān* referring to it in contradistinction to being created from fire and he is created from *ṭīn*, and so on and so forth. So there is definitely some kind of physical reality to it.

Student: [inaudible]...marble, wood?

Ustādh: Yes, because any exposed surface will have the normal dirt or dust on it. Obviously if it is absolutely brand spanking new and it doesn't have any kind of thing, then that's not the case. But we're talking erected, normal floor, any surface. Any surface and especially when it's a surface, a floor surface which is then turned into a wall. We have *aḥādīth* that are very, very clear where the Prophet ﷺ struck the wall, *al-ḥayṭ*. So it is not restricted just to the floor.

Student: [inaudible]

Ustādh: Well what we're saying is that the dust is not a condition. So if you're in a desert, you would strike the sand and the sand would be sufficient.

Student: You have makeup on and then lose your *wuḍū'*. Can you make *tayammum* without taking the makeup off?

Ustādh: I do not know, I will have to think about that. It is a good question. It is a very, very, good question. Maybe we will have to get a *fatwa* for that.

Its obligatory actions are

مَسْحُ وَجْهِهِ، ويَدَيْه إِلى كُوعَيْه

[3] *Ṣaḥīḥ Muslim, The Book of Purification, Chapter: Rulings on what was licked by a Dog, hadīth no. 279d. Also narrated by Sunan Abu Dāwūd, Book of Purification, Chapter of Wuḍū' from the water left after a Dog had drunk from it, hadīth no. 71.*

1. Wiping the face and then wiping the hands including the wrists - what is the evidence for that? The evidence is what Allāh ﷻ said, He said:

﴿فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ﴾

"And then wipe your faces and your hands from it."

It is exactly the same as the statement from Allāh ﷻ when He said:

﴿ يَاأَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ ﴾

"O you who believe, when you stand for prayer, then wash your faces and your hands until your elbows."

The *quw'* is the wrist. The evidence that it must be until the wrist is because Allāh ﷻ said to wipe your 'hands' from it. What did we say about that when we covered *wuḍū'*? What is the principle, elbow when, hands when, what do we understand is being referred to at each time? The rule is, a hand only means a hand when it is narrated *'ala itlāq*, when it is narrated in an unspecified way without any added extra information, then it means right up to the wrist joint, because Allāh ﷻ says,

﴿وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا﴾

"The male thief and the female thief, cut off their hands;"

And we know that this is from the wrist joint (just above the wrist joint). We know that as was practiced, it is referring to the word *yadd*. Therefore *yadd,* by its definition, is from the top of the fingers to the wrist. That is what the *yadd* means. If we want the *yadd* to mean anything else, i.e. the arm, which it does in the *āyah* of *wuḍū'*, then we need to have an additional qualification which is what?

﴿إِلَى الْمَرَافِقِ﴾

"Wash the hands, up until the elbows."

Once we have 'up until' the elbows, then we know that hand, here, means the entire arm.

The other evidence is the *ḥadīth* of ʿAmmār ibn Yāsir, where the Prophet ﷺ said, "It is sufficient for you to have just done this," and then he struck the earth with both hands once, and then he wiped his right hand over his left, and then the palms his face (and he did not wipe his arms - not part of the *ḥadīth*). The word being used here:

وظاهرَ كفَّي

The *kaffay* is referring to the palms. The wiping has been restricted to the palms only, and the right over the left is specified. The right or the left is being used to wipe only the palms, then it is referring to the hands in its general sense. Therefore, Shaykh al-ʿUthaymīn said it does not mention the elbows or the arms. However, there are some scholars that did actually say that it is does go to the elbows. In fact, I remember reading that there were some of the *Salaf* that would wipe it up until the armpits.[4] When they made *tayammum,* they would strike and then they would wipe all the arm right until the armpits. That's from the early *salaf*.

Where does the position of wiping from the elbows come from? Actually, let me add that in the Arabic language, the *qūʿ* itself can be used to mean the elbow. That's one point. The other point - and this is the strongest evidence that they have - is that the Prophet ﷺ said:

التَّيمُّم ضربتان، ضربةٌ للوَجْه، وضربةٌ لليدين إِلى المرفقين

"*Tayammum* is two strikings; a striking for the face and a striking for the two hands up until the elbows."[5]

This *ḥadīth* is a very famous one. It is narrated by Imām al-Dāraquṭni, Imām al-Bayhaqi and Imām al-Ḥākim. It was considered weak as stated by Ibn Ḥajr and ʿAbd al-Ḥaqq al-Ishbīli. It has many routes, and all of them have a problem with it, even though Imām al-Dāraquṭni considered this to be an authentic *ḥadīth*. ʿAbd al-Ḥaqq al-Ishbīli said this *ḥadīth* is actually a statement of ʿAbdullāh ibn ʿUmar ﷺ and that probably is a possibility that it's a statement of one of the Companions as opposed to a statement of the Prophet ﷺ. So I want you to know that the *ḥadīth* itself is weak and therefore it cannot be used.

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[4] *Sunan Abu Dāwūd, Book of Purification, Chapter of Tayammum, ḥadīth no. 318.*

[5] *Sunan ad-Dāraquṭni, The Book of Purification, Chapter: Dry Ablution (at-Tayammum), ḥadīth no. 1806.*

The other evidence that they had is that they made *qiyās* upon *wuḍūʾ* saying that [*tayammum*] is using dirt and in *wuḍūʾ,* we wash our hands up to the elbows, so therefore we should wipe up to the elbows as well.

The answer to this is a number of points. Number one, there is no *qiyās* in the issues where there is a *naṣ* (text). We can't make an analogy where Allāh ﷻ has said to wipe your hands. In hands, here, we can't say [in one it says] hands and [in the other it says] hands up until the elbows, [therefore] this must be [up until] the elbows [as well]. If this says hands and this says elbows, we can't make an analogy against a *naṣ*.

The second problem is that they're actually different - one is using water, the other is using *turāb,* so this is what we call *qiyās maʿ al-fāriq* (analogy with a difference) so we cannot apply analogy when there are differences in the actual rulings. You can only apply an analogy when everything is exactly the same, and they all fulfil the same criteria. If there is something that doesn't fill the same criteria, then we cannot give a ruling on it. The final point is that the words that have been used in every authentic text relating to *tayammum* always refer to it in its absolute sense. No restriction or no specification to the elbows. Therefore, when a hand is being used in its very simple sense, it is only considered in its actual size.

So basically, what I want to say is that the evidences for it to be known that wiping up to the elbows is not established, as there's no authentic evidence. Secondly, striking the ground twice or three times also has no evidence; [it is done] only once. And number three, the most important lesson from today is that *tayammum* does not have to be restricted to dirt with dust. It is permissible to use any natural surface which gathers dust in any kind of way. Allāh ﷻ knows best.

27. Chapter 10: The Chapter of Dry Ablution VI

I think the last thing that we said was that some of the *salaf* said that the wiping of the hands is actually to the elbows, and some said even further. We said as the Ḥanbalis are saying, that it's only the palms of hands, meaning the palms, the wrists, and the back and front of the hands, and this is the *qūʿ*. But they said that that no, it goes up to the elbows. Let's just quickly look at that more properly. They said it's up to the elbows for the following reasons: number one, because of the *ḥadīth* which is narrated from the Prophet ﷺ where he said that to make the *tayammum* is two strikings.

«التَّيمُّم ضربتان، ضربةٌ للوَجْه، وضربةٌ لليدين إِلى المرفقين»

"One striking of the face, and one for the two hands up until the elbows."[1]

What did we say? This *ḥadīth* is weak.

الحديث ضعيف شاذٌ مخالف للأحاديث الصَّحيحة في صفة التَّيمُّم

Not only is it weak, it's also odd and contradicted by other authentic *aḥādīth*, so the *shādh* aspect is an important one. The authentic *aḥādīth* all state that it is only a single *ḍarb* on the floor and that there is only the wiping of the hands up until the wrists only.[2] There are two points in here that are contradictory: to the elbows and one strike or two.

The second thing that they said is that you must do it to the elbows because that is based upon *qiyās* (analogy) of *wuḍūʾ*. In *wuḍūʾ*, you do it until the elbows. Shaykh al-ʿUthaymīn says - let's do a little bit of *uṣūl* here - he says that we can respond to this *qiyās* by two points. Number one, it is *muqābilun liʾl-naṣ* - opposing a clear Qurʾānic text which says 'just the hands'. And therefore the *uṣūl* scholars said that this is called *fāsid al-iʿtibār*: it is invalid before we even started. We shouldn't even consider this because it's not even possible to make an analogy in the case where a text already exists. This is no place for analogy.

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[1] *Sunan ad-Dāraquṭni, The Book of Purification, Chapter: Dry Ablution (at-Tayammum), ḥadīth no. 1806.*
[2] *Ṣaḥīḥ Muslim, The Book of Menstruation, Chapter: Tayammum, ḥadīth no. 368a.*

The second problem is that this is *qiyāsun maʿ al-fāriq*, meaning this is an analogy where the two things are different. What are these differences? There's a number of them. The first of them, Shaykh al-ʿUthaymīn says, is that the *ṭahārah* that we do with *tayammum* is specified to only two limbs: the face and the hands, whereas when you wash with water, you are doing four limbs. So automatically, there is a difference in what is actually being washed and cleaned. And in actual fact, if you're making *tayammum* in place of *ghusl*, *tayammum* is still only two things and *ghusl* is the entire body. So there is an immediate difference between the two modes of purification. The second difference is that when you purify with water, you have two purifications: *ghusl* and *wuḍūʾ*, but with *tayammum* it's only *tayammum* for everything.

Another difference is that water is *tandhīf ḥissī*. When you use water, you actually can feel and see the cleansing. It is a real perceivable cleansing. It obviously has the spiritual cleansing as well, but it also physically purifies with water, it cleans you. Whereas *turāb* (dirt) has no physical purification and it actually makes it dirty. When you strike your [hands] on the floor, you then have to [blow it away]. It doesn't have *tandhīf ḥissī*. There is no actual, physical cleansing that one can do.

So that's the refutation of the point of making *qiyās*. And then for the third evidence, they said that the word '*yadayn'* has been mentioned in just its very general form: two hands, therefore we must restrict it to how it's used in *wuḍūʾ*. The response to that is the exact opposite: yes, it has been used in its unrestricted form, but it's specifically to show that it's not the same as *wuḍūʾ*. Otherwise, it would've said, then wipe the hands until the elbow. Just like Allāh said it for *wuḍūʾ*, He would've said it for *tayammum* also, but He didn't. So he said, wipe the hands and he didn't say wipe the elbows.

وكذا التَّرتيبُ والموالاةُ في حَدَث أصغر

So far, the obligatory actions are: wiping the face and wiping the hands including the wrists. The next thing (three and four) is to maintain the above order and to make sure that everything is continuous (*muwālah*). This is in the case of minor ritual impurity.

Tartīb is to start with the face before the hands. Allāh ﷻ says in *Sūratʾl-Māʾidah* (verse 6),

﴿فَٱمۡسَحُواْ بِوُجُوهِكُمۡ وَأَيۡدِيكُمۡ ٦﴾

"…wipe your face and hands"

He started with the face before the hands. The Prophet ﷺ said in the *ḥadīth* which you use in *ʿUmrah*, that when you are in *safar* to say,

ابدؤوا بما بَدَأ الله به

Meaning, "I begin with that which Allāh ﷻ begins with."[3] Allāh ﷻ said to wipe the faces and then the hands. That's the reason why *tartīb* is followed.

As for *muwālah*, it basically means that you don't strike the earth, wipe your face and then wipe your hand half an hour later. It has to be done right away. Either immediately or a few seconds later. It's still continuous. If you were to wipe your face and then just stood there for five minutes and then wiped your hands, it's not a continuous action. It becomes two separate actions. It needs to be continuous.

The reason for this was that they said the same for the *wuḍūʾ*. It's the same *ʿillah* for *wuḍūʾ*.

They said,

التَّيمُّم بَدل عن طهارة الماء

The *tayammum* is a replacement for purifying with water. The replacement must take the ruling of that which it is replacing. As *tartīb* and *muwālah* is obligatory in *wuḍūʾ,* it is also obligatory in *tayammum* in *ḥadath al-asghar* (minor ritual impurity), which is anything which requires *wuḍūʾ* only.

If you have *ḥadath al-akbar* (ex. in a state of *janābah*) and you do not have water, then neither *tartīb* nor *muwālah* is obligatory. That's the Ḥanbali position. That's the same with water. They said that you don't need to maintain any order because you can just pour the water over yourself and don't even have to make *wuḍūʾ*.

Some of the scholars said,

إِن التَّرتيب والموالاة فَرْضٌ فيهما جميعاً

Keeping the order and keeping it continuous is obligatory in all forms of purification. In the small and in the major [impurity]. The reason for this is because ʿAmmār ؓ (in a *ḥadīth* when he was *junub*),

[3] *Jāmīʿ at-Tirmidhi, The Book on Ḥajj, Chapter: What has been Related about beginning with as-Ṣafa before al-Marwah, ḥadīth no. 862.*

إنما يكفيك أن تقول بيديك هكذا، ففعل التَّيمُّم مرتَّباً، متوالياً.

قالوا: وقياس التَّيمُّم على طهارة الحَدَثِ الأكبر في عَدَم وُجوب التَّرتيب والموالاة قياس مع الفارق؛

لأن البَدَنَ كلَّه عُضْوٌ واحد في طهارة الحدث الأكبر بالماء وفي التَّيمُّم عُضْوان

The scholars said that *tayammum* should have order and continuity in all impurities. Why is it said that when you are in a state of *junub* and can only make *tayammum*, you don't need to have order and continuity?

Student: They are basing it upon *ghusl*.

Ustādh: They are basing it upon *ghusl*. They don't require continuity and order in *ghusl*. The scholars said that this is wrong because there is a difference between *tayammum* and *ghusl*. You can't make a comparison. One is the washing of the entire body and these two actions still remain the same. *Tayammum* is washing two limbs and in *ghusl,* you wash the body in its entirety. So they say that you have to make the order obligatory in *tayammum*. That point make sense.

There are other scholars that say that it is not *farḍ* in either of them. You don't need to do *tayammum* in order or continuously.

Shaykh ʻUthaymīn رحمه الله says,

والذي يظهر أن يقال: إن التَّرتيب واجب في الطَّهارتين جميعاً، أو غير واجب فيهما جميعاً؛

What doesn't make sense is that you say that it's in one and not in the other. Either its obligatory in both or not obligatory in both. Allāh ﷻ made *tayammum* a replacement for both purifications (*ghusl* and *wuḍū'*).

وبالنِّسبة للموالاة الأوْلَى أن يُقال: إنها واجبة في الطَّهارتين جميعاً

As for continuity, it is good to say that it is obligatory in both. It makes sense that it is obligatory in both. It's strange that a person will wipe his face at the time for one prayer and then when it's time for the next prayer, he wipes his hands and thinks that this is a valid *tayammum*. The **taught position in the class** is that we should keep *tartīb* and *muwālah* as an obligation in both. That's what Shaykh al-ʻUthaymīn is pushing towards even though he does not express it explicitly.

وتُشْتَرَطُ النيةُ لما يَتَيَمَّمُ له مِنْ حَدَثٍ، أو غَيْرِه.

It is a condition to intend the lifting of the ritual impurity or any other reason the *tayammum* is being made for.

Student: Can we just go back to the previous point? Last lesson you quoted the *ḥadīth* where you said that the Prophet ﷺ wiped his palm over one hand over the other hand and wiped his face…

Ustādh: The question that Shazad is saying is that you talked about *tartīb,* meaning that Allāh ﷻ said wipe your faces and then your hands, yet the *ḥadīth* that we mentioned last week said that hands were wiped and then the face. The Prophet ﷺ said in the *ḥadīth* of ʿAmmār ibn Yāsir ؓ, narrated by Bukhāri:

ثم ضَرَب بِيَدَيْه الأرض ضربة واحدة، ثم مَسَح الشِّمال على اليمين، وظاهرَ كفَّيه ووجهه

"…He wiped his hands, left over the right, the palms, both inside and out and his face as well."

I just want to say to you that they said that this *waw* is not the *waw* of 'then'. *Thumma* means 'then', so *"then he hit the floor once then he wiped his palms, left over the right and his face".* So some of [the scholars] said that this is indicating that he wiped his hands first and then his face. Other said that no it doesn't say "…*then his face"* [rather] "…*then he wiped his hands and face"* meaning that his hands and face were wiped but not necessarily in that order. The *waw* itself doesn't indicate order. Meaning that in the absence of another *thumma* (then), we already have two in the beginning of this sentence, there's a reason why he didn't say 'then' in the third part. The absence of a third 'then' allows that these two have been mentioned together and in actual fact, the order was the other way round. So *"…then he wiped his hands and his face"* could mean that he wiped his face first and then his hands, this is a possibility. However we're going to come to that discussion a bit later.

So the *niyyah* is firstly a *sharṭ,* meaning a sign of the action. To establish the actual action is a *sharṭ. Sharṭ,* of course, has a technical meaning as well. We need to understand what a condition (*sharṭ*) means technically speaking. *Uṣūli* scholars have a really mind-bending kind of definition:

وفي اصطلاح الأصوليين: ما يَلزَمُ من عَدَمِه العَدَم، ولا يَلْزَم من وجوده الوُجود.

According to the technical definition of the *uṣūli* scholars, a *sharṭ* is that which, by its absence, necessitates the absence of the action, but by its presence, does not necessitate the presence of the action.

The condition or the *sharṭ* is following; something by which its absence necessitates the absence of action, but its presence does not necessitate the presence of the action.

Let me give you an example, and then it becomes very clear. *Wuḍū'* is a *sharṭ* for *ṣalāh*, it's a condition for prayer. If you have no *wuḍū',* then you can never have *ṣalāh,* but if you have *wuḍū'*, does it mean that *ṣalāh* has happened? No, so do you understand? Its absence necessitates that the *ṣalāh* will never be done. It can't be done in the absence of the *ḥukm*, in the absence of ruling, in the absence of the action, the prayer.

But its presence does not necessarily mean that the actual action would occur. Maybe a person isn't doing it, maybe a person does do it but he is naked, for example, we know that another *sharṭ* of the prayer and *wuḍū'* is to cover the *'awrah*. So if a person follows one condition which is the *wuḍū'* but he fails the other condition, then he didn't get the prayer. So I hope you understood that.

Its absence means that action can never be done, but its presence does not mean that action can be definitely done, that's what the word *sharṭ* means.

Then we another word which is similar to it, we have some similar terms, some *uṣūli* terms, the word *ṣabāb* or cause. What is a cause?

ما يَلزَم من وجوده الوُجود، ويَلزَم من عَدَمِه العَدَم

Ṣabāb is that which, by its presence, necessitates the action, and by its absence, it necessities the absence.

What it means is that if it is there, the action and the effect would definitely occur. If the cause is there, the effect will occur; it's necessitated. If the cause is not there, then it would never happen.

And then you have the third thing which is *māni'*, which is like a barrier, something which prevents, the preventer.

What is a preventer?

ما يَلزَم من وُجوده العَدَم، ولا يَلزَم من عَدَمِه الوُجود،

It's the exact opposite of *sharṭ.* What it means is that its presence necessitates the absence of action, meaning it being there means that action can never occur.

ولا يَلْزَم من وجوده الوُجود

But it's being absent does not necessarily necessitate the presence of action.
So the example of *māni'* is menstruation. So menstruation is the *māni'* for *ṣalāh*. Okay let put it in,

ما يَلزَم من وُجوده العَدَم،

If it is present, the act cannot be done, do you agree? So when menstruation is there, the prayer can never be prayed.

ولا يَلزَم من عَدَمِه الوُجود،

However, if menstruation is taken out, meaning the person is not menstruating, it does not mean that the prayer is going to go ahead. No menstruation does not mean that someone is going to pray.

Student: [inaudible]

Ustādh: Look at it, read it, think about it. It's the exact opposite of *sharṭ*, it is the prohibitor, it is the preventer.

What Shaykh al-ʻUthaymīn did is good, though. I'll tell you something very interesting - for anything, you must have *niyyah*. Whatever happens, you have to have the *niyyah* for *tayammum*. It is actually something which is very emphasised in this, above and beyond other actions. You might say 'what do you mean?'

You know we talk about *niyyah* for *wuḍū'*, we must have *niyyah* when you make *ghusl*, you must be very clear when you are making *ghusl* for this, I am making *ghusl* for that, etc. In the Ḥanafi school, it is not a condition for the *niyyah* to be there, neither for *wuḍū'* nor for *ghusl*.

Listen to this. The Ḥanafi school says (the *aṣli* Ḥanafi school, not the Pakistanis today) no *niyyah* is required for neither *wuḍū'* nor *ghusl*. However, *subḥān Allāh,* for *tayammum* they said it's a condition, and that's why some of the scholars said that there is a consensus of *ʻulamā'* that *tayammum* requires specific intention.

They said why? And when they were explaining this point, they would say, “Even the Ḥanafis say that you've got to have a *niyyah*.” They say that because obviously the Ḥanafis don’t have a *niyyah* for *wuḍūʾ* and *ghusl*. They said even Ḥanafis.

You know why the Ḥanafis said so? They said because *tayammum* is a *rukhṣah*. They said because *tayammum* is a concession. It's like a favour. It's a favour from Allāh ﷻ, a gift and a concession and so in the concession you have to be very, very careful. You have to be very, very exact. Therefore you have to have a *niyyah*. I like that. That's some good *fiqh*.

Student: [inaudible]

Ustādh: Yep. It's not just normal kind of behaviour.

Student: Is it *rukhṣah* though?

Ustādh: That's a whole different kind of discussion. We said it's not, isn't it? We said it is a replacement. But even some scholars said, even in its reality of being a replacement, it's a *rukhṣah*. It's a concession.

Yaʿni, it is a concession in a way. It is a concession in a way but what we're talking about is whether it is a legal concession. If it’s something which is legally a concession, then that means one shouldn't make it the norm, one should not be doing it all the time, etc. etc. Which actually is correct. You're meant to make a super effort each time. So much so, as you're going to see in a minute, that if the water comes on whilst you're in prayer, they're saying to you that you've got to break your prayer and make your *wuḍūʾ*. So you can feel the concession and the nature of it.

Now, this is a bit kind of mind-boggling, the next part. So let's see what they say. So you need have, they said,

لما يَتَيَمَّم له من حَدَثٍ، أو غيره

You must have a *niyyah* for the *ḥadath* you're lifting. So you might have minor ritual impurity, you've just been to the toilet. Or you may have major ritual impurity, like *janābah*. You must have the intention for the exact one.

Now there are two things that you can make intention for.

مُتَيَمَّماً له، ومُتَيَمَّماً عنه

You can make intention for *tayammum* to do something and *tayammum* to protect yourself from something or to cleanse yourself from something. Either I want to have *tayammum* for prayer, or I want to make *tayammum* from my *ḥadath al-asghar*, my dirty state, my minor ritually impure state. Do you understand? You can always have *tayammum* for two things. The author here is combining between both of them. He is saying that you've got to be very clear about what you want.

For example, a *niyyah*,

ما يتيمَّم له

So, you know what we said about this last time? We said that *tayammum* is a *mūbīḥ* and not *rafaʿ li'l-ḥadath*. Do you remember we said that? According to the Ḥanbali *madh-hab*, the *tayammum* does not lift the state of ritual impurity. It only allows something which you make intention for. It's very super-specific. Now if you understand that, then that will explain the whole chapter.

If the Ḥanbali's are saying that you can only make *tayammum* for something to make it permissible, then they are going to want specific, specific things, aren't they? Now, what they're going to say is that, okay if you make *tayammum* for *Ẓuhr*, if you make *tayammum* for *'Ishā'* prayer (because there's no water), then we're going to allow you to pray the *Sunnah* and the *Witr* with it as well, because that's less than it.

But if you make *tayammum* for the intention of, for example four *rakʿah* for *ghayr mu'akkad Sunnah* before you pray *'Ishā',* you cannot pray the four *rakʿāt* of *'Ishā'* with the *imām* because *Sunnah, ghair mu'akkad, mu'akkad,* and then *farḍ.* There's a difference. You can't go up, but you can go down.

So if you make the intention for *farḍ* prayer, *'Ishā',* you can do all the *Sunnah* underneath it because it is less in value. Whereas if you make the intention just for the *Sunnah*, then you are not allowed to go up. That is restricted.

And according to the Ḥanbalis, as we said before, you wouldn't be able to read the Qur'ān because that is a separate action. Do you understand? It's a separate action. You have to be making things permissible.

What did we say? We said that evidences and as the majority of scholars said, that *tayammum* is *rāfiʿun li'l-ḥadath*. *Tayammum* lifts the state of impurity. So you make the intention to lift the state of impurity. So if you are in a state of *janābah* [and] say, I am making *tayammum* to lift my state of ritual impurity. Then you can do everything. Isn't it?

If you are now fully pure, you can pray, you can read, you can this, you can that, everything. If you have gone to the toilet, that's a minor state of ritual impurity and you make *tayammum* (because you've got no water). You say, I make *tayammum* to

lift my state of *ḥadath*, and you become pure again. Then you are free to do everything as well, because you're allowed. That's it.

And Shaykh al-ʿUthaymīn says the correct position and the **class position** as well is that this is exactly like *wuḍūʾ*. If you go back to the chapter of *wuḍūʾ*, we spoke about this in so much detail, that if you intend the *ṣalāh*, then everything is then opened up along the way.

So if you make intention for the prayer, then that means that you have lifted your state of small impurity, large impurity, you can pray the obligatory prayer, you can pray the *Sunnah*, everything. This is the correct position and that is my position as well.

فإِن نَوَى أحدَها لم يُجْزِئه عَنْ الآخر،

a) If this is a person who is in a state of *janābah* and he only made intention to lift the small one, that is not good enough. He has to make a specific *niyyah* to lift of the state of the *janābah*. That's basically the point here.

Or for example, as we said the Ḥanbalis allow *tayammum* for what else? We said that they allowed *tayammum* for removing *najāsah* from the clothes. Remember we said that? They said that if *najāsah* falls on the clothes, then you can make *tayammum* for it. So they said if you made intention for *tayammum* to remove the *najāsah* from the clothes, they said that you would make *tayammum* with the intention of purifying myself from *najāsah*, and then you will pray.

What did we say? What is the class position? You don't need to. If you have no water and you have *najāsah* on your clothes, you pray as you are. Unless you can take that off, of course. Your *aṣli* clothes which are covering the *ʿawrah*, you will pray with the *najāsah* on the clothes. You will try to get it off as best as possible and that is it, because *tayammum* has no function in lifting *najāsah* off the clothes, it only has a function in making your *wuḍūʾ* and making your *ghusl*. We are replacing *wuḍūʾ* and *ghusl*, not replacing cleaning *najāsah*. Therefore you need to have a very clear intention of what is it that you want and we agree with them in this because

إِنَّما الأعمال بالنِّيَّات

This is another point:

وإن نَوى نَفْلاً، أو أطلقَ لم يُصَلِّ به فَرْضاً

There is almost a consensus on this point, that if he intended something supererogatory or did not specify at all, then he is not to pray an obligatory prayer. If he specifies that it is only for a *Sunnah* prayer and he did not say the obligatory prayer or all the prayers, then he is out. If he says for the *Sunnah* prayer, then it is not enough. He has to say obligatory prayer or all prayers. He has to actually go the full hog on the *niyyah*.

Shaykh al-ʻUthaymīn says:

مثاله: تيمَّم للرَّاتبة القبلية، فلا يُصلِّي به الفريضة، لأنه نَوى نَفْلاً والتَّيمُّم على المذهب استباحة، ولا يستبيح الأعلى بنيَّة الأدنى.

For example, a person comes to the *masjid* and he only make intention for the four *rakʻāt* of *ghayr muʾakkadah Sunnah* before *ʻIshāʾ*. For the *madh-hab, tayammum* only makes things permissible; it is not general. He can only pray that and he cannot pray *ʻIshāʾ* with it.

وأطلق فلم يَنْوِ فرضاً ولا نَفْلاً، لم يُصَلِّ به فرضاً، وهذا من باب الاحتياط.

He also said that the second point about if he does not specify anything, therefore he should not pray is just out of caution, because he is not clear in his own mind. What did you intend when you said 'I am making it for the prayer?' 'I am making *tayammum* for the prayer'?

The correct position of course is that if the intention was for the obligatory prayer and all the prayers, then he would get what he intended and he is fine to pray with it, but it is best to be on the safe side and make it clear in your mind that I am going to pray all the prayers with this, or I am going to pray the obligatory prayer at least. If you say the obligatory prayer, then everything will work.

وإن نواه صَلَّى كُلَّ وقتِهِ فُروضاً ونَوافِلَ

If he does though make *tayammum* and intends for the obligatory prayers, then he will be able to pray all of the obligatory and supererogatory prayers. It is also possible

for him to make *jamāʿah* as well, not just in that time. For example, if a person wants to combine *Ẓuhr* and *ʿAṣr*, then he could pray in the *ʿAṣr* time as well.

Student: Obviously when you do a very specific *niyyah*, it let's you get it over and done with, doing *tayammum* for all acts of worship.

Ustādh: I don't want to say that is the best [*niyyah*]. The best is to say that I am making *tayammum* to lift my state of impurity. If he is in a ritual state of minor impurity, then when he says I make my *tayammum* to lift my state of impurity, then he is in to everything. But that is not according to the Ḥanbalis and that is very important. That is our taught position and that is what the evidences suggest. *Allāhu aʿlam*. We said that *tayammum* is the lifting of the state, it is not the specific act.

و(يَبْطُلُ التيَمُّمُ) بخروجِ الوَقْتِ، وبِمُبطلاتِ الوُضوءِ، وبوجودِ الماءِ ولو في الصلاةِ لا بعدَها، والتيَمُّمُ آخِرَ الوقتِ لراجِي الماءِ أَوْلَى. و(صِفَتُه) أن يَنْوِيَ، ثم يُسَمِّيَ، ويَضْرِبُ الترابَ بيَدَيْهِ مُفَرَّجَتَي الأصابعِ يَمْسَحُ وَجْهَه بباطِنِهما وكَفَّيْه براحَتَيْهِ ويُخَلِّلُ أَصابِعَه

Tayammum is invalidated by the following three:

- The exiting of the time
- Anything which would nullify a normal ablution, *wudū*'
- The availability of water, even if one is praying, but not after it – not after the prayer.

It is better (in general) to delay *tayammum* until the end of the prayer time if one hopes to find water.

The actual description of *tayammum*, physically how its done:

- You make the intention in your mind, your heart – you don't say it out loud
- You say *"Bismillāh"*
- You then hit the dirt, or the ground, or the sand, or the dust, or whatever it is, the surface, with both hands with fingers outstretched. (This is the *Ḥanbalī* position of course "with the fingers outstretched". You are going to see that there is no evidence for this – we are going to come to that later.)
- And then you will wipe the face with both hands
- And then you will wipe the back of the hands with the palms, and you will also make *al-takhallul*, meaning lacing between the fingers.

That is according to the *Ḥanbalis*. Let's look at this *in shāʾ Allāh*.

The first thing mentioned is "the exiting of the time" – why did they say that?

They said:

فإذا تيمَّم لصلاة الظُّهر بَطَلَ بخروجِ الوقت، فلا يصلِّي به العصر

The simple position of the *madh-hab* is that if you make *tayammum* for *ṣalāt al-Ẓuhr*, that's the only prayer that you can pray. You are now not allowed to pray *ṣalāt al-ʿAṣr* with that *tayammum*. Why did they say that?

They said that because the *tayammum* is making something permissible out of necessity. And so therefore it is a necessity – and you know what the ruling of necessities is: the parameter of utilizing a necessity is that you are only allowed to use the minimum for the minimum time. So, if you are dying of starvation, you are allowed to eat pork, and that pork has to be the minimum amount that will keep you alive. Likewise alcohol, if you are dying of thirst, etc. – it is allowed but only in the minimum amount to keep you alive. So this is *al-ḍarūrah*. They said that *tayammum* is a *ḍarūrah*, it is a necessity, so therefore you cannot use it for everything and anything – it is only for the *Ẓuhr* prayer.

They made some exceptions, though. They said the exceptions they will make is if the *musāfir* wants to combine between *Ẓuhr* and *ʿAṣr* – we will allow him to do that in the *ʿAṣr* time. We will allow them to do both of the prayers in the *ʿAṣr* time. That is the first exception.

The second exception that the *Ḥanbalis* said is *ṣalāt al-jumuʿah*. They said that if a person had no water and made *tayammum* for *ṣalāt al-jumuʿah* and he came late (the first *rakʿah* of *jumuʿah* prayer is done whilst in *jumuʿah* time and the second *rakʿah* is outside of the *jumuʿah* time – so the second *rakʿah* is in *ʿAṣr* time basically), they said that that is no problem.

لأن الجُمعة لا تُقْضَى فيبقى على طهارته

Basically, the *Ḥanbalis* said that because *jumuʿah* cannot be made up, it's not some kind of normal prayer – it is a one off prayer, so what happens is that you do it there and then and it is an exception in and of itself.

Shaykh al-ʿUthaymīn says that the correct position is that *tayammum* is not invalidated by the exiting of the time – let the time run out. He says if you make *tayammum* in *ṣalāt al-Fajr* and you stayed like that without breaking *wuḍūʾ* until *ʿIshāʾ*, your *tayammum* is *ṣaḥīḥ*. As for what those folks said about it being a *ḍarūrah* and therefore you can only use the minimum of it, then it is not correct.

The evidence for this is the following: after Allāh ﷻ said that a person should purify himself with water and if you do not find the water, then make *tayammum*, what did Allāh follow up the verse with? He said

﴿مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ﴾

"Allāh ﷻ does not want to put difficulty upon you; Allāh only wants to purify you."

If a person has been purified, then that means he has been purified. It is not a temporary state. Once he has made *tayammum,* he has been purified completely. He does not need to do anything else.

And the Prophet ﷺ said

وجُعِلَت لِيَ الأرضُ مسجداً وطَهوراً

"The earth has been made for me a place of prostration and purifying."[4]

The earth is something which you purify yourself with, and therefore that indicates that *tayammum* is a purifier and not a *mūbīḥ*.

All of these problems are created by that little single position. When you think that *tayammum* makes something 'permissible' you change the whole chapter. Whereas if you think that *tayammum* purifies, lifts the state of *ḥadath*, creates a pure state, you change the whole chapter. That is how important it is to understand *uṣūl*.

Shaykh al-'Uthaymīn says that this is not *mūbīḥ* but rather this is a purifier.

The Prophet ﷺ said,

الصَّعيدُ الطَّيِّبُ طَهورُ المسلم، وإن لم يجِد الماء عَشْر سنين

[4] *Sunan Abu Dāwūd, Book of Prayer, Chapter: The Places in which Prayer is not Allowed, ḥadīth no. 489. A very similar wording has been narrated by Ibn Abi Shaybah and Aḥmad. At-Tirmidhi narrates it by '...made for me as a mosque and purifying', in the Book of Military Expeditions, Chapter of what has been related about the Spoils of War, ḥadīth no. 1553.*

"That pure earth, pure dirt, or *ṣaʿīd*, is the purifier for the Muslim even if he does not find water for ten years."[5]

This *ḥadīth* is narrated in this wording by al-Bazzār, on the authority of Abū Hurayrah, *ḥadīth* number 193. Ibn al-Qaṭṭān said it has an authentic *sanad*. Al-Haytham said the men are the men of the *al-Ṣaḥīḥ*. Al-Dāraquṭni said he thinks this is *mursal*. It is also narrated by Imām Aḥmad and Abū Dawūd in a slightly different wording. This *ḥadīth* was considered authentic by them in those other narrations. That is another indication.

I do not think that it is a very good evidence but it is an indication, because you could keep making *tayammum* for each prayer and this *ḥadīth* can still be applicable. I do not think it is a very strong evidence.

The fourth evidence is,

أنه بَدَل عن طهارة الماء، والبَدَلُ له حكم المبدل

This is something which is a replacement for water. Water is not something that needs to be topped up for each prayer. Once you have made the *wuḍūʾ*, you are in. Thus once you have made *tayammum,* you are in. That is the class position. *Tayammum* is not broken by the exiting of the time.

The next one is,

وبمبطلات الوُضُوء

Those things which break the *wuḍūʾ*

That is obvious, I do not think we need to go into that. For example, if a person makes *tayammum* and then he goes to the toilet, he has broken his *tayammum* and he needs to make it again. If he makes *tayammum* and he makes marital relations, he is in a state of *janābah*, he needs to make *tayammum* again.

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[5] *Ṣunan Abu Dāwūd, Book of Purification, Chapter: The Sexually Impure person performing Dry Ablution, ḥadīth no. 332. Sunan an-Nasa'i narrates the same sentence of ten years but does not add anything about finding water in the Book of Purification, ḥadīth no. 323. Al-Bazzār narrates an almost identical sentence to this narration in the Book of Purification, Chapter of Tayammum, but he adds 'the fear of Allah" in it, ḥadīth no. 131. The first two narrations have been graded as acceptable and the last one has been graded as authentic.*

The next one,

وبوجُودِ الماء

The presence of water.

I translated this as the availability of water. We have said for example, if there is a person and he is next to a well - the well is full of water, the presence of water is there but he does not have a bucket. If he does not have a bucket, the water is not available to him. The water is present but it is not available to him.

If the availability of water becomes apparent then he must (and that is very, very clear) make *wuḍūʾ.*

فإذا تيمَّم لِعَدَم الماء بَطلَ بوجوده، وإذا تيمَّم لمرَضٍ لم يَبْطُلْ بوجود الماء

There are different reasons if a person makes *tayammum*. The person makes *tayammum* for two reasons (1) lack of water, (2) illness. For the first, if a person made *tayammum* because of lack of water, if water comes, his *tayammum* is broken.

Is that clear? However, I've given this example before and I'll give it again.
You're at home, and you turn your tap on, and it's empty. You never knew that, and the missus says, didn't you know that? The waterworks sent a letter. You say, you're telling me now, when there's five minutes left before *ʿAṣr* starts and you haven't prayed *Ẓuhr* yet. She says to check all the others. So you turn on the taps everywhere. You turn on the taps, and there's nothing there. There is no time for you to go to the shop because *Ẓuhr* is going to run out.

So you make *tayammum*. It is now five minutes left for *Ẓuhr*. You make *tayammum*. As soon as you make *tayammum* and are about to pray, suddenly the water comes out. So the water is here and your *tayammum* is now canceled because the water is present. Now you need to make the *wuḍūʾ* with the water and then pray, because you still have time to make *wuḍūʾ* and you still have time to pray.

What is the second reason that you make *tayammum* for? If you are ill or because you can't use water. If you make *tayammum* because you can't use the water and the water comes on, do you have to make *wuḍūʾ*? No. So if you make *tayammum* because of illness, water does not matter. However, if you had *tayammum* because of a cut and it heals, then you have to make it with water. Is that clear? So that applies to the availability of water, even if praying.

I remember saying before that whenever we hear any of the *ʿulamāʾ* saying in Arabic, *law* (meaning "even if"), what does that indicate? They said that it indicates difference of opinion amongst the scholars. Whenever you hear or see the Arabic word *law*, that indicate that there is a difference of opinion amongst the scholars.

So this is a difficult one. Imagine you are in a prayer now, and let's say you're praying the *Ẓuhr* prayer and had an hour left before *ʿAṣr*. You made *tayammum* because there was no water. Suddenly, you're in the second *rakʿah* and the water comes on. What do you do?

What did the Ḥanbalis say? The Ḥanbalis said that you have to leave the prayer. Now this is a difficult issue.

وذهب كثير من العلماء إِلى عَدَم بُطْلان التَّيمُّم إِذا وُجِدَ الماءُ في الصَّلاة

It's interesting. Many scholars said that if you are in the prayer, it does not matter. The water comes, ignore it because you have started the action. You had a reason to stop the action, so what are you canceling it for? Do you understand? They said that this was a statement of Imam Aḥmad رحمه الله. It was the position of Imam Aḥmad himself. However, there is another narration from Imam Aḥmad رحمه الله and he said:

كنت أقول: إنه لا يَبْطُل، فإذا الأحاديث تدلُّ على أنه يَبطُل

"I used to say that it does not invalidate. You can carry on praying. Don't worry about the water. Carry on praying. But the *hadith* that I see now has made me change my mind. I believe that it doesn't invalidate."

So why does the *madh-hab* say that? Where is the evidence for the Ḥanbalis to say that if you are praying and the water comes on, that you have break the prayer and go make *wuḍūʾ*? The first is the *āyah* that Allah ﷻ said:

﴿فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا﴾

"If you don't find water, make tayammum."

He says the water was found. The water is here now, and you can't make tayammum. The ruling for tayammum was based on the absence of water. So it doesn't matter if the water is here or not - the statement is general, and it is applied in all times. That is their first evidence.

The second is that the Prophet said in a *ḥadīth* that we covered the last couple of weeks ago, that if a person finds water, then let them fear Allah and make sure that it touches your skin. That is like a strong kind of warning. The water comes, make sure you use it. That basically indicated that *tayammum* would be canceled.

The third and final evidence that they said

بَدَلٌ عن طهارة الماء عند فَقْدِه، فإِذا وُجِدَ الماء، زالت البدَليَّة، فيزول حُكْمُها، فحينئذ يجب عليه الخروج من الصَّلاة، ويتوضَّأ، ويستأنف الصلاة

He said that the *tayammum* is a replacement for water. Once the replacing thing is found, then the thing that you are replacing it with cannot be in action anymore. It is automatically invalidated because you can't have existing at the same time the replacer and the thing that it is replacing. It is like a paradoxical situation. So the prayer is invalidated, and the person should actually go forward and make the *wuḍū'* and pray.

28. Chapter 10: The Chapter of Dry Ablution VII

I'll read in English where we are,

Tayammum is invalidated by:
1. The exiting of the time
2. Anything that nullifies a normal ablution
3. The availability of water, even if one is praying, but not after it.

We are going to do,

It is better to delay *tayammum* until the end of the time if one hopes to find water.

Its description is:
1. The intention
2. Then to say "*Bismillāh*"
3. Hitting the dirt with both hands with fingers outstretched
4. Wiping the face with both hands, and
5. Wiping the back of the hands with the palms, and lacing between the fingers.

This is the *madh-hab* position. I don't know if we will be able to do all of it today. We were on point number three, 'the availability of water even if one is praying but not after it.' If you look at the text of *al-Mumtiʿ* at the bottom of page 403, we basically said that,

ولو في الصَّلاَةِ

Even if one is praying. Many weeks ago, we said that whenever the Arabic word *law* (even) is used in a *fiqh* text, then the word 'even' indicates the difference amongst the scholars. There is a difference amongst the scholars.

We are talking about a guy who's praying and he didn't find water and he only has a few minutes left to pray, so he starts to pray. Let's say that he has half an hour left. He does *tayammum* and starts to pray and the water starts dripping. Here is the issue, does the presence of water invalidate the prayer? We have two positions. The majority of the scholars are of the first position which is that it does break the prayer.

Then there are those which said that it doesn't [break the prayer]. It's not an insignificant number that said that it doesn't.

وذهب كثير من العلماء

We mentioned that it doesn't invalidate the prayer and that was a narration from Imām Aḥmad, even though we said that he recanted from that position.

إنه رجع عنها

He went back from that position and he said (narrated in *al-Inṣāf*),

كنت أقول: إنه لا يَبْطُل،فإذا الأحاديث تدلُّ على أنه يَبطُل

Meaning, I used to say that it doesn't invalidate but I now realize that the *aḥādīth* themselves indicate that it does invalidate the prayer.

What is the position of the scholars and what is the position of the Ḥanbali *madh-hab*? Why do they say that the prayer is invalidated? We covered this last week. The first one is that because of what Allāh ﷻ says in *Sūrat'l-Mā'idah* (verse 6),

﴿فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا٦﴾

"and if you can find no water, then take some clean sand"

In this case, water is found. They are praying but it doesn't matter because the water is found. In this *āyah*, *tayammum* is linked intrinsically to the absence of water. If the presence of water is there, then *tayammum* can't stand. If *tayammum* can't stand, then your prayer which was based upon *tayammum* is invalid. It's like everything comes underneath it and so the prayer is invalidated.

The *ḥadīth* (second evidence) is that Prophet ﷺ said,

فإذا وَجَد الماء، فليتَّقِ الله، وليُمسَّه بَشَرَتَه

Meaning, if you find water then fear Allāh ﷻ and make sure that you wash your skin with it.[1] That would indicate an invalidation of *tayammum*. The third evidence is that *tayammum* is a replacement for purification by water, in case you can't find water. If the water appears, then the replacement can't exist. It's not possible to have the original and the replacement in play at the same time. This ruling disappears. It is obligatory to leave the prayer and make *wuḍū'* and repeat the prayer. This is the position of the *madh-hab*.

As for the minority opinion which is that one does not break the prayer, the first evidence is that,

أنه شَرَعَ في المقصود والغاية، وهي الصَّلاة؛

He has done *tayammum* and he has started this action. This action is the prayer which he made *tayammum* for.

فقد شَرَع فيها على وجْهٍ مأذون فيه شرعاً

To start this action (the prayer), he had to have *tayammum*. He did *tayammum* and he started the prayer legitimately. He is now in a legitimate act of worship which he entered legitimately.

وهي فريضة من الفرائض لا يجوز الخروج منها إلا بِدَليل واضح

He is now in an act of worship which he entered in legitimately. It's an obligation from the obligation in the religion, not permissible to leave except with a clear evidence. It's not possible to just walk out of an obligatory action. Once you are in, you are locked in.

When we cover *fiqh* of *ṣalāh*, you'll see that the only time that you can leave an obligatory prayer is in an emergency situation. It has to be a real life emergency (ex. someone is dying, etc.) It needs to be either an emergency or a clear evidence. There are some scenarios which are non-emergency where you can leave the prayer. We'll talk about that later.

There is no clear evidence and there is no necessity. The presence of water is not a clear evidence.

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[1] *Musnad Al-Bazzār, The Book of Purification, Chapter of Tayammum, hadīth no. 310.*

لأن الأحاديث السَّابقة قد يُراد بها ما إذا وجد الماء قبل الشُّروع في الصَّلاة

All of the *ḥadīth* that have been mentioned by the *madh-hab* as the evidence are referring to if you find water before you start the prayer. If you find water before you start the prayer, it all makes sense. It's not talking about whilst you are in the prayer. What is the evidence that these apply to you when you are actually in an act of worship? Shaykh al-'Uthaymīn رحمه الله repeats one of his famous and most important principles,

وإذا وُجِدَ الاحتمال بَطَلَ الاستدلال

If a person is using a point and saying this is the only way of saying this and it's my evidence but there exists a different way of interpreting the same source that created the evidence, it's not possible to say that this is my only evidence.

Let me put it another way. If a *ḥadīth* is indicating an understanding, for example, the *ḥadīth* where the Prophet ﷺ said that if the water is found then fear Allāh ﷻ and let it touch your skin. The obvious understanding of this *ḥadīth* is that if water turns on, then I've got to put it on my skin [and use it]. However, if I say to you that this means only before the prayer, that's a possibility. If a possibility exists, the obvious meaning of the *ḥadīth* now no longer exists. That's what I'm trying to say.

What would seem to be the obvious derived understanding from the *ḥadīth* as an evidence that is now no longer the only meaning of that *ḥadīth*. The *ḥadīth* now means many things. It's now not possible to say that you are 100% wrong and I am 100% right. There is now a possibility of discussion. That's the point that we are talking about.

The *ḥadīth* now means many things. It's not possible now to say that you are 100% wrong and I am 100% right, there is now a possibility of discussion. That's the point that we are talking about, and it's going to be valid obviously and with difference of opinion.

Allah ﷻ also says as the second evidence in *Sūrat Muḥammad,* verse 33:

﴿وَلَا تُبْطِلُوا أَعْمَالَكُمْ﴾

"And do not invalidate your actions"

The prayer that he is currently in is a righteous action which he started with a permissible starting point condition in a *sharʿa*, so it cannot be invalidated except with evidence, but there is no clear evidence. That's their opinion, that's shaykh al-ʿUthaymīn's opinion, and I just wanted to say that it's not Shaykh al-ʿUthaymīn's position. Shaykh al-ʿUthaymīn is trying to give an evidence for it and argue for the opinion.

What he says now is very interesting. He says that this issue is a real difficult one. He says,

وهذه المسألة مُشْكِلَة؛

He says, this issue is the *mushkilah* proper. And it's very interesting as to why he says this is a *mushkilah*. Knowing me, what would I say to you guys in this kind of scenario? What would I normally say, or what would any scholar be told to do? What we have is a *faqīh* issue; what would we normally say?

For the majority, I would say they follow the safest opinion. That's very common, and you hear the scholars saying that all the time. Here is the question Shaykh al-ʿUthaymīn asks.

That's indeed what we would normally say, and thus indeed normally what we say to do. But what would be the safest opinion? Shaykh al-ʿUthaymīn says: what is the safest opinion? You can look at it one way - the safest opinion is what? To carry on with the prayer. Instead of saying 'carry on praying,' the safest opinion is to keep on doing the obligation that you are already doing.

Actually, he says to be safest here is impossible,

متعذِّر، لأنَّه إن قيل: الأحْوَط البطلان

He says, if someone says that safest is that the prayer is invalidated, then we would say, actually no the safest is to not come out of the prayer. And if you think about it, what did we say about prayer? In prayer, you have got to have the real reason and emergency to come out of it, so the safest position is to stay in the prayer.

And so that's why we get stuck and Shaykh al-ʿUthaymīn gives us a really nice point and says, this example is the famous example of where the safest position isn't automatically the safest position.

He says that another example is the issue of *ʿAṣr* prayer. He says according to the *madh-hab* of Abū Ḥanīfa رحمه الله, when does *Ṣalāt'l-ʿAṣr* starts? When the shadows of an

object is twice its length, whereas the majority of scholars are when the shadow of the object is only one time.

So we have two opinions on when the *ʿAṣr* starts, agreed? Now a person doesn't know which one to follow, so what is the safest position to follow?

It started at the second time, agreed? However, the majority of scholars always say that when the shadow becomes the two times the length of the object. What did the majority of the scholars say?

It is the prayer time which causes sin. It is the time of necessity, not *al-waqt al-mukhtār*, meaning it is not the time that is preferred. You see, *ʿAṣr* has the interesting reality that even though there is a legitimate legal limit or parameters for it (let's say from one length of shadow all the way until *Maghrib* or just before *Maghrib*, just before the sun disappears), this is the technical time of *Ṣalāt'l-ʿAṣr*. However, those scholars say that *Ṣalāt'l-ʿAṣr* must be prayed between the time when it is one time the length of shadow and two times the length of shadow. And then after that, the two times the length of shadow until Maghrib is when it's not right to pray, it is hated to pray, and some say even sinful to pray if you are doing it by choice. This is what the majority of scholars said.

And they will tie this in with the *aḥādīth* that talk about one who prays when the sun becomes yellow. And you will know that when the sun starts to become yellow, when it starts to come set down in the sky so far. If you look at the sun in any country at around the 12-3 o'clock time, the sun rays are absolutely white and you can't see the color of it.

Heat is very white and hot. Is white hot clearly hotter than red hot? Is white-hot hotter than orange or yellow-hot? Is orange or yellow-hot hotter than red-hot? White-hot is super hot, but the question remains. My theory is that red-hot is the least hot. When it's blue, you can put your hand through it, right? If you look at a coal for example, first it's red, then yellow, then white, which is when it's burning. The colour reflects that, and the heat reflects that. At 1:00-3:00 when the sun is really genuinely, super hot and you are burning as a result of it, it is actually white. Then when it starts to come down at about 5:00-8:00, it starts to turn yellow and the heat dissipates. Eventually when it turns red, then it's actually Maghrib, and it's not hot at all.

I just want you to know that actually that has absolutely nothing to do with heat. The color that you see of the sun - I was just trying to create a correlation - it doesn't actually exist. The colors that you see on the sun are not to do with its heat, but rather to do it with its angle of refraction vs. the atmospheric dust that it hits in your horizon. The twilight that you see, the various colors that you see - when you see, for example, purple, red, orange in the sunset - what you're seeing effectively is happening because of a certain amount of atmospheric dust. And the angle is such so that when the light is refracting at that very low angle and is coming across from the sun, that's where primary light is coming across, there is enough amount of

atmospheric dust, pollution, etc. it refracts off that. Why is it so white when it's so high? Because it's coming straight down with little or no refraction.

The point I'm trying to make is that according to the majority of scholars, you can't intentionally pray after the two times' length, whereas according to Abu Ḥanīfah, it starts at that time. So if a person is going to say, I want to follow the safest position according to the scholars, he can't actually say two times, because that's a problem with the first group, whereas he's a sinner with Abu Ḥanīfah because his prayer wasn't even valid. That's another of these kinds of paradoxical situations.

Shaykh al-ʿUthaymīn basically says that in these kinds of scenarios we prevent, avoid telling the people to follow the safest position. We say, go back and choose a position, strong and clear. And there's no doubt that the majority of scholars are spot on, that it is the early time that is the start time for *ʿAsr*. In actual fact, it's also the position of a number of Ḥanafi scholars.

Shaykh al-ʿUthaymīn's personal opinion is that the *madh-hab's* opinion is closer to the truth. So if water is found, then the person should come out of the prayer. Anyway, he says something very interesting here. He says not to worry about coming out of the prayer and it being an issue of being invalidated or becoming *bāṭil*. He says, look at it as coming out of the prayer to perfect it.

ولأن خروجه من الصَّلاة حينئذ لإِكمالها؛ لا لإِبطالها

The example of that is that if you're praying in a *masjid*, you've arrived and you haven't prayed your *Ẓuhr* prayer. The *jamāʿah* is gone, so you stand up and pray, and a whole group walks in. They go to the front, and they start their own *Ẓuhr jamāʿah*. If you break your prayer to go and join them, which some scholars have said you should do, you haven't invalidated your prayer. Rather, you've left your prayer to perfect it by praying in the *jamāʿah*. This is my position as well, and not obligatory, by the way. Some scholars said it's obligatory, and some said not at all (as in you're not allowed to, but we'll come to that).

So a person's praying *Ẓuhr* by himself, 4 rakʿah obligatory, they start their *jamāʿah* and you know it because you hear the *iqāmah* and everything, so you just leave the prayer and you join that prayer from the beginning and you get the reward of the *jamāʿah* and the *Ẓuhr*. That was what some scholars said.

Some said that this is the same as this scenario here: when a person has made *tayammum* for the prayer, and the water is found, it should be done properly, so let me now go and make *wuḍūʾ* with water and then pray again properly. That's the way it should be and I've perfected the prayer.

لا بَعْدَها

But not after it. So *tayammum* is invalidated by the availability of water, even if one is praying, but not after it. What does this mean? After you complete the prayer, what has not been invalidated? The prayer? The *tayammum*? The point is, I wanted to show you that it's not clear. It could mean either or, so we've got to clearly define it and that's what Shaykh 'Uthaymīn says (i.e. if water is found after the prayer, it is not necessary for him to repeat the prayer). This sentence is not talking about *tayammum*.

وليس مُراده أنَّ التيمُّم لا يَبْطُل

It is not actually trying to say that the *tayammum* itself becomes invalidated. It's talking about 'does a person need to repeat the prayer?' What's the evidence for this? This is an interesting *ḥadīth* we're going to look at now, and it's at the bottom of page 406. The statement of the Prophet ﷺ as narrated in the *Sunan* of Abu Dawūd.[2]

It's the story of two men who made *tayammum* and then prayed and then they found water whilst in the same prayer time, so the time was left for them to pray. They found water, so one of them did not repeat the prayer. As for the other one, he made *wuḍū'* with the water and he repeated the prayer. Let me just remind you again, they found the water after the prayer, but it is done. So one repeats and one doesn't. They both came to the Prophet ﷺ and they told them about what had happened and what did he say to the one who did not repeat the prayer?

أَصَبْتَ السُّنَّةَ

He said: "You have achieved the *Sunnah*". As for the one who repeated the prayer, he said to him:

لك الأجْرُ مَرَّتين

"You get the reward twice"

This is a very important *ḥadīth* we need to look at, both *sanad* and meaning. Meaning is the big one we need to study. First of all, the *sanad*. It is narrated by Abu Dāwūd in the Book of Purification, in the Chapter of the *Mutayammim*. By the way, we have not

[2] *Ṣunan Abu Dāwūd, Book of Purification, Chapter: The One who performed Tayammum finds Water during the prayer time, after having performed Prayer, hadīth no. 338.*

come across this phrase before, the one who makes *tayammum* is called *mutayammim.*

رواه أبو داود، كتاب الطهارة: باب المتيمم يجد الماء بعد ما يصلي في الوقت

Narrated in the *Sunan* of Abu Dāwūd. By the way, one of the reasons why they are called *Sunan,* like *Sunan Ibn Mājah*, *Sunan Abu Dāwūd* , *Sunan al-Tirmidhi* is actually a *Jāmiʿ*, *Sunan al-Nasāʾi*; the reasons are that they actually cover the actions of the Prophet ﷺ in a lot of detail. The *Sunan*, his actions, his ways - it is not so much focusing on the things that a *Jāmiʿ* would do or *Ṣaḥīḥ* of Imam al-Bukhāri, like *ʿaqīdah, tafsīr, sīrah, īmān, tazkiyatʾl-nafs,* where the *Sunan* focus on the actions.

This is the chapter of the *mutayammim,* who does not find water after the prayer. This *ḥadīth* is narrated by al-Dārimi, and by al-Nasāʾi as well, al-Ḥakim as well on the authority of ʿAbdullāh ibn Nāfiʿ, on the authority of al-Lyas who narrated from Bakr bin Sauādah, [who narrated from] ʿAṭāʾ, [who narrated from] Abu Saʿīd al-Khudri, *marfūʿan*, meaning on the authority of the Prophet ﷺ.

However, this *ḥadīth* was criticised. They said that it had a *ʿillah*, a hidden fault and that is that ʿAbdullāh bin Nāfiʿ, he is the only who made this *ḥadīth* connected. He differed over this *ḥadīth* with other scholars like ʿAbdullāh ibn Mubarak and actually it seems that *ḥadīth* on the authority of ʿAtāʾ bin Yasār, *mursalan*, meaning a gap and it is not an authentic *ḥadīth*.

Abu Dāwūd who narrated this *ḥadīth* said,

وذِكْرُ أبي سعيد في هذا الحديث وَهْمٌ وليس بمحفوظ، وهو مرسل

So the one who narrates this *ḥadīth,* Abu Dāwūd himself criticised this narration. He said, "The way I am narrating it from Abu Saʿīd al-Khudri is a mistake. This is something completely strange, it has nothing to do with Abu Saʿīd al-Khudri. I believe this *ḥadīth* is *mursal*," meaning that a Companion has been left out. There is no Companion between the *tābiʿi* and the Prophet ﷺ, which is a form of a weak *ḥadīth* of course.

It has been narrated in another way continuously as well, *mawṣūlan*. Remember when we say *mawṣūl*, it means that everyone is narrating from the next one, which means that the chain is connected. What did we say that the *ḥadīth* previously was? We said it was *mursal*, which means that there is a gap in the chain. Whenever there is a gap in the chain, the *ḥadīth* becomes weak automatically. The *muḥaqqiq* of this narration said in every single chain that there is some kind of issue that makes us doubt its authenticity. Look at *al-Bāri*, look at *Naṣb al-Rāyah* from the Ḥanafi school as well.

So I want you to know straight of the bat that this *ḥadīth* is not as authentic as people make it out to be and it could potential be weak. However, we are not talking about super weak. It is potentially okay for use in terms of meaning. That is the first thing I want to say about the *ḥadīth.*

What about the actual meaning of what the *ḥadīth* is trying to say? Well, let me throw that out to you. What do you understand from the *ḥadīth*? These two guys that had that situation, one did not repeat the prayer and the other guy did. Prophet ﷺ said to the guy who did not repeat the prayer that he did the *Sunnah* and said to the other guy that he got the reward twice. So my question to you is: which is the better action?

He is getting the reward for the prayer that he did, he is getting the reward for the prayer he did again. So he got double the reward. Is double the reward better or is achieving the *Sunnah* better?

Student: The reason why I think it might be double the reward is because he has done the *Sunnah*, and on top of that he is getting the reward for doing it again.

Ustādh: Good argument. He has done the *Sunnah* which was to pray and then he got another reward.

Student: The Prophet ﷺ would have said, you have achieved twice the *Sunnah* [if that were the case].

Ustādh: If that is indeed what he did, then he would have been told that you have the double *Sunnah*. So let me make it an easier question. If a person was to do it now... So two guys come out now from behind there, and one of them says I didn't pray again, and the other one says I did pray again. What would we say to these two guys? As for the guy who didn't pray, what would we say to him? You achieved the *Sunnah alḥamdulillāh*.

What would we say to the guy who did pray?

Student: [inaudible]

Ustādh: Double the reward? Okay anyone else? We said to the first guy who didn't pray, *māshāʾAllāh* you achieved in the *Sunnah*. What about the guy who did pray? What are you going to say to him? Double the reward?

Student: [inaudible]

Ustādh: That is what the *ḥadīth* meant, right? I'll ask a different question. Where are the *fiqh* hats? Where are the *ʿaqīdah* hats? Where are the *uṣūl* hats? Think about this.

Student: [inaudible]

Ustādh: The answer is this is *bidʿah*. Shaykh al-ʿUthaymīn says,

قلنا: إذا علمت بالسُّنَّة، فليس لك الأَجْرُ مرَّتين، بل تكون مبتدعاً

He said that if you knew what the *Sunnah* was - and that is the caveat - if you knew what the *Sunnah* was and you knew the *ḥadīth*, and then you came out and then you prayed again, you do not get the reward twice. You are *mubtadiʾ*. You are an innovator in the religion.

Now you are going to say "how on God's earth is that?" A person becomes an innovator when the Prophet has praised the guy and said you got two rewards? That's because he didn't know. That's the correct answer. Because he didn't know. The Prophet ﷺ telling him that he got two rewards was not an indication of him being happy with him or praising him. He says that he didn't know. He put the extra mile, then you got double the reward for your act. But you didn't hit the Sunnah. This is the *Sunnah*.

This means that if that scenario happens again ever, there is only one option and that is the *Sunnah*. This is a very important and valuable lesson for us. It doesn't matter how much *ʿaql* there is enough, or how much you think it makes sense. Actually, this *ḥadīth* or principle is at the root of all *bidʿah* in the entire universe. Just about every Pak under the sun and all the stuff that they do, they do with the belief that more is better.

So plenty of *nafl*, every opportunity we show our love for the Prophet ﷺ by doing *dhikr* like this, we will do x, we will do *khatm*, we will read the Qurʾān and people will say how is reading the Qurʾān bad? How can you criticize reading the Qurʾān? So that *ʿaql* comes through.

We can say to them how can you criticize this man praying again? Praying again? Proper praying in the right time? We can say that the Prophet ﷺ said, that is not my *Sunnah*. Do you understand what I'm trying to say?

This is a very important point, and we know that anyone who is *mujtahid* (the one who tried his best to come to a correct position and does *ijtihād),* if he gets it right, he gets two rewards, and if he gets it wrong, he gets one reward. So this is in general terms and I am not talking about this *ḥadīth*.

So he says this:

ومن هذا الحديث يتبيَّن لنا فائدة مهمّة جدًّا

From this *ḥadīth,* a very important principle emerges.

أن موافقة السُّنَّة أفضل من كَثْرة العَمل

That to achieve the *Sunnah* is far better than plenty of action or lots and lots of action. You see so many of these people and this is not just the Paks; this is everyone.

As soon as *adhān al-Fajr* goes, what do they start doing? They start knocking off *nafl* - two, two, two - while waiting for the *farḍ*, especially if they are in a *masjid*. There are only two *rakʿah Sunnah* before the *farḍ*. So where are all the *nafl* coming from? But the *ʿaql* will say, 'this is *nafl* and I'm waiting plenty of time, and why not pray *nafl*?' This is not legislated because the Prophet ﷺ never did that. So this is an example where if a person just prays two *rakʿah* and sits down, he has achieved a *Sunnah* and he gets full reward for it.

If they don't know, than they are *jāhil*, and if they do know, they are sinning and doing *bidʿah*.

That is a very important point. If they know, they have been told that this is a *Sunnah*, and they carry on, it is an act of *bidʿah*. It is a sin. So this is an example. Another example is one who starts to elongate the two *Sunnah* of *Fajr*. He starts to recite long *sūrahs* in it, he starts to make the *rukūʿ* nice and long, he makes *sajdah* nice and long, like you would do for two *rakʿah* at home after *ʿIshāʾ* or *tahajjud* or any other prayer that you pray at home.

You just do that to the two *rakʿah Sunnah* before *Fajr* because he says reciting long is good. Lots of *tasbīḥ* is good, so how can I possibly be wrong? So we'll say *bidʿah*. If a person knows the *Sunnah*, they know it is to pray the two *rakʿah* very quickly. When I say very quickly, that doesn't mean that it's all over the show. It means that these are two very short *suwar* with *Sūratʾl-Kāfirūn* and *Sūratʾl-Ikhlāṣ*, with minimal *tasbīḥāt* in the *rukūʿ* and *sajdah*.

Therefore, we know that these are mistakes and a person should focus on the *Sunnah*. This is an example; it is not about doing it long, it is about following the *Sunnah* of the Prophet ﷺ. However I just want to add here that it would be a big mistake that some believe that the *Sunnah* is to pray little *nafl*. That is not correct. There are plenty of *Sunnah* acts that need to be prayed during the day. There are *Sunnah* units that Muslims do not pray, particularly around the *Ẓuhr* prayer which there should be at least four before and two after, and never should one miss the two *rakʿah* after *Maghrib* or the two *rakʿah* after *ʿIshāʾ* as well. These are emphasised *Sunan* of the prayer.

The last part of the next statement:

والتَّيمُّمُ آخِرَ الوقتِ لراجِي الماءِ أَوْلَى

It is better to delay *tayammum* until the end of the time if one hopes to find water. The classical scenario here is that *Maghrib* starts at 9:27 pm, and you know that *ʿIshāʾ* starts at 11 pm. If *ʿIshāʾ* starts at 11 pm and at 9:27pm you turn on all the water and there is no water, here is the dilemma now: you have one hour and 27 minutes left, and you have to try and make a decision. What do I do? Do I make *tayammum* and pray now? Or do I make a judgement call and say the water is going to come through *inshāʾAllāh* so I am going to pray, as long as I can pray before *ʿIshāʾ?'*

What does the *madh-hab* say? The *madh-hab* says it is better to not pray, and it is better to not do *tayammum* and to wait until the end of the time if one hopes to find water. There has got to be a hope. For example, I called the water company, and they did say you will definitely have your water at 10:30pm. Or for example the shop which is closed is going to open at 10:30pm and you know you will definitely be able to purchase it (water). There has got to be a real hope, otherwise it is something else. What are the scenarios here? We are going to look at this from an evidence point of view. He says that a person who is trying to achieve this will be in different states. For example,

فيترجَّح تأخير الصَّلاة في حالين

He says that according to this position, it is better to delay the prayer in two scenarios: (a) if he definitely knows there will be water available,

إذا عَلِمَ وجود الماء

For example, he can see it about an hour's walk away, a half hour walk, or he can see the water and he knows he will definitely get there before '*Ishā*',

إذا ترجَّح عنده وجود الماء؛ لأن في ذلك محافظة

(b) Or he considers that there is a greater likelihood of finding the water than not finding the water. He has had a think about it, he is absolutely sure, he has made the phone calls, he has been given the promise and he really believes that it is going to happen. The first one is a certainty that you get the water and the second one is a belief that he hopes that he will get the water.

The other scenario is that he would not actually pray later, but he will pray now using *tayammum*. When would this happen? There are three scenarios for this:

1) If he knows for certain there is not going to be any water. For example, he is in the middle of a desert and he knows there is going to be no chance of any water; or he is at home and they have said 12am is when the water is going to come through, so he knows there is no way he will get any water before '*Ishā*' starts.

2) He has had a thought, he has had a think about it, he has made his best guess and it is more likely that he is not going to find water (opposite to the previous scenario).

3) From an *uṣūl* point of view, he thinks about it, nothing becomes dominant, and it's 50/50. In the two scenarios we had a probability. In the first scenario, it was stronger that he would find water. In the second scenario, it was stronger in his thinking that he was not going to find water. If he has a think about it and it is a 50/50, nothing is concurrent, nothing is dominant here. One does not go ahead because he has nothing to go ahead with, so he just prays.

وذهب بعضُ العلماء إلى أنه إذا كان يَعْلَم وجود الماء فيجب أن يؤخِّر الصَّلاة

They (the *madh-hab*) are saying it is better to delay *tayammum,* and obligatory to delay the prayer.

ome of the scholars said it is *obligatory* to delay the prayer if he knows that he will find water. That's so much stronger and stricter than this position.

Shaykh al-'Uthaymīn رحمه الله says that the strongest opinion according to him:

أنه لا يتعيَّن التَّأخير

That we shouldn't focus on delaying the prayer. It's not about delaying the prayer. Actually to pray on time is better according to a number of reasons. Firstly, the general understanding of the Prophet ﷺ when he said:

أيُّما رجل من أمتي أدْرَكَتْه الصَّلاة فليُصَلِّ

"Any man from my *Ummah*, if the prayer comes upon him then let him pray it."[3]

The second evidence:

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[3] *Ṣaḥīḥ al-Bukhāri, Book of Prayers, Chapter: The sayings of the Prophet (pbuh) "The earth has been made for me a Masjid (place for praying) and a thing to purify (to perform Tayammum), hadīth no. 438.*

أنَّ عِلْمَه بذلك ليس أمراً مؤكَّداً

His knowledge about whether this is going to happen is not something certain and something could happen afterwards that could change the scenario. Therefore we can't make an assumption on something which is not certain in the first place.

Shaykh al-'Uthaymīn ﷺ then goes into a separate point. When the scholars say to delay to the end of the time, this does not mean legal time. This mean the preferred time. The prayer has two times - the legal times and the preferred times that you are meant to pray. To pray at the early time [is preferred] as a general rule of thumb other than for *'Ishā'* which is a bit different.

So let's give some examples:

والصَّلاة التي لها وقتُ اختيار ووقت اضْطرار هي صلاة العَصْر فقط

Ṣalāt'l-'Aṣr has a unique situation in that it has a preferred time to pray and it has a time of necessity only. So the preferred time is before the sun becomes yellow, which is roughly two times the length of the shadow, which is about two hours before *Maghrib* time. After that, when you are in the last period just before *Maghrib*, this is only for necessity, only if you really have to. This is according to some of the scholars. There is another example. As for *'Ishā'*, I want to say to you that Shaykh al-'Uthaymīn ﷺ has a minority opinion for *'Ishā'*.

وأما العِشَاء؛ فالصَّحيح أنه ليس لها إلا وقت فضيلة ووقت جَواز، فوقت الجواز من حين غَيبوبة الشَّفق، ووقت الفضيلة إلى نِصف الليل.

He says that *'Ishā'* has only two times. There is the permissible time to pray and the preferred time to pray. The permissible time to pray is as soon as the twilight disappears, and that's when it starts. Twilight disappearing is the onset of night time. That's about one and a half hours after Maghrib. However, what is the preferred time to pray *'Ishā'*? It is to pray it before the middle of the night. After a third of half of the night has passed, as the Prophet ﷺ said in the famous *ḥadīth* when the Companions ﷺ fell asleep whilst waiting [to pray *'Ishā'*], he ﷺ came out and said that if it was not

because of causing hardship upon the *Ummah* this is the time that I would make you pray all the time.[4] So to delay the *'Ishā'* prayer is better.

There are exceptions to that, of course. For example, if the *jamā'ah* in the *masjid* is done way before the third of the night has passed. The reason that they do that is because the *masjid* has to take the people who are working into account. It's not the preferred time but one would still pray with the *masjid* at the earlier time and you will get more reward because of the congregation *in shā' Allāh*.

Now Shaykh al-'Uthaymīn ﷺ says that the best time to pray the *'Ishā'* prayer is after the third of the night until half the night. What is half the night? Midnight. What time is midnight? According to non-Muslims and the West, 12 o'clock is midnight; however, according to the *sharī'ah* and the Islamic system, midnight is halfway between the night. So the night tonight starts at 9.22pm and *Fajr* starts at about 3.20am.

Student: What do you class as the night ending? At sunrise?

Ustādh: No, at *Fajr.*

Student: Why not at sunrise?

Ustādh: Because the night is defined by twilight. So the night starts at the disappearance of twilight and the night ends at the appearance of twilight. The twilight starts to disappear straight after *Maghrib* and the twilight starts to appear straight after *Fajr*, which is the onset of twilight.

So, if we say 3:20am is *Fajr* start time, and 9:20 pm is *Maghrib* start time – what time is midnight?

Midnight is at 12:20am.

What is Shaykh al-'Uthaymīn's position? He said that after midnight there is no time for *'Ishā'* – this is not the time for *'Ishā'* – this is his famous position. Because he says that a *ḥadīth* which has been narrated from the Prophet ﷺ has limited the time of *'Ishā'* until midnight, which is 12:20am.

Now obviously we're not getting into this big debate now because it is a massive debate, but the other scholars said that no, the prayer for *'Ishā'* lasts until the start time for *Ṣalāt'l-Fajr* – it is the *ḥadīth* of 'Abdullāh ibn 'Umar – anyways we will come to that, we will cover all these *aḥādīth* in the right time *in shā' Allāh*. I just want you to know that Shaykh al-'Uthaymīn is always very famous for this opinion amongst the

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[4] *Ṣaḥīḥ Muslim, Book of Mosques and Places of Prayer, Chapter: The time of `Ishā and delaying it, hadīth no. 638c. This wording is also reported by Sunan an-Nasā'i, Book of the Time of Prayers, hadīth no. 537.*

students of knowledge and he does go into a lot of detail to prove it and he will bring some strong evidences.

So again, my reminder to you and a reminder to myself – especially when it comes to short nights like where we are now, and we're praying late all the time, I find myself praying all over the time. Try to make sure you pray before midnight. Whatever happens, just try – and that way you will have definitely achieved the safest position. Because by the way, even the scholars that do allow you to pray until *Fajr*, they say that you should pray before midnight. Then you have an opinion where there is no prayer after midnight, and that is a serious position. You should never risk going against such a position; therefore pray your prayer early.

Here's another way of understanding the ramifications and the consequences of this *masʾalah:* I was at Ilmfest last week in Malaysia and I obviously deal with the *fiqh* and *ṣalāh* kind of scenarios, so a lot of these questions come to myself. So there were a couple of the instructors that were asking me about their prayers. So we are in Malaysia and Shaykh AbdulBary Yahya came from Seattle, which is the west coast of the States, and Shaykh Navaid Aziz came from Calgary, which is western Canada. The way that they came was from over the Pacific, through Japan and Hong Kong, etc. Now what happens there is crazy stuff, because when you go that way, you basically lose a day. You actually lose an entire day and you arrive at a time where you have already prayed prayers for that 24-hour period, but the date has changed.

For example, Shaykh Navaid was saying to me that he prayed *Ẓuhr* and *ʿAṣr* combined in Vancouver on the airport floor (which is what I always tell people to do, and to not pray in a plane), and that was on Tuesday. After a few hours, he arrives [in Malaysia] at *ʿAṣr* time on Wednesday late afternoon. It is not a massive flight – like 10 or 12 hours – but he loses an entire day because they travel through the Date Line [in a western direction].

Now, what do you do?

He has not prayed any prayers on Wednesday, so he should pray the prayers of Wednesday. However, he is within a 24-hour period wherein he has already prayed *Ẓuhr* and *ʿAṣr*.

The Prophet ﷺ said that every day has five prayers – that *ḥadīth* means day and night.[5] Therefore, the *ḥadīth* clearly states that in 24 hours, there are only five prayers. So if he now prays *Ẓuhr* and *ʿAṣr* again, he is actually praying extra prayers within that 24-hour period. Even though you would think that you should, because he is on a new day. I said to him beforehand that actually he doesn't need to pray at all and that the next prayer would be *Maghrib* and so on. However, I said that actually because it is at the *ʿAṣr* time now, so he should pray *ʿAṣr* again out of safety because it

[5] *Ṣaḥīḥ al-Bukhāri, Book of Obligatory Charity Tax (Zakāh), Chapter: The obligation of Zakāh, hadīth no.1395.*

is a new day. And I also said to him, if you want to follow my opinion you should pray *Ẓuhr* and *ʿAṣr* out of safety. He said, "What's your evidence?" I said, "My evidence is what the *fuqahāʾ* say when a woman is menstruating and she becomes pure."

And that is exactly what Shaykh al-ʿUthaymīn is quoting right here now. Look at what he says. He mentions the scenario of what we're talking about, about trying to understand this issue of prayer times after *ʿIshāʾ*. He says, let's imagine a woman who becomes pure at 2 o'clock in the morning. What is 2 o'clock in the morning according to Shaykh al-ʿUthaymīn? It is after *ʿIshāʾ*. Would you agree? It is after *ʿIshāʾ*. It is not a prayer time. So according to Shaykh al-ʿUthaymīn, what does this woman pray right now? What do you think?

Nothing. What's her next prayer going to be? *Fajr*. Okay that is Shaykh al-ʿUthaymīn's position.

فعلى هذا القول لا يَلزَمها صلاة العِشاء ولا المغْرِب.

وعلى قول من قال: إنه يمتدُّ وقت ضرورة إلى طلوع الفجر

Here is where he allows the rest of the students to understand that there is a difference of opinion on the issue. As for those scholars that consider the necessity time of *ʿIshāʾ* to reach until *Fajr*, what do you think they say? *ʿIshāʾ*, because they are in the time for *ʿIshāʾ*.

And there are some scholars that said,

وعند آخرين يَلزمُها أن تصلِّيَ العِشاء والمغرِب

She must pray *ʿIshāʾ* and *Maghrib*, and this is an issue which is going to come up later in detail and it has been mentioned in *al-Inṣāf* as well. You might ask why, and the reason is because time for *ʿIshāʾ* is time for *Maghrib* and *ʿIshāʾ*. Time for *ʿAṣr* is time for *Ẓuhr* and *ʿAṣr* because this is a combined time. Do you understand what I am trying to say? That is my personal position and I don't obligate it, and I don't want to obligate it. I believe that it is safer, it is better, and it is more complete. A woman who becomes pure from her menstruation in *ʿAṣr* time should pray *Ẓuhr* and *ʿAṣr*. This is actually the famous difference between Abu Ḥanīfah and al-Shāfiʿi.

Of course in the Ḥanafi school there would be no issue here because they don't consider combining anyway. For them, *Ẓuhr* is gone and so for them *ʿAṣr* will just be prayer there and then. There are some deeper issues to this that I don't want to go into right now. I want you to understand that there are a number of consequences to defining time and it affects everything.

Anyway, back to this scenario right here about delaying the prayer. Let's say that you've got *tayammum*. Sorry, let's say that you can't find the water and now you're thinking, I will possibly find it later but the *jamāʿah* is going to start now. Yes? What would you do?

You would say, I am not going to pray with the *jamāʿah* because there is no water. I am going to wait. Or would you make *tayammum* to pray with the *jamāʿah*? Shaykh al-ʿUthaymīn says yes, you would make *tayammum* to pray with the *jamāʿah* because the reward of the *jamāʿah* is better than you delaying and waiting and possibly seeing something happen or not. Is that clear everybody? And that is because he said to join the *jamāʿah* is an obligation, *wAllāhu taʿāla aʿlam.*

That's good and then next week *in shāʾ Allāh* we can probably finish this chapter off completely.

Q & A

Q: Some people go to the *masjid* for *tahajjud* thinking that praying *tahajjud* in *jamāʿah* is more rewarding. Is that an innovation?

A: Correct. This is *bidʿah*. There's no doubt about it that the Prophet ﷺ did not pray *tahajjud* in *jamāʿah*, except in Ramaḍān, and even this *tarāwīh*, there are mistakes that are made and this is a scholarly difference of opinion whether there should be any prayer for *tahajjud* or not. You know people do that. I am of the opinion that definitely there isn't. When a person prays *tarāwīh*, then he should complete the *tarāwīh* with the *imām* and there shouldn't be a *jamāʿah* in the *masjid* later on. I don't believe in that at all.

The Prophet ﷺ never prayed two *jamāʿāt* in a night. It was one *jamāʿah*, which started early and finished late. It would cover the entire night. What do we do? We pray an hour and a half, we go mess about, eat some chicken, come back to the *masjid*, then pray another hour or hour and a half with the nice *imām* and then we pray *Witr*. It feels nice and it sounds nice but it's not the *Sunnah*. Not the *Sunnah*.

You should either go to the first *jamāʿah* and finish with the *imām* or you should not go to the first one and go to the second *jamāʿah* and finish with the *imām*. But doing both? This is not the *Sunnah* of the Prophet ﷺ. Not the *Sunnah*. The Prophet ﷺ never ever prayed two *jamāʿāt* in a night. He never prayed *tarāwīh* and *tahajjud* in *jamāʿah*.

Q: Please can you clarify the prayer before midnight? The scholars are talking about the *farḍ* and *Witr*?

A: Yes we are only talking about the *ʿIshāʾ* prayer. As for *Witr* prayer, even Shaykh al-ʿUthaymīn allows that to be prayer up until *Fajr*.

Q: You were giving three reasons why Shaykh al-ʿUthaymīn, may Allāh have mercy upon him, gives that it is better to pray on time. Number 1) the Prophet ﷺ [said], any man from my *Ummah*, if the prayer comes upon him, then let him pray there and then. Number 2) his knowledge of whether the circumstances would come to a pass is not certain and the circumstances [inaudible]. Could you give me the third one please?

Ustādh: I don't think there was a third one. No there isn't a third one. That's it.

Student: So he does *tayammum* and he starts praying and he hears of water. Does he break that prayer? What is the **class position**?

Ustādh: Let me make it clear. The class position is the position of Shaykh al-ʿUthaymīn, that you stay in the prayer. You started that in a valid way. No evidence to break that, continue in the prayer. Yes, anyone else?

Q: [inaudible]

A: You shouldn't make this a habit and it is against the *Sunnah,* but if someone comes just like that, then it is okay. That's okay. We have a *ḥadīth* when the Prophet ﷺ was praying *qiyāmul-layl* and ʿAbdullāh Ibn ʿAbbās arrived and he joined him. The Prophet ﷺ did not cut him out of the prayer. He just pulled him around; he stood on the left-hand side. So he took him by the ear and he pushed him to the right-hand side.[6]

The evidence therefore shows that if it happens in a non-organised fashion, then it is okay. But in an organised way, I am not happy with this. Some scholars allowed it, and that's why we have these youth *qiyāms,* for example. I am not a supporter of youth *qiyāms* because this is an organised second *jamāʿah*. An organised *jamāʿah* of *tahajjud* prayer. But some of the scholars have said that there is a need for it, and that if we don't do it then there will be a problem, etc. It is something which is differed over, but no doubt that the majority position is correct, *wAllāhu taʿāla aʿlam*.

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[6] *Ṣaḥīḥ al-Bukhāri, Book of Call to Prayers (Adhān), Chapter: The ablution for boys (youngsters). When they should perform Ghusl (take a bath) and Ṭuhur (purification). Their attendance at congregational prayers and their rows in the prayers, ḥadīth no.589. The same incident without the last two sentences is also narrated by Ṣaḥīḥ Muslim, Book of Prayers, Chapter of Prayer and Supplication of the Prophet (ﷺ) at Night, ḥadīth no. 763n.*

29. Chapter 10: The Chapter of Dry Ablution VIII

Imām al-Ḥajjāwi says,

وصِفَتُه: أَنْ يَنْوِيَ ثُمَّ يُسَمِّيَ، ويَضرِب التُّرابَ بِيَدَيْهِمُفَرَّجَتَيْ الأصَابِعِ، يَمْسَح وَجْهَهَ بِباطِنِها، وكَفَّيهِ براحَتَيْهِ، ويُخَلِّلَ أَصَابِعَه

Its description is:
1. The intention
2. Then to say "*Bismillāh*"
3. Hitting the dirt with both hands with fingers outstretched
4. Wiping the face with both hands and
5. Wiping the back of the hands with the palms, and lacing between the fingers.

That is the Ḥanbali position of how to describe it. We want to see if that stands up to academic scrutiny. On page 410 of *al-Mumtiʿ*, Shaykh al-ʿUthaymīn ﵀ says that this is one of the rare times that something has been described in detail. The reason is because it's an act of worship. An act of worship is based upon the two corner pillars: 1. Sincerity for Allāh ﷻ, 2. The following of the Prophet ﷺ in that act.

بالإخلاص لله تعالى، وبالمتابعة للنَّبيِّ صلّى الله عليه وسلّم

These are the two conditions for this act to be accepted. This is a very useful reminder. For any act of worship (*ʿibādah*) to be accepted by Allāh ﷻ, it needs to fulfill two conditions. First, it has to be for the sake of Allāh ﷻ alone and not for the sake of other people, etc. Second, it has to follow the example of the Prophet ﷺ exactly.

لا تتحقَّق إلا إذا كانت العبادة موافِقَة للشَّرع في سِتَّة أمور

An act of *ʿibādah* is not following the Prophet ﷺ unless it corresponds to six specific things. What are they?

1. *Al-sabab*,
2. *Al-jins*,
3. *Al-qadr*,
4. *Al-kayfiyyah*,
5. *Al-zamān*, and
6. *Al-makān*.

Let's go through this again. *Al-sabab* is the reason that you are doing it. It is the actual cause or reason that you are doing that action. *Al-jins* is that it needs to be of the same genus.

This will confuse a lot of people and I'm telling you now, do not overthink this. What we are talking about now is moving into that science called *uṣūl al-fiqh*, which is so much more than the *fiqh* itself. *Uṣūl al-fiqh* is from the principles of jurisprudence, which is difficult. This is the science of scholars and these are technical facts that will confuse. I don't want to give too much time to these concepts because the conclusion is actually more important than the manner of getting there. The scholars are really careful in making sure that people do not stray when they are following the Prophet ﷺ, and so they put down these things which sometimes are very astute observations.

Al-Qadr is next. Who can guess what it means here? I say that because we are a few days away from *Ramadan*. There are certain phrases, *āyāt* and concepts that people don't think about until *Ramadan* comes around. Now that *Ramadan* is almost here, people are thinking of *qadr* and the word becomes refreshed in their mind. They will hear the *Sūrah* many times and they will recite it and every one of us will be looking for *Laylat al-Qadr*, *in shāʾ Allāh*.

What does *al-qadr* mean? Power is what we understand it to mean. What do you think that it means here? In a list that is translated as: the same reason, the same genus, the how, the when, and the place. *Al-qadr* means quantity or amount. I've given a *tafsīr* of *Sūrat al-Qadr*. In there, I explained that one of the technical meanings of *qadr* is amount.

Al-kayfiyyah is the manner or the how. The manner that you perform that action in. These are all parameters which will restrict your action. If you tick all these boxes when you do your action, then you are ensuring that you are doing the right action.

Al-zamān is the time. An example would be if you said that you are fasting *Ramadan* in the month of *Dhul-Ḥijjah.* That would be unacceptable. It must be in Ramadan to be accepted as a fast of *Ramadan*.

Al-makān is the place. This is only of course if the action fulfills the parameters. For example, there is no *makān* for Ramaḍān. But for *Ḥajj,* there is a *makān*.

Love, for example, has no *qadr*. But Ramadan has 29 minimum, 30 maximum days.

Al-jins is very difficult and I can't really think of examples so don't ask me. So the certain action is clearly definable with certain parameters, it is unique because of its reason, it is unique because of its amount, it is unique because of the manner in which it is performed, etc.

So take the prayer, for example. It is fundamental for us to focus on the *kayfiyyah* of the prayer because the Prophet ﷺ has made a very specific physical description. So you have the six things:

- *Al-sabab* – the reason
- *Al-jins* - the genus or the type of the act of worship
- *Al-qadr* - the amount
- *Al-kayfiyyah* - the manner
- *Al-zamān* – the timing of the action, like the time of the day (e.g. *Fajr* prayer)
- *Al-makān* - the location of that action

These are the six parameters which are maintained and followed for an action to be regarded as followed of the Prophet ﷺ, and that is obviously only if they are applicable.

Shaykh al-ʿUthaymīn رحمه الله says an act of worship will not be met unless it has the six points and that is why we need to describe the action, such as *wuḍūʾ*, *ṣalāh*, *ṣiyām,* and now we're doing that with *tayammum*.

So the first one is to make the intention. Now this is not a verbal intention - this is an intention of the heart. There is no specific formula. You just say to yourself that you are now making *tayammum*. That's it. You say it to yourself.

That is not a statement that you need to articulate. It is not a statement that you really need to pause and say it internally. You are going out to some *turāb* and about to hit it, you should be in your mind very clear that you are not gardening. That is basically what I'm saying. Let's say you're genuinely gardening. You're in there, and you're playing around with your fingers and doing that thing in the dirt, and at the same time there is no water and it is time for *ṣalāh*.

The whole point (and I keep banging on about this) is that nowadays when you are in the shower after a long day at work and you know that you need a shower anyway because you are sweaty and tired, when you're in there, your mind completely goes when the water is flowing, and then you're in there and you're cleaning yourself. But you forget that "I need to do this for *janābah* as well," or "I need to do this for *jumuʿah* as well."

You need the presence of the heart to think about it. That intention is important.

He says,

ثم يُسَمِّي

He mentions, or he names. You can gather he doesn't mention bismillāh . He makes the intention, and he names, meaning he makes the *tasmiyah*.

What is making the intention? What does he mean? He means *bismillāh*, and not *bismillāh al-raḥmān al-raḥīm* which is the *basmalah*.

He says the *tasmiyah*, which is just the *bismillāh*. This is a strong point in the Ḥanbali *madh-hab* which we covered in the chapter of *wuḍū'*. They consider it obligatory. However, the majority of the scholars consider it to be *Sunnah*. We will take it as the ruling of *Sunnah,* however we will approach it like it is an obligation.

The *tasmiyah* or saying *bismillāh* is like the *bismillāh* in *wuḍū'*. It's the same rulings and same debates. Every single debate that you want to find out, go back and refer to the chapter where we have covered *bismillāh* in detail. They all apply here. That is a beneficial point. Shaykh al-'Uthaymīn رحمه الله is saying that this is the *mubaddal*. This is the replacement for the *ḥukm* of the *aṣl* and so everything is replicated.

The full debate considering the legitimacy of the *bismillāh* (i.e. why we say it, why we don't say it, should we do it, should we not) is following the same ruling. So *bismillāh* itself is a requirement according to the Ḥanābilah and as I said to you before, we should practice it like it is an obligation. In ruling, it is a *Sunnah* according to a majority of the scholars and that is our **class position**. But still, practice-wise, like I said, you practice it like it is an obligation.

ويَضْرِبَ التُّرابَ بِيَدَيْه

Then he hits the *turāb* (the dust). He didn't say he hit the earth, the ground, he didn't say he hits the *al-arḍ*. He said *al-turāb*.

لأنَّهم يشتَرِطون التُّراب

Shaykh al-'Uthaymīn رحمه الله continues by saying that the *Ḥanābilah* actually condition it to mean the actual dirt. Or dust. They don't consider it to be the floor. What did we say? We said it could be anything; it doesn't have to be the *turāb* itself. It is actually the floor. Anything that can actually be a surface, wall or floor or whatever.

Shaykh al-ʻUthaymīn says it is more correct to say dust or sand or stones, what the predominant surface is.

So we covered this before we said that the *tayammum* is going to be valid, whatever the nature of the actual surface.

Tayammum is going to be valid whatever the nature of the actual surface is. It is about it being the surface. If a person cannot reach the earth, then it is acceptable to strike the wall. A wall is also a physical, natural surface.

Here's a hypothetical question: What if I am next to an artificial wall? Like a wooden wall for example, out of laminated planks or something like that.

I would not feel comfortable with that scenario. Even though technically there is dust on there and your job would be done (if there is dust on there). When people say to 'hit a wall' what they are saying is that the wall is an extension of a natural ground; it does not necessarily have to be dirt and muddy, etc. According to our position, it is about the fact that it a natural surface, with natural dust, sand, or rock, or brick, or plaster, etc. - these are natural floor surfaces as well. It is a transfer of that, and any type of wall which you strike is no problem. Once you put plaster on it, it starts to hold dust, even when you paint it, it starts to hold dust. The principle is the floor, though, so we should not immediately just go for the wall.

بيَدَيْه

With both his hands,

مُفَرَّجَتَي الأصَابِعِ

There needs to be gaps, with the fingers outstretched.

أي مُتَباعِدة

Fingers away from one another - why? According to the Ḥanbalis, this is so that the dust can go in between them because

الفقهاء يَرَوْن وُجوب استيعاب الوَجْه والكفَّين هنا، ولذلك قالوا: مُفَرَّجَتَي الأصابع. والأحاديثُ الواردة عن النَّبيِّ صلّى الله عليه وسلّم

The *fuqahāʾ* said the dust needs to go between the fingers because these are effectively going to wipe the face and cover the entire area. However, Shaykh al-ʻUthaymīn says that the *aḥādīth* which have been narrated by the Prophet ﷺ in the manner of *tayammum* have never shown the stretching of the fingers. He never emphasised it, the Companions never saw it, and when the Companions saw him do it, and they did not say he stretched out his fingers.

أنه فرَّج أصابعه. وطهارة التَّيمُّم مبنيَّة على التَّسهيل والتَّسامُحِ، ليست كطهارة الماء

Basically, there is no need to outstretch the fingers because the Prophet ﷺ would have done so.

In a previous point, Shaykh al-ʻUthaymīn stated that we shouldn't have to redo the *tayammum* for each new prayer because it is not supposed to make things difficult and we should be easy. A student left a comment on the portal saying that you're striking the earth, and there is not anything which is difficult about it anyway. You might be doing X, you might be doing Y, but there is not anything to increase the difficulty factor.

That is a really good point. When I read it, I thought to myself 'that is right,' there is no extra perceived difficulty and the same criticism could be put here. Shaykh al-ʻUthaymīn is saying 'easy man, what are you making it a mission for?' He says this *dīn* and this purification process is

مبنيَّة على التَّيسير

It is based and built upon ease. Clearly, if the water is missing and we are saying go and 'strike the earth,' are we saying any earth? Go and strike any surface? We are making things easy for the people - he is following that through. The criticism could be: is he following through a bit too much when says, 'Oh, they want us to open up the fingers. Come on man, keep it easy'? It's almost as if to say that if you were to open up the fingers when you strike, you are causing difficultly. I think there is a point there. I think that is a valid criticism, and I don't think there is any difficulty there. The logical answer to her point (the questioner) is that there is no physical difficulty, but we are trying to look for something that is not there. The looking does not change the action in any material way.

The technical answer stands by itself; even discussing this is a waste of time, waste of effort, waste of resources. Keep the issue simple. If we were teaching this in a very formal way, I would say 'strike it' and move on. When we say, do we strike it with

fingers like this, outstretched like that, etc., and I have to talk, think, go back and look, research etc. and the *ḥadīth* never mentioned anything about the fingers, maybe that was the point Shaykh al-ʻUthaymīn was getting to: keep it simple. The Prophet ﷺ said to strike it, so just follow him and strike it. He did not say make the fingers outstretched, etc. It is not about a perceived physical difficulty. Keeping it easy means keeping it simple and not going somewhere where there is no need to go.

The **class position** is against the position of the *madh-hab*. You do not need to outstretch your fingers, and it is okay to just be normal

We will cover this in *ṣalāh* as well. How much were the fingers of the Prophet ﷺ outstretched? When some people learn how to pray, they will really take it so far that when they make *sajdah,* they want to know the distance between each finger. This has a lot to do with our upbringing, especially as Paks.

I cover this a lot in Fiqh of Ṣalāh. I cover this concept about why it is that our Western, Pak kind of mentality gets very, very specific about certain things and introduces certain moves, ideas, and concepts which you can't really remember it to be a part of the *Sunnah*. And it is very much linked to Paks, so the Ḥanafi *madh-hab*, because that is the dominant school of the Paks, and we stand with our feet in a certain manner, with this many finger gaps between the two feet, and this many gaps between the others, when we stand for *ṣalāh* and hold our hand, it's not "right hand on left hand", but it's "right [hand] on left [hand] with the little finger [of the right hand] and the thumb encircling the wrist [of the left hand] in an exact manner, with three fingers on top" – so much so that you are programmed into never holding your hand except in this kind of manner.

Now, you'll say that once you get used to it you become used to it – it's very normal. But actually, it's not really, is it? If you say to put right on left – it could be [in a number of different ways]. It's a relaxed kind of reaction. But when you say "put the right on the left" and you are following the Ḥanafi School, it's right on left, encircle [little finger and thumb encircling with left wrist], three fingers [of the right hand over the left arm], etc. So why is that?

Well, there is almost a need in the *madh-hab* to be so super-specific for its people who are (and this is controversial, but we'll come to this in its right time) not natural to the language, or to the culture, or whatever, and they want to be very, very, exact in the things that they do because they are very dependent upon the ritualistic aspect of the worship. This is almost to make up for the lack of freestyle ability to be able to connect with that worship. This is a detail point, which we will discuss.

So, this is the kind of thing that they will focus on – the fingers should be spread far apart, etc. No, our approach to the *Sunnah* will be much more relaxed – just strike it, just put your right hand upon your left, raise your hands (it doesn't have to be exact), etc. It's a much different approach.

يَمْسَحُ وَجْهَه بباطِنِهما وكَفَّيْه برَاحَتَيْهِ

The *ẓāhir* and *bāṭin* – just to go back to the Arabic. *Ẓāhir* means external, and *bāṭin* means internal. So for the hands, the *bāṭin* are the palms, and the *ẓāhir* are the outside. So it is the wiping of the face with the inside of the hands.

The translation of the text should be: wiping the face with the inside of the fingers, wiping the hands with the palms.

Remember the whole discussion of the *madhāhib* of dividing water into three types - *ṭahūr* (pure and purifying), *ṭāhir* (pure but not purifying – you can't make *wuḍū'* with it, but you can drink it, and you can do something else with it), and *najis*. And we said that they apply this same ruling to dirt. We said that these things can only be of two states – they can be pure and purifying or they can be *najis*.

Recall the discussion about the *madhāhib* dividing water into three types:

(1) *Ṭahūr*: pure and purifying
(2) *Ṭāhir*: pure (but not purifying – you can drink it, but you cannot make *wudū'* from it)
(3) *Najis*: impure

They apply the same ruling to dirt.

We said that these things can only be in one of two states – they are either pure and purifying, or they are *najis*.

So, what the Ḥanbali school is saying is that if we are not exact and we say, "wipe the face with the hands and wipe the hands with the hands," then you will wipe your hands with dirt that has already been 'used'. So if you have just struck the floor with your hands, your outstretched fingers and the palm of your hand make contact with the dirt. So the hand – from the wrist all the way to the fingers – is covered with dirt. The Ḥanbalis want to make sure that a certain aspect of the hand is not used twice in the purification process, otherwise it will be 'used'. Remember that the *madh-hab* differentiates between the states of *ṭahūr* and *ṭāhir* in that they are spiritually different (although physically there is no difference). They said that it had been 'used' in something already. The spiritual point is *ḥukman*, it was used in purification and it cannot be used again – it's one time only. We said that there is no evidence for that.

So therefore, what they say is that because you have now got dusty hands, when you wipe your face, you wipe your face with your fingers. You haven't used your palms, then you wipe the rest of your hands using your palms. So, you used the dust on your fingers to wipe your face, and the dust on your palms to wipe your hands. That is their rationale.

Shaykh al-ʻUthaymīn says there is no evidence for that. We saw the Prophet ﷺ strike the earth with both hands, wipe the face and wipe the hands. We didn't see him bend his fingers out, or only use his fingers [to wipe the face].[1] These are important lessons, and the Companions don't forget, and they don't miss a trick. And this *dīn*, the Prophet ﷺ is super specific when he wants to be – this is not an issue of laziness. If the Prophet ﷺ wants us to do something specific, he tells us. He could have said, "You have just woken up and I know that *Fajr* is really late, and sunrise is about to happen." He could say "Go and pray anyway, because you have made the effort." No, the Prophet ﷺ still said that sunrise is sunrise, and that the sun rises between the two horns of the devil and that's the cut-off point.[2] I don't care how great of a job you did waking up so early, that's *Fajr* time gone. There are technical aspects to the religion, it has parameters, and it has rules. And so when the Prophet ﷺ wants to be specific, he is specific. And when he is not specific, it is because he does not want to be specific. It's not because he forgets or because he wants people to take it in a lax way – no, the matter is a simple one – strike [your hands on the dirt], wipe the face, and wipe the hands.

Shaykh al-ʻUthaymīn says that the division of the hand into two parts – wiping the face with the fingers and the hands with the palm - is because the Ḥanbalis do not want the palms to touch the face. Because that would then make the dust on the palms 'used' and then when you wipe your hands, you would be using 'used' dust. And 'used' is the key word here. 'Used' is what changes something from *ṭahūr* to *ṭāhir*.

Shaykh al-ʻUthaymīn goes straight in, [saying] this is a differentiation based on evidence and there is no principle for it. In actual fact, the evidence is exactly against this. In the *ḥadīth* for ʻAmmār, which is the main one that tells us about *tayammum*, he wiped his face with his two hands without any details or differentiation.[3] Therefore, you will wipe your face with your hands, and your hands with your hands, and you will not need to compartmentalize your fingers or anything like that.

Next, he will interlace his fingers. Where does that come from? We do that in our *wuḍūʾ*, to make sure that [the fingers] get wet, and it's *Sunnah* to do it with the little finger for the feet as well. This was narrated from the Companions. Here, the Ḥanbali scholars say that when you're making *wuḍūʾ*, it's recommended (*mustaḥabb*). Why is it only recommended? Because it's going to happen anyways. The doing with it of the fingers is just to make sure, but the reality is that once you put your hands in water, it will go everywhere because that's the nature of water - it goes all over the place. And

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[1] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing hands and feet with dust (Tayammum), Chapter: Tayammum is for the hands and the face, ḥadīth no. 343.*

[2] *Ṣaḥīḥ Muslim, The Book of Prayer - Travelers, Chapter: The times when it is forbidden to offer Ṣalāh, ḥadīth no. 828b.*

[3] *Ṣaḥīḥ al-Bukhāri, Book of Rubbing hands and feet with dust (Tayammum), ḥadīth no. 338.*

so the interlacing is something which is not necessary because it will happen anyway for both the feet and hands.

However, they consider it obligatory in *tayammum* because the nature of dust is not like that. Dust is only going to go where you make it go. So they want you to actually spread that dust to in between your fingers so that your fingers become this kind of cleaning 'tool'.

What do we say? Shaykh al-ʿUthaymīn says that to force people to make *takhlīl* (the interlacing) even though the act of interlacing is *Sunnah* because the Prophet ﷺ did it with the fingers and the beard - there's more to it than meets the eye. That's what

فيه نَظَر

means, that there's more to it than meets the eye. In the *ḥadīth* of ʿAmmār, he never interlaced his fingers. ʿAmmār explained exactly what happened, and he hit the floor and wiped his face and hands. He did not make interlacing between the fingers. Now, if it is argued and some scholars say no, it doesn't matter if the Prophet ﷺ didn't say it here, because it's covered in the other *ḥadīth*, the *ḥadīth* of Laqīṭ ibn Ṣabrah ﷺ - the famous, authentic *ḥadīth*, which is:

«أَسبغ الوُضُوء، وخلِّلْ بين الأصابع، وبالِغْ في الاسْتِنْشاق»

This *ḥadīth* where the Prophet ﷺ said: perfect your *wuḍūʾ*, overcompensate in your *wuḍūʾ*, perfect it, make sure you do it properly, and interlace between the fingers, and exaggerate in your *istinsh*āq (the rinsing of your nose and mouth).[4] We discussed this in *wuḍūʾ*. There's no comparison between the proper 'Pak' way, where's it's just a little touch, and where you snuff it all in and snuff it all out. Obviously, this *ḥadīth* is in its place and it covers all the details properly. Well, Shaykh al-ʿUthaymīn says it's clearly about water, and the other is about dirt. He says there can be no direct comparison between this *ḥadīth* and the other, therefore I have something in my heart against the idea that it's recommended to make interlacing in *tayammum*. And my reasons are clear:

It's not been narrated from the Prophet ﷺ.
Tayammum is intrinsically built upon ease and concession, and as a solution in a difficult scenario. So why are we making it more difficult?

[4] *Ṣunan Abu Dāwūd, Book of Purification, Chapter: On al-Istinthār (Blowing Water from the Nose), hadīth no. 142.*

What he's trying to say - and I like this - is that when you say you are going to make *takhlīl*, these are the same people who say that when you wipe the face and you should also put your fingers through the beard. Now, hold on. If it is water, it makes sense, because it cleans, but dust is not cleaning nothing. Dust is not cleaning; this is a spiritual process which is not actually going to do anything for your fingers or your beard. We do it as an act of worship, not as actually thinking that the dust is the new age kind of cleansing agent; it has to get everywhere, it needs to get here, it is cleaning the fingers, etc.

He said look at this and understand. He gives some examples here to finish off the chapter. He says when you clean with water in *janābah,* you must encompass the entire body with water; that is why you have to interlace and get it between gaps, poke around here and there. Water covers everything - every piece of sweat and dirt, it has had water gone on top of it, it is a full, complete thing. Whereas in *tayammum,* it is only two limbs; it is your hands and it is your face, so you cannot compare between the two.

He also says that it is not obligatory to get the *turāb* to the skin. We have said before that if a person has a light beard, what has to happen when they are making *wuḍū'*? It has to get it to the skin, so he has to rub it. If he has a lot of hair in his beard, then the only thing which is obligatory is to get the hair wet, because it is not possible to stand there and separate the hair each time and get water to every single part. The idea is that when you have washed [the face], the water has gotten everywhere and I will do my *takhlīl*. Whereas if it very thin, then you can see the skin clearly so actually the water should wet the skin itself. He says it is not the case with *turāb*. *Turāb* is the wet wiping of the external. By the way, just in case you are wondering, the beard is part of the wiping. No *takhlīl* - for men, when you are making *tayammum* and are wiping the face, the face means everything upon the face as well. Therefore, it would mean the beard as well.

He does no *maḍmaḍah*, *istinshāq*, no rinsing of the mouth. Anyway, he says, in conclusion the correct position is

أن نَقْتَصِر على ظاهر ما جاء عن النَّبِيِّ صلّى الله عليه وسلّم في هذا، واتِّباع الظَّاهر في الأحكام كاتِّباع الظَّاهر في العقائد، إلا ما دلَّ الدَّليل على خلافه.

We will restrict ourselves. These are the words he used - we restrict ourselves to that which is apparent from the Prophet ﷺ. He says following the apparent in rulings is the same as following the apparent in creed or *'aqīdah,* unless the evidence insists that we go further. So we take things on its apparent and its literal, and we do not delve unless the evidence insists that we delve or go into detail.

This is a really interesting point because if you look historically and you see where the people differed and deviated in *ʿaqīdah*, it is because they went too far in and they got bitten by the Greco-Roman bug of having to go too much and trying to understand this and that and trying to rationale. You are speaking about Allah ﷻ, for crying out loud. You are speaking about the Extraordinary, how are you understanding anything about His descent from *al-samāʾ* [sky], we say that He descends in a manner which befits His Majesty. We don't need to get into the philosophical debate – descending from where? You are therefore saying that He has to be high, so if He is high then you are restricting Him to a place, but Allah is the unrestricted. Why are you saying Allah is restricted to there? Why are you saying Allah is above His throne and keeping Him above His throne, is like you are keeping a being above His throne? He is beyond being, you are being anthropomorphic, etc. They need that. They want those details. We say that Allah ﷻ said He is above His throne.

﴿... ثُمَّ اسْتَوَىٰ عَلَى الْعَرْشِ ... ﴾

"… then He established Himself above the Throne ..." [32:34]

He went above his throne. He is above the heavens, and the heavens are above us. He comes down (*nazl*). We don't need to go into details of how, the manner, the amount. That is the *aqīdah* of *Ahl'l-Sunnah*. We take the apparent.

I was reading yesterday and the article name is 'Hadron Collider Opens the Data Tap'. I said let's have a look at this. They are hundred meters under the surface and they are doing all kind of crazy, big-bang [experiments], I am sure you have all read about it; reproductions, creating energy and conditions, crazy amount of smacking and battering neutrons against protons against Higgs Bosons and God knows what. The reason they are doing this is to try and find evidence of the presence of things of that they know that they can't see of find. So they have calculations in place, for example they are looking at dark matter, the absence of anything, they want to reproduce this kind of reality.

They're new and they are applying it to something which they have never been able to decide what it is and whether it exists and its size. But they believe it has to be there because there is proof that it was there. And they know that they are not going to find it but they are going to find evidence of it being there.

Yaʿni I'm saying if you want to take this stuff, life and existence and physics and creation to Allāh ﷻ has created a system that will allow you to keep going and keep going and keep going and keep going and keep going and keep going. You will never stop. You will destroy your mind. Allāh ﷻ is outside of the details. Genuinely, the devil is in the details. There is a limit.

The Muslim will say, you know what? That's sick man, that's quality. I'm down with that. Allāh ﷻ has created an amazing system and He is the creator and that's it. These people pay hundreds of billions of pounds to create this system, just to try and find something that they know they can't actually find of one aspect of science of one aspect of the universe of one aspect of creation. *Yaʿni* what about the rest of it? It's mind blowing.

So I'm saying, this is a really important point that he says. We follow the *ẓāhir* in *ʿaqīdah,* and this we have to.

لكنَّ اتِّباع الظَّاهر في العقائد أَوْكَد

However, let me make it clear that to follow the apparent, the literal, the obvious in creed is even more emphasized than following it in *fiqhi* rulings.

لأنها أمُور غيبيَّة

Because these are matters of the *ghayb*. These are matters of the unseen. When it comes to the creed, you're believing in statements and things you never can ascertain by the scientific method or by the empirical mind or by academic enquiry. It's from the unseen.

لا مجال للعَقْل فيها

There's no space for the logic to try and work it out. There's no space. There's no space for the *ʿaql* to start to try and work it out.

بخلاف الأحكام

Unlike rulings which is all about *ʿaql*, common sense, things here and there. A certain few things are an exception but most of it is based upon logic and common sense and this and that and that's why he says,

فإِنَّ العَقْل يدخل فيها أحياناً

Sometimes you can use the *ʿaql*. You can logically understand parts. Others you can't. Like this dust, it's a worship. It's a worship.

والكيفيَّة عندي التي توافق ظاهر السُّنَّة

So therefore in conclusion, the manner of *tayammum*,

أن تَضْرب الأرض بيدَيك ضَرْبة واحدة بلا تفريج للأصابع

Is that you do one slap of the earth with no stretching out of the fingers, then wipe your face with your palms, the inner part of your hands and then wipe your two hands with each other. And that is *tayammum*. That's it. No stretching of the fingers, no X, no Y.

One final thing Shaykh al-ʿUthaymīn adds is that it is a *Sunnah* to blow into the hands. It's a *Sunnah* to blow into the hands because it has been narrated from the Prophet ﷺ that he did that. I think we covered that *ḥadīth* last week or a couple of weeks ago. Narrated by Bukhāri in the *Muttayammim* (Chapter of the One Making *Tayammum)*. Does he blow into his hands or not?

Some of the scholars said that this *ḥadīth* is restricted to what? What does it mean? This action of blowing into the hands is restricted to what? In cases of?

Student: [inaudible]

Ustādh: Correct. That it is only to be applied if there is a lot of dirt or dust because the intention here behind *tayammum* is not to plaster yourself in dirt. So they said that the Prophet ﷺ when he did that - this is obviously their own rationale - he did it because there was too much which had been collected on his hands and the idea is not to cake yourself in dirt. So *ya'ni*, that's okay. That's possible.

I have to say that I believe that as well. I don't think that the blowing is part of the spiritual act. I think the blowing is the *Sunnah*, to basically emphasize to us that it is not about getting dust everywhere. In actual fact, it is the exact opposite. There is a lot of dust in your hands, and we've seen the Prophet ﷺ blow away the dust. So just strike it and don't worry about having to get full. Strike easy, wipe easy, and off you go.

Q & A

Q: You know if you're a Ḥanbali, *tayammum* is a mission now.

A: If you're a Ḥanbali, not just Ḥanbali, in the Ḥanafi school as well. Actually most of the *madhāhib* are like that, in terms of making it a mission. I mean it's not a mission-mission, but it's very, very exact. Which is fine when there is evidence for it, but when there is no evidence then there is no need to push ourselves away.

Q: You mentioned our ignorance to become ritualistic…

A: It's a bit unfair to say, out of their ignorance. What I want to say is that they've got natural barriers to connecting in ways that other people find easier. You see this theory is flawed from the beginning. I'm a massive believer in this theory by the way, that *madh-habs* suit certain *mizāj.*

A person's *mizāj* is actually founded in a *madh-hab*. What I'm trying to say is that certain ethnicity, race, language, geographical location, etc. seem to fit *madhāhib* nicely. I would say that the Malaysians and the whole nation on that side [of the world] seem to melt into the Shāfiʿi *madh-hab*. It's a chicken and egg scenario. What came first? Did the *madh-hab* come first or did the people come first? Who melted into what? When you look at the Ḥanafis and the Paks, they are a perfect match. The Ḥanafi School goes into all these kind of random details and that's exactly what you see from Paks. From a very unfair and wrong point of view you can say that they focus on all the irrelevant things. That's not right to say that.

I was having this discussion with Eesa earlier on. All his friends were asking him if he did *Shab-e-barāt* (15th *Shaʾbān).* That's what we remember from our childhood as well. That's what we remember even now. Most non-practicing people don't mention Islām at all during the entire year until *Shab-e-barāt* comes. The irony is not lost upon you. Firstly, some of the scholars said that *Shab-e-Barāt* is a *bidʿah*, some said that it is fabricated, some said it is the *Sunnah* (which is a minority opinion) and some said that it is permissible because some of the *Salaf* did it (which is the position of Ibn Taymiyyah). I'm easy on the whole thing, I personally don't practice it, I think that it's closer to *bidʿah* [but] it's not a big thing. I just want to say that there's a strong body of evidence like the one following that it is not a *Sunnah* act of the Prophet ﷺ at all. The *aḥādīth* are not authentic on the matter, but the people, the Paks – and others outside the Paks such as the Arabs, and this is where the theory flaws that really go for it as well – focus on something irrelevant.

Of course no act of worship is irrelevant, but compared to *Fajr* it is! One *Fajr* in the year compared to *tahajjud* on this night hoping that you're saved. There's no comparison. A thousand *Shab-e-barāts* can't equal one missed *Fajr*. It's the nature of people that do not connect to the religion naturally to focus on details that are irrelevant in the bigger picture. That is a very harsh appraisal but I'm saying that this human nature is something that we recognise as Pak behaviour and lo and behold they have a *madh-hab* which kind of services out their needs. That's not just the Ḥanafi *madh-hab* - that's actually all the *madhāhib,* but I'm just saying that you will

see certain kind of congruence when you study it. We will discuss this further in *Fiqh of Ṣalāh*.

Q: What is *Shab-e-barāt*?

A: *Shab-e-barāt* is the Urdu version of the night of the middle of *Sha'bān – laylat'l-niṣf min sha'bān*. So the 15th night, the halfway period between the month of *Sha'bān*, one should make *duʿā'* and pray on this night in the hope that we will be forgiven by Allāh ﷻ. The *ḥadīth* says that on this night Allāh ﷻ forgives the people on the earth, unless they are people that are arguing and fighting amongst one another.[5] [And it is a night] that frees most amount of people from the Hellfire. This *ḥadīth* has a lot of weakness in it. That's a scholarly point of view from across the *madhāhib*. I was reading something from Shaykh Yūnus, from the *Deobandi muḥaddithīn*, who said that all the *aḥādīth* on the chapter are fabricated. He's a *ḥadīth* scholar, a *ʿālim*, *Shaykh'l-Ḥadīth*. This is cross-*madh-hab* issues. It's not about *madh-habs*, it's about an academic matter regarding authenticity. Like I said, there's space for this practice, there's enough there to not criticise people who do it. Is it *Sunnah*? The Prophet ﷺ definitely never did it, we don't have evidence for that, neither did the Companions ؓ.

Q: We said that the class position if one is in *ṣalāh* and the reason for *tayammum* is gone, then we should break *ṣalāh* and make *wuḍū'* proper. Looking back at a previous lesson where we discussed whether doing *tayammum* (1) lifts ritual impurity or (2) allows you do an act of worship, we said that it lifts the state of ritual impurity. If so, then how does it follow that we choose to break *ṣalāh* and make *wuḍū'*, if we believe that the state of ritual impurity has been lifted?

A: Because the water comes back and the safest position is this and we said that of course the difficulty of saying that this is the 'safest' position is that here it's a bit difficult because *the* safest position theoretically would be to maintain your obligation. For example, if I'm praying my *Ẓuhr* prayer at home and someone knocks on the door and this is a person you've been waiting for all day - the delivery guy, for example. Now the *waswasah* is to what? Break the pray or speed up the prayer. That's the pressure you feel upon yourself. And if you fear Allāh ﷻ, you're going to say to yourself that's not allowed, it's an obligation and you can't break it. You feel that the safe position in your dilemma is to stay in your obligation. Now if *tayammum* is made because the water is gone, [then] suddenly the water turns on whilst you're in the prayer and someone says to you that the safest position is for you to break the prayer and use the water [to make *wuḍū'*], it's a very strong argument to respond to that person and say that no the strongest position is to maintain your obligation and not break it. For students of knowledge, it's a really good point. Basically we could have entitled that as an essay: A Critical Analysis of *al-Aḥwaṭ* (the safest position). We need to be critical because people can get carried away, and we need to know that safest position has limits.

[5] *Sunan Ibn Mājah, Book of Establishing the Prayers and the Sunnah regarding them, ḥadīth no.1390.*

We talked about the limit with *ʿAṣr*. There's a limit with delaying *ʿAṣr*. For example, Shāfiʿī *ʿAṣr* starts early and Ḥanafī *ʿAṣr* starts late and if you pray at the later time, you've caught *ʿAṣr*. But the more you delay it, the more you fall into the category the Prophet ﷺ stated in *Ṣaḥīḥ Muslim* narrated by ʿAbdullāh bin ʿUmar. The hypocrite is the one who sits there and watches the sun setting.[6] And the sun starts setting after *Ẓuhr*. That's the original sunset, not when it occurs around the time of *Maghrib*. That whole time is what the Prophet ﷺ is describing when the person don't pray *ʿAṣr* until the very last moments. And the scholars interpreted last moments as the last hour. Some scholars said when the shadow is twice its length and then quickly prays it before the start of *Maghrib*.

So, some scholars said that you aren't allowed to delay *ʿAṣr*. And if you follow that position, which is the correct position no doubt, then to say the safest position is to delay *ʿAṣr* to ensure you've prayed it, doesn't become a safe position anymore.
We will be using the 'safest position' argument a lot in Ramaḍān. We are right in the middle of the *fitnah* of the twilight disappearing or not disappearing. You will see people who when they start their fast, they won't be able to tell by looking outside whether it's morning or not. There'll be confusion as to when to stop eating as well as when to start praying *Fajr*. And we know that sunrise is at approximately half past four. The best way to deal with this is to apply the safest position and this will work here. There'll be no criticism towards that.

We know that if you stop eating earlier that it's safer, and if you pray later, that's safer. We know what happens in Ramaḍān all over the world; *Fajr* time is made earlier. There's pressure of having an early *Fajr* and making people pray at a time when it's clearly not *Fajr*, is unacceptable. But the pressure is there for trustees and mosques from the mass congregation. I'm saying that you should go outside and observe the light that you're looking at. It is the exact same light you have been seeing for the last three hours. So what is it then that started *Fajr*? However, if you wait for half an hour and then look outside, there's a clear difference in light and there's a definite *Fajr*. So when you pray, your heart is at ease knowing that you are praying *Fajr* within the correct time. So, in Ramaḍān we will be following the principle of eating a little bit earlier, and praying later than normal.

The narrations on this chapter are very interesting. We have written about that online.

There are narrations from the Companions, such as Abu Bakr al-Ṣiddīq where his servant said to him, can't you see the light? He replied by telling the servant to stand in front of him and he carried on eating. The ruling is based upon when you see the light or not. If you see the attitude of the Companions to this matter, you will be surprised. You would think it's playing with matters of *dīn*, but there's actually deep

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[6] *Ṣaḥīḥ Muslim, The Book of Mosques and Places of Prayer, Chapter: It is Recommended to pray 'Aṣr early, hadīth no. 622. A similar wording is narrated with the addition 'this is how hypocrites pray' repeated thrice by Ṣunan Abu Dāwūd, Book of Prayer, Chapter: The Time for 'Aṣr Prayer, hadīth no. 413.*

fiqh behind it. From reading the *ḥadīth*, you think that he's blocking the light. If the servant thinks that *Fajr* has started, what he's saying is that it isn't actually confirmed. *Fajr* should be something that everyone knows and can see in the same way you can tell that *Maghrib* has started. So, there was actually *fiqh* behind the fun.