

# Fiqh Al Ibadat

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Glimpse into the life of Imam Shafi'i rahmatullah alayhi.
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## **Introduction to the first edition.**

GLIMPSE INTO THE LIFE OF IMAM ALSHAFI'I.

### **His ancestry.**

He is Imam (The Arabic word imam means a scholar of Islam)

Abu (The Arabic word 'abu' means 'the father of) Abdullah, Muhammad ibn (The Arabic word ibn means 'the son of') Idres Ak-Shafi'i ('Al' in Arabic means 'the') ibn Al-Abbas ibn Uthman ibn Shafe' ibn Al-Sa'eb ibn Ubaid ibn Yazeed ibn Hashem ibn Al-Muttaleb ibn Abd Manaf, the great grandfather of Prophet Muhammad (P. B. U. H). (pa:2) Shafe' was one of the Companions of the Prophet (P. B. U. H), and his father, Al-Sa'eb, embraced Islam on the day of the Battle of Badr.

### **His birth and youth.**

Al-Shafi'i was born in Gaza, Palestine in the year 150 hijra, the same year the great Imam Abu Hanifa (G. P. H) died.

Gaza was not the land of his ancestors, however, his father Idris emigrated there for business reasons, and died there shortly after his son Muhammad was born.

When the child was old enough to travel, his mother took him to Mecca. She opted to leave her family, the family of Al-Azd, in Yemen and take her child to Mecca, lest he lose his right in the money of Thawil-Qurba ('who are related to the Prophet (P. B. U. H)).

This was the first trip in the life of the child, a life that would be full of travel. Al-Shafi'i grew up in Mecca and despite his honorable ancestry, led a life of poverty and orphanhood.

Poverty coupled with honorable ancestry makes a person well mannered, and dignified. Honorable ancestry causes one to aspire to great matters, while poverty helps one to empathize with people and understand the intricacies of society; all of which are important to anyone who is going to undertake a job dealing with the public.

From a tender age Al-Shafi'i showed extraordinary signs of talent and intelligence, to the point that his teacher accepted him without a fee, provided he would substitute for him when he was absent.

Al-Shafi'i had such a strong memory that it was said he never forgot anything he memorized.

## **His pursuit of knowledge**

Al-Shafi'i memorized the Holy Quran when he was still seven years old, and recited it in tajwid to the great reciter of Mecca, Isma'il ibn Qistantin.

He learned tafsir (the explanation of Quran) from the scholars of Mecca who inherited their knowledge from "The "Interpreter of the Quran", Abdullah ibn Abbas (Ra). (pa: 3)

After memorizing the Quran he turned to memorizing hadith.

From his youth, he was fond of the Arabic language, so he traveled to the desert seeking greater knowledge in grammar, literature, poetry, and linguistics.

He accompanied the Huthail tribe (The most eloquent Arab tribe at that time) for ten years learning its rhetoric and literature, until he became highly skilled in the Arabic language while still a boy.

Al-Asma'i, who was famous for his knowledge of the Arabic language, said: "I have checked the poetry of Huthail with a youth from Quraish called Muhammad ibn Idris".

In Mecca he used to frequent Al-Masjid AL-Haraam listening to scholars with extreme interest.

He was so poor that he could not afford the price of paper, so he would collect bones, pieces of pottery and the like to write on, and used to say: "No one succeeds in acquiring knowledge except those who seek it in (financial) hardship and I used to be unable to afford the price of notebooks".

He was less than fifteen years old when his teacher Muslim ibn Khaled AL-Zinji, the Imam of Mecca and its Mufti (Official interpreter and expounder of Islamic Law), would say to him:

"Abu Abdullah, give your fatwa (legal opinion). By Allah, it is time for you to give fatwa".

In Mecca, Al-Shafi'i was prominent in his mastery of the Arabic language, fiqh, and tafsir, but this did not satisfy him and his enthusiasm for knowledge drove him to strive and travel to gain even more knowledge.

Scholars of that time used to set out to Medina to meet its famous scholar Malek ibn Anas (G. P. H).

Malek was the head of a halaqa (study group) in Al-Haram AL-Nahawi (mosque of Prophet Muhammad (P. B. U. H)), consulted and highly respected by the caliphs.

Al-Shafi'i heard of Imam Malek and desired to meet him and learn from him, so he memorized Malek's book A/-Muwatta', and traveled to Yathreb (Medina).

There, he struggled to reach Malek's doorstep.

Malek, who was a man of insight, looked at him and said:  
"Muhammad, fear Allah and avoid sins because you will have a high status".

In another narration, Malek said:  
"Allah has cast light into your heart. Do not put it out with sins".

Then he said to him: "Tomorrow, come and someone will read for you (Malek's book)".

Al-Shafi'i said: "I said to him: 'I have read it,' and I began to recite Al-Muwatta' to him with the book in my hand and every time I feared Malek and wanted to stop he -liking my reading and expression -would say:

'Continue young man' until I recited it all in a few days. '

Malek said: 'If anyone will be successful, it will be this young man. '

After he recited to Malek his Muwatta', he remained in his company learning fiqh from him and discussing the problems which the great Imam used to pass fatwas upon.

A relationship between him and his teacher was established, and Malek used to say of him:

'I have not had (as a student) a man from Quraish more intelligent than this youth. '

Al-Shafi'i used to say: 'If scholars are mentioned then Malek is the star, and no one has been more generous to me than Malek. '

Nevertheless his companionship to Malek did not prevent him from travel and discovery. He used to go on trips every once in a while to Muslim countries, and would visit his mother and take her advice. (pa: 4)

After ten years in Medina, Malek passed away.

Al-Shafi'i felt that he had acquired a good amount of knowledge so he decided to get a state job to earn a living after having mortgaged his house- his mother being unable to help him financially.

He took a job in Najran, Yemen, and he used to frequent study circles and learn from the greatest scholars there. So it was until he had a disagreement with the Governor of Yemen, The Governor spoke badly of Al-Shafi'i to the Caliph Harun Al-Rashid, who ordered him to be brought before him in Baghdad.

This ordeal was probably brought upon him by Allah (swt) to steer his attention away from state service and return completely to learning.

Al-Shafi'i was acquitted of the allegations he was charged with and quickly gained fame in Baghdad for his knowledge.

He became a student of Muhammad ibn Al-Hasan, (the student of Abu Hanifa who was the designated leader of fiqh in Iraq) from whom he learned the fiqh of Ahl Al-Ra'i (Holders of Opinion).

Thus combining his new knowledge and his previous learning from Imam Malek, who was the leader of fiqh in Medina, Al-Shafi'i came out with a school that united both opinions (which became known as his old school) explained in his book Al-Hujja. [Narrated from him by many scholars, the best narrator was Za'farani]

After two years in Baghdad, Al-Shafi'i returned to Mecca laden with the knowledge of the great scholars of that time, and he started to give lessons in the Meccan Mosque where he met more and more great scholars during the season of hajj.

They saw a unique scholar in Al-Shafi'i.

During that period Ahmad ibn Hanbal met him.

Ishaq ibn Rahwaih said:

'I met Ahmad ibn Hanbal in Mecca, and he said to me: 'Come with me, I will show you a man your eyes have never seen the like of before' and he showed me Al-Shafi'i.

We had a debate about hadith and I never saw anyone more knowledgeable than him. Then we had a debate about the Quran and I never saw anyone more conversant than him.

Then we had a debate in language, and I found him a pillar of language.

I never set my eyes on anyone like him'.

AL-Shafi'i stayed in Mecca for nine years, despite his eagerness to travel, so that he would have the time to derive the rules of deduction away from the noise of Iraq and the conflict of opinions in it.

He wrote a book, Al-Risala, on the science of the origins of fiqh.

Al-Shafi'i traveled to Baghdad again, where his fame had spread, and where he was the talk of teachers and scholars alike.

He was called the 'Guardian of Hadith' there, he began to teach his legal opinions and run his debates according to them.

Study circles for knowledge and fiqh gathered in the Western Mosque to study with him. Learners and scholars alike sought him.

Some of them wanted to test him, some wanted to listen to him, while others were arrogant of their own school of thought and contemptuous of this new scholar.

The minute, however, one would sit down and listen to him, the previous convictions would be revoked and his followers would increase, AL-Shafi'i kept teaching and deriving new understandings of Allah's (swt) sayings and the hadith of Prophet

Muhammad (P. B. U. H) on a daily basis, such that scholars recognized his unique knowledge and he became famous among people.

All the study circles of opposing groups disbanded.

One of them even said:

"Al-Shafi'i came to Bagdad and there were twenty study circles of Ahl Al-Ra'i in the Western Mosque.

The next Friday, only three or four of them stood fast.

During that period, which lasted two years, he (G. P. H) circulated his books (which had matured through study and revisions among his companions.

Al-Shafi'i traveled many times between Mecca and Bagdad.

His last trip, however, was to Egypt and was motivated by his desire to stay away from the center of the Caliphate and politics in Bagdad

This was by an invitation from the wail (governor) of Egypt.

There he dictated his new Math-Hab) school of legal thought) in his book "Al-Mabsut" which later became known as "Al-Umm"

He revised his opinions, books, and writings, and he renewed some of them.

Also, he replaced his previous book that was written during his time in Bagdad, with his new Egyptian book and said: "I do not allow anyone to narrate my Baghdadian book".

The people of Egypt were followers of the school of Imam Malek, yet when they listened to Al-Shafi'i, they were captivated by him.

Many people came from Syria, Yemen, Iraq, and the rest of the world to learn from him. Testimonies to Al-Shaft'i's knowledge and his status among the knowledgeable were myriad in his time.

His teachers, peers, and students agreed that he was an outstanding scholar, unrivaled by anyone.

Moving beyond such testimonies, we find further proof of his status in the traces he left in quotes, letters, and books.

(Books left by Al-Shafi'i fall into two parts:

1- Those which are attributed by historians to Al-Shafi'i himself, like the book of "Al-Umm," which is likely to be written down by him, and the book of "Al-Risala'

2- And those which are attributed to his companions as being a summary of his books, like 'Mukhtasar Al-Buwaiti," "Mukhtasar Al-Risala," and 'Mukhtasar Al-Muzni".

Al-Shafii (G. P. H) is credited for both the meaning and style in the former group and the meanings only in the second group.

Narrators have mentioned the way he authored his books.

Some of which were written by hand while some were dictated to his students who read what they had written to him).

His status was, of course, based on his degree of knowledge and his talents.

He was greater than a mere author, and far more than a legal scholar of fiqh.

His study circle encompassed many branches of knowledge.

Al-Rabi ibn Suliman said: "Al-Shafi'i (G. P. H) used to sit down in his study circle after praying Fajr and the students of Quran would come to him, at the break of dawn they would leave and the students of hadith would come and ask him about the explanation of hadith, at sunrise they would leave and the study circle was opened for general studies and considerations.

When it was mid-morning the students of Arabic language, Arud, grammar and poetry would come and stay until midday".

The prophecy of Prophet Muhammad (P. B. U. H) when he said:

"Allah, guide Quraish as its scholar will fill the sides of the earth with knowledge". (pa:6) was fulfilled by Al-Shafi'i.

### **His pursuit of knowledge.**

#### **Factors that prepared Al-Shafi'i for scholarly prominence.**

His character and talent

1-Allah granted Al-Shafii great genius and great talent, such that he became among the foremost in thought and opinion.

2- His mental capacity was of such a degree that his student Bishr Al-Maraisi said:

"Al-Shafi'i has half the total brain power of the world".

He was quick-witted, thorough in his thinking, and deep in his understanding.

His studies dealt with both specific and comprehensive theories.

3- He had great power of expression and a lucid style.

In addition to his eloquent tongue and fluent expression, he was gifted with a deep far reaching voice and rhetoric.

As a result he excelled in speech to such a degree that Ibn Rahwaih called him: "The Speaker of Scholars".

4- He had penetrating insight that revealed the very souls of people (as did his teacher Malek).

This powerful insight, and his consequential knowledge about the conditions of people and what they held in their hearts, was a further reason behind the great number of friends and students that gathered around him.

5- He had a spirit which soared far above the impurities of the lower world.

He was thoroughly sincere in seeking truth and knowledge.

He sought them for the sake of Allah alone and consistently followed the straight and upright path.

If he developed an opinion which varied from the accepted norm he would declare it with confidence and clarity.

His asceticism and sincerity were so strong that he used to say "I wish that people would learn this knowledge without attributing any of it to me so that I would be rewarded by Allah rather than by them".

He never got angry in an argument nor used harsh words in a debate because his argument or debate was to manifest the truth, not in personal defense of opinion.

He (G. P. H) used to say:

"I never had a debate with anyone for the purpose of defeat, instead I hoped that the truth, once discovered, would be revealed by him".

His devotion gave him intelligence, lofty aspirations, and distance from petty matter.

6- He was very devoted to the hadith of Prophet Muhammad (P. B. U. H)

AL-Rabi says:

"I heard Al-Shafi'i repeating:

' Nobody can encompass all the sunna of the Messenger of Allah (P. B. U. H) Therefore, if anything that I said or originated has something that contradicts it in the sunna of the Messenger of Allah (P. B. U. H) then go by the saying of the Messenger of Allah and that is what I agree with".

### **His pursuit of knowledge.**

#### **Factors that prepared Al-Shafi'i for scholarly prominence.**

#### **His sheikhs (A sheikh is a distinct scholar of Islam) (teachers)**

Al-Shafi'i learned fiqh and hadith from many sheikhs of widely different places and methods. (pa: 7)

As a result, he gathered the fiqh of most of the schools of his time.

He learned the fiqh of Malek from Malek himself, the fiqh of Ouza'i from its leading proponent Umar ibn Abo Salama of Yemen, the fiqh of Al-Laith ibn Sa'ed (The Chief Jurisprudent of Egypt) from its proponent Yahya ibn Hassan, and the fiqh of Abu Hanifa from Muhammad ibn Al-Hasan (The Chief Jurisprudent of Iraq).

In this manner, he mastered the school of hadith of Medina and the school of opinion of Iraq.

A third School, concerned with the explanation of Quran was called the School of Mecca (which was the residence of Ibn Abbas (G. P. H)).

Ibn Abbas became a model for Al-Shafi'i, as he strove to follow his steps and path.

The breadth and depth of knowledge that entered the heart of Al-Shafi'i developed an exact balance of fiqh in which all trends were brought together in harmony, resulting in his comprehensive message which he offered to people in excellent rhetorical style.

### **His pursuit of knowledge.**

#### **Factors that prepared Al-Shafi'i for scholarly prominence.**

##### **Personal pursuits.**

Al-Shafi'i's great respect and care for those who had knowledge resulted in an emotional attachment to his sheikhs and a desire to remain in their company.

Even so, he continued to travel in search of further material and experience which would sharpen his understanding of the knowledge that had become his life.

It is commonly known that travel alone is an educator of humankind, but Al-Shafi'i further utilized his explorations through contact with leading local sheikhs and discussions with scholars and an energetic exchange of ideas.

He did not restrict himself to those jurists whose opinions were adopted and supported by the caliphs, but sought to learn the opinions of lesser-known scholars as well. Al-Shafi'i's dedication to knowledge was such that he was not prejudiced as to its source but sought it wherever it was available.

### **The era he lived in.**

Al-Shafi'i was born and lived during the Abbasid period.

He lived during a time of political stability and national prosperity.

The era was characterized by the revival of science and advanced Islamic thinking.

During this bright period of Islamic history, all the old cultures met and blended under the auspices of Islam.

The Abbasi caliphs encouraged their translators to translate major books of other cultures, which added to the rich intellectual environment of this period.

It was the age of productive independent, intellectual fertility.

The narrators of hadith were working hard to authenticate the true hadith of the Messenger of Allah (P. B. U. H) and identify the false.

The various groups and scholars were brandishing the swords of reason to make way for their opinions.

Al-Shafi'i intermingled with all of them, debated their masters, and took from their scholars what he thought to be correct.

The scholars of fiqh and narrators of hadith were travelling all over the land seeking knowledge.

Al-Shafi'i continuously met them, particularly around the Ka'ba, which had become a gathering place for people seeking knowledge.

The scholars of fiqh who depended on opinion and the scholars of fiqh who depended on hadith debated one another in search of the truth and each took what the other had to offer.

Fiqh was collected in books so that jurists could see the opinion of others written down and read it, study it, criticize it, and accept what each thought was closer to the Quran and sunna.

Al-Shafi'i lived during this great intellectual era, benefiting from its wealth of scholarship. (pa: 8)

His school of thought and the opinions that he offered were a result of his incredible talent, thorough research and clear direction.

### **His manners and worship.**

He (G. P. H) had a great deal of worship.

He used to divide the night into three parts: One third for learning, one third for sleep, and one third for worship.

He used to stand and pray and read Quran while tears overflowed from his eyes in fear of his shortcomings.

He used to see himself, due to his great modesty, among the people of sin, although he was described as "never having done wrong".

Al-Shafi'i was given a deep penetrating voice, a bright heart that had been conferred with continuous worship and great love, light, influence and charm.

He was fond of Quran and its company and he used to read the whole Quran every day.

In Ramadan he used to read the whole Quran once every day and once every night. When he recited the Quran, he used to weep and make those listening to him weep as well.

One of his contemporaries narrated:

"When we wanted to weep we used to say to each other:  
'Let us go to that man from Muttaleb to read Quran'.

When he started to recite the Quran people would start falling down before him weeping loudly.

When he saw that, he would stop reciting.

He (G. P. H) was straight on the path of Shari'a (Islamic Law) to the utmost.

He was generous, had high morals like all members of Aal Al-Bayt

The Muslim relatives of the Prophet (P. B. U. H) and gave in charity to the poor.

In this respect unusual things are narrated about him.

One of his sayings:

"Manhood has four pillars: Good manners, generosity, humility, and worship".

He was known for his great modesty.

It has been narrated that he would blush if he were asked for something he did not have.

## **GLIMPSE INTO THE LIFE OF IMAM ALSHAFI'I.**

### **His ordeal.**

Al-Shafi'i (G. P. H) was accused of Shi'ism, and many conspiracies were planned against him in the palace of the Caliph Harun Al-Rashid.

Finally, he was ordered to come and was led in chains, at the age of thirty four years, with nine Alawis to the Caliph himself.

The nine Alawis were beheaded before him, but Al-Shafi'i was able with his intelligence and wit to win the heart and mind of the Caliph to his side and convince him of his innocence.

The judge, Muhammad ibn AL-Hasan, was with Harun Al-Rashid, so the Caliph handed Al-Shafi'i over to him.

Scholars were like family unto each other, therefore, the judge defended him and contributed to his acquittal and said of him:

"He has a great place in knowledge, and he is innocent of what he is charged with".

The accused was acquitted, and the Caliph Al-Rashid gave him fifty thousand which he distributed as gifts at the doorstep of Al-Rashid. (pa: 9)

### **Introduction to the first edition.**

## **GLIMPSE INTO THE LIFE OF IMAM ALSHAFI'I.**

### **His illness and death.**

He (G. P. H) suffered much pain and illness, particularly from hemorrhoids, which worsened a great deal in his latter days.

His condition became so severe that he used to bleed from his rectum when mounting (an animal) and he always had a padded bowl into which his blood dripped.

Few suffered from illness as he suffered, but still he was not distracted from study, research and reading.

The Messenger of Allah (P. B. U. H), when he was asked about the most afflicted people, said: "The prophets, then the like, then the like,"

[Al-Tirmithi, Vol. 4, The Book of Asceticism, Chapter 56/23 98]

So it is further testimony to Al-Shafi'i's status to find this great man in his great state of difficulty.

When he was in the final stages of illness, his student AL-Muzni, entered upon him and asked: "How are you today?"

He said: "I woke up moving away from this world, leaving my brothers, drinking of the cup of death, coming to Allah, and I do not know whether my soul will be going to Paradise so that I might congratulate it or to Hell so that I might console it, and then he wept".

In the last night of Rajab in the year 204 hijra, his pure soul moved to its creator, at the age of fifty four years.

The next day, in the afternoon, hundreds of thousands of people went out to take Al-Shafi'i to his final abode in Al-Qarafa in Egypt.

People were stunned by the news of his death, and sadness was written all over the faces of scholars, and his students were broken.

A bright page of our glorious history was turned over and a star that shone in the sky of humanity filling east and west with light, disappeared.

May Allah have mercy, be pleased and bless the resting place of Al-Shafi'i, because he was as Ahmad ibn Hanbal (G. P. H) said about him:

'Al-Shafi'i was like the sun to this world and health to a body.

Can you find a replacement for these or an alternative for them?'

### **Introduction to the first edition.**

### **GLIMPSE INTO THE LIFE OF IMAM ALSHAFI'I.**

#### **The most famous of his students.**

Al-Shafi'i left behind students who were pillars of knowledge.

They preserved his knowledge, disseminated, and defended it.  
Of these students, we mention:

In Mecca:

- Abu Bakr Al-Hamidi: A teacher of jurisprudence, a scholar of hadith, trustworthy, and hafez (One who knows the whole Quran by heart).

In Iraq:

- Abu Ali Al-Hasan Al-Sabah Al-Za'farani He was the most eloquent and had great insight into the Arabic language.
- Al-Za'farani was the narrator of the books of Al-Shafi'i in Iraq.
- Abu Ali Al-Husain ibn Al-Karabisi: A meticulous classifying scholar.
- Abu Thawr Al-Kalbi. (pa: 10)
- Abu Abdulrahman Ahmad ibn Yahya Al-Ash'ari Al-Basri: He was called "Al-Shafi'i" and was the first to succeed him in Iraq.

Of those who learned from Al-Shafi'i but were not known to follow his school, we mention:

- Imam Ahmad ibn Hanbal, one of the four imams.

Al-Shafi'i said about him: "I left Baghdad with no one more knowledgeable in fiqh, more God-fearing, ascetic, or knowledgeable than Ahmad"

- Ishaq ibn Rahwaih.

In Egypt:

- Harmala ibn Yahya ibn Harmala: He was noble and highly esteemed. He narrated from Al-Shafi'i some books which were not narrated by Rabi'.
- Abu Ya'kub Yusuf ibn Yahya Al-Buwaiti: He was nominated by Al-Shafi'i to succeed him in his study circle over ibn Abdullah ibn Al-Hakam, despite

Al-Shafi'i's great love for ibn Al-Hakam.

But, Al-Shafi'i was one to give precedence to truth over brotherhood and love in all matters.

He said: "No one is more worthy of my council than Yusuf ibn Yahya, and no one more knowledgeable of my companions than him".

- Al-Buwaiti was a scholar, jurispudent, and ascetic. He died in prison during the crisis about the 'Creation of Quran'.
- Abu Ibrahim Isma'il ibn Yahya Al-Muzni: He was a knowledgeable jurispudent, a worshiper, knowledgeable in the aspects of debate, and a rhetorician.

When he was a youth, Al-Shafi'i said of him: "Had al-Muzni debated with the Shaytan he would have 'cut' him".

He also said about him: "Al-Muzni is the guardian of my school".

He has many books in the Shafi'i school such as:

- Al-Mukhtasar (the abridged) and Al-Mukhtasar Al-Sageer (The Small Abridged).
- Al-Rabi' ibn Sulaiman Al-Muradi Al-Mu'athen, the narrator of the books of Al-Shafi'i and his servant.

He accompanied Al-Shafi'i for a long time and learned much from him, served him and was known for his companionship to him.

He was the last one to narrate about him in Egypt.

He was so truthful and scrupulous in his narration that people would travel to him from afar to learn about the books of Al-Shafi'i.

**Introduction to the first edition.**  
**GLIMPSE INTO THE LIFE OF IMAM ALSHAFI'I.**

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**PART ONE.**  
**THE BOOK OF INTRODUCTION TO FIQH.**

**THE SIGNIFICANCE OF FIQH.**

*{If a contingent from every expedition remained behind, they could devote themselves to studies in religion and admonish the people when they return to them thus they (may learn) to guard themselves (against evil)}[Sura Al-Tauba: 122].*

**"If Allah wishes to benefit someone, He will grant him fiqh in religion and inspire him to follow the right course".**Hadith - agreed upon  
[Agreed upon by Bukhari and Muslim (famous narrators of the Prophet's (P. B. U. H) hadith)]

**"One who learns Quran strengthens his spiritual status,  
And one who obtains knowledge in fiqh becomes noble.  
And one who writes hadith obtains powerful logic.  
And one who obtains knowledge in language becomes well mannered.  
And one who learns mathematics obtains unerring judgement.**

**And one who does not protect himself will not benefit from his knowledge".** Imam Al-Shafi'i (G. P. H).

**PART ONE.**

**THE BOOK OF INTRODUCTION TO FIQH.**

**The definition, importance and purpose of fiqh.**

Definition of fiqh

Literally: Understanding.

Legally: Knowledge of practical legislation developed from detailed evidence.

**PART ONE.**

**THE BOOK OF INTRODUCTION TO FIQH.**

**The definition, importance and purpose of fiqh.**

**The purpose of fiqh.**

To learn how to have a proper relationship with Allah (Fiqh of Worship) and how to properly interact with people (Fiqh of Interaction).

Without this knowledge a person is liable to make grave mistakes.

Even if safe in one aspect, he is apt to commit serious errors in others.

**PART ONE.**

**THE BOOK OF INTRODUCTION TO FIQH.**

**Legal Rules.**

Definitions

A legal rule is a statement from Allah (G. B. H) concerning the acts of a person who is to be held accountable for those actions whether obligatory or non-obligatory.

Al-Shafi'i (G. P. H) categorizes the legal rules into:

1- Obligatory (fard): Synonymous to a pillar (rukn) or duty (wajib)

(AL-Shafi'i did not differentiate between wajib and fard except in hajj following the example of the Prophet (P. B. U. H).

What one is strictly required to do and is forbidden to refrain from.

One who performs it is rewarded while one who refrains from it is punished, for example:

The five prescribed prayers. (pa: 12)

2- Recommended/sunna (mustahab or mandoob): What one is asked to do but not strictly required to and is not prohibited to refrain from.

One who performs it is rewarded while one who refrains from it is not punished, for example: Brushing one's teeth (siwak) and saying the tasbeeh in prayer.

3- Forbidden (haram)

What one must strictly refrain from and is prohibited to do.  
One who refrains from it is rewarded, while one who commits it is punished, for example: Adultery and drinking wine.

4- Makrooh (hated): What is discouraged but not strictly forbidden.  
One who refrains from such an act is rewarded while one who commits it is not punished.  
For example: Eating garlic and onions before going to the mosque or a meeting.

In the Shafi'i school of thought, makrooh acts are divided into two categories with regard to the evidence of restriction:

-a- If a non-strict restriction is directed towards a specific matter then it is considered makrooh.

For example when the Prophet (P. B. U. H) says:

If one of you enters the Mosque let him not sit until he prays two rak'as".

[Muslim, Vol. 1, The Book of the Prayer of Traveller and Shortening it, Chapter 11/70].

Also, the restriction of praying in camel's stables.

-b- If a non-strict restriction is not directed towards a specific matter then it is forgoing what is fitter (khilafe lawla), such as the restriction of neglecting recommended acts and fasting for a traveller in Ramadan.

5- Permissible (mubah): What one has the choice (option) to do or leave.

One is not rewarded for doing or leaving a permissible act. (pa: 13)

## **PART TWO**

### **THE BOOK OF PURIFICATION (TAHARA)**

#### **Definition of purification**

**Literally: Cleanliness.**

Legally (In Islamic Law (Shari'a): The lifting of hadath (A state of ritual impurity which can be either major (that which breaks ghusl, e. g. janaba), or minor (that which breaks wudu, e. g. breaking wind) or removing of najasa (filth) or what may look the same or mean the same such as tayamum, sunna ghusl (such as Friday ghusl), renewing wudu, the second and third washes in purification of hadath and najasa, wiping the ear and rinsing the mouth or any other sunna act in purification, and the purification of an excused person

(e. g. One who has urine incontinence or the mustahada).

All those are considered as 'purification' yet they do not lift hadath or remove najasa.

Purification is a necessary condition for prayer to be valid, for food to be eaten, and for utensils to be used.

Shari'a demands the purification of the body, place, and dress as conditions for the validity of prayer. In addition, food must be described as pure to be permissible to be eaten.

### **Evidence for purification.**

Allah (G. B. H) says: {For Allah loves those who are oft-repenting and He loves those who are oft-purifying of themselves. } [Al-Baqara: 222].

Abu Maliek Al-Ash'ari (G. p. H) narrated that the Prophet (P. B. U. H) said:  
"Purification is one half of faith".  
[Muslim, Vol. 1, The Book of Purification, Chapter 1/1].

Ibn Abbas I(G. p. H) narrated that: "The Prophet (P. B. U. H) once passed by two graves, and he said:

"Verily, they (the two dead persons) are being tormented, and not for a great sin.

The first never protected himself from his urine, while the other was going about with calumnies (to make enmity between friends)".

Then he asked for a green palm frond and split it into two pieces and fixed one on each grave and said:

"May it lessen their pain until it dries".

[Muslim, Vol. 1, The Book of Purification, Chapter 34/111].

### **Types of purification.**

Depending on the definition, there are two types of purification: Material purification from visible najasa, and abstract purification from hadath.

That is because it is required for prayer that a person's body and clothes be pure from najasa, and that his body be pure from hadath. (pa: 15)

Therefore the purification from these two things is obligatory.

Najasa is what are considered repulsive substances in Shari'a such as blood, urine, and other matters which will be discussed in a subsequent chapter.

Purification from najasa can be categorized into original and subsequent (incidental) purification:

1- Original purification exists in those things that are naturally and initially pure such as water, earth, iron, minerals, etc, since the rule is that the initial presumption for all things is that they are pure unless their impurity is established by a proof.

2- Subsequent purification is cleanliness from najasa which has affected something pure (taker).

It is called incidental because it can be re-established with the use of purifying materials (water and earth) that remove najasa as will be discussed in a subsequent chapter.

Hadath is a nominal description with which the Shari'a describes the status of the entire body by janaba (When one has sexual intercourse or passes mani In this case one is called junob for one must abandon praying, entering the mosque, reading Quran, etc) (this is called major hadath), or some parts of the body when wudu is broken by passing wind, urine, etc (this is called minor hadath).

The purification of major hadath is accomplished through ghusl.

Major hadath also includes menstrual and postnatal periods during which the whole body is in a status that prevents a woman from performing prayers until she qualifies for ghusl.

The purification of minor hadath is accomplished by making wudu.

Tayamum substitutes for ghusl and wudu in the absence of water or the inability to use it. (pa: 16)

### **Types of purification.**

#### **Water.**

Water which lifts hadath (an impure state of being) or removes najasa comes from seven sources summarized by the phrase:

{Anything which comes down from the sky or springs forth from the earth}.

These are as follows:

1- Rain water.

Allah (G. B. H) says: {And we send down pure water from the sky}. [Al-Furqan: 48]

Also, Allah (G. B. H) says: {And he caused rain to descend on you from heaven to clean you therewith. }[A l-Anfal: 11]

2- Sea water.

Abu Hurayrah narrated: "A man asked the Messenger of Allah (P. B. U. H): 'O Messenger of Allah, we ride the sea and carry a little amount of water with us, if we use it for wudu we get thirsty. Can we perform wudu with sea water?'

The Prophet (P. B. U. H) said:

"Verily its water is pure and its dead (creatures) are permissible (to eat)"

[Al-Tirmithi, Vol. 1, The Books of Purification, Chapter 52/69].

3- River water.

4- Well water.

5- Spring water.

6- Snow water.

7- Hail water.

The evidence for the above mentioned types of water is the consensus that all which falls from the sky or springs from the earth is pure.

### **Types of water.**

1- Purifying pure water

This is the only type of water which can lift hadath or remove najasa.

The evidence for this with respect to hadath is what Allah swt says: {And if you find no water then perform tayamum. }

[Al-Ma'idah: 6]

So, Allah swt orders those who cannot find water to make tayamum which indicates that it is not allowed to perform wudu using anything else.

The evidence with respect to najasa is that the Prophet (P. B. U. H) ordered it to be washed.

Purifying-pure water is divided into:

2-Purifying pure water that is not makrooh to use

This is absolute water, i. e. one which has nothing to change its name.

Nothing can deprive water of its purifying ability, so that it becomes non-purifying pure -water, except if it is mixed with other pure substances which greatly change its taste, color or smell. (pa: 17)

- Purifying pure water that is makrooh to use

1- Very hot water. This becomes not makrooh once cooled.

2- Very cold water. This becomes not makrooh once warmed.

The above waters are makrooh because it is difficult to wash the body parts thoroughly with them.

3- Water that has sat in the sun in a malleable-metal utensil [Made of a malleable metal, other than gold or silver, like iron, lead or copper] in a hot country on account of health reasons.

Al-Shafi'i said: "I am not against water sitting in the sun except from the viewpoint of health," and he attributed this to Umar ibn Al-Khattab who used to hate performing ghusl

using water exposed to the sun and used to say that it can cause leprosy [Al-Nawawi said in Al-Majmu':

"The hadith is weak because it is narrated by Ibrahim ibn Muhammad ibn Abu Yahya". They agreed that it is weak but Al-Shafi'i authenticated it].

Water sitting in the sun can be recognized by a thin film on its surface which is caused by a chemical reaction between the utensil's metal and the water in the sun.

Therefore, it is makrooh to use this water on one's body but not for purifying clothes. Water sitting in the sun is no longer makrooh once it cools and the film disintegrates. In mild climates, water sitting in the sun is not makrooh because the temperature is moderate.

4-Water from wells of people who have been cursed by Allah (G. B. H), except in dire need.

Ibn Umar (G. p. H) narrated: "When the Prophet (P. B. U. H) landed at Al-Hijr (The land of Thamud) during the battle of Tabuk, he ordered his companions not to drink water from its well nor to reserve water from it.

They said: 'We have already kneaded the dough and filled our bags with its water. '

The Prophet (P. B. U. H) ordered them to throw away the dough and pour out the water. [Al-Bukhari, Vol. 3, The Book of the Prophet (P. B. U. H) s, Chapter 19/3198].

4- Non-purifying pure water

This is water that is pure in itself but cannot purify other things, i. e. cannot lift hadath or remove najasa, and is of two types:

A small amount of used water (A small amount of water is anything less than two qillas (an old measure of volume).

Two qillas is equivalent to the volume of a cube whose sides are 58 cm long, i. e. 195112 cm<sup>3</sup> or 195. 112 dm<sup>3</sup> (liter).

This is water which has been used in purifying from hadath (wudu or ghusl) or najasa:

1- Water used in the purification of hadath.

If water is used in obligatory purification then it becomes non-purifying pure water even if the user was a child.

The evidence that such water is still pure is the hadith by Jaber ibn Abdullah who said: "Once I fell ill. The Prophet (P. B. U. H) and Abu Bakr came walking to pay me a visit and found me unconscious.

The Prophet (P. B. U. H) made wudu and then poured the water of his wudu on me, and I woke up"

[Al-Bukhari, Vol. 5, The Book of Patients, Chapter 5/5327].

Such water is pure water because it has come in contact with something pure, yet it is non-purifying because it has been used to remove a bar (in this case of lifting hadath). (pa: 18)

If water is used in a recommended (sunna or nafl [Non-obligatory]. ) purification, such as renewing wudu, the second and third washes (in ghusl or wudu), Friday ghusl, water used in rinsing the mouth or nose (in wudu), and other recommended purification, then it is still purifying and can be used for another purification because it has not lifted hadath or removed najasa.

Used water also includes that water in which one has immersed one's hand during an obligatory wudu or ghusl after making intention and before the intention of scooping (ightiraf) [The time of the intention of scooping in wudu is when intending the obligatory washing of the hands.

In ghusl, this time is when intending to dip the hands into the water for the first time after the intention of obligatory ghusl, because washing the whole body in ghusl is obligatory without any order unlike wudu.

If you scoop water then pour it on your hands with the intention of lifting major hadath off them, then there is no need for the intention of scooping after the intention of lifting major hadath off the body].

Also, water separated from the body after an obligatory wudu or ghusl is used water. It should be noted that there is a difference between wudu and ghusl in this case.

In wudu, when water runs from one part of the body to another it becomes used water on leaving the former and hence does not lift hadath off the latter, be it the arms or another part of the body.

In ghusl, on the other hand, water does not become used until it separates from the whole body because the entire body is regarded as a whole in ghusl.

2- A small amount of water which has been used to remove najasa.

This is called rinse -water, and it is widely accepted by consensus that it is considered to have the same status as the area, after it was washed, i. e. if the area is najis (still holds najasa) then the water is najis otherwise it is pure provided that:

-A- Rinse water should have no change in its attributes caused by the najasa.

-B- The weight of the water should not increase on leaving the najis object, after subtracting what the washed object would absorb and the amount of dirt which usually would dissolve in the water.

-C- Water should flow over the najis object.

Hence, if the najis object is immersed in the water, the latter becomes najis.

This rule has been deduced by the scholars of the Shafi'i school from the hadith "If one of you wakes up from sleep then he should not put his hand into the (water) vessel until he washes it three times, because one knows not where his hand has been during his sleep".

[Muslim, Vol. 1, The Book of Purification, Chapter 26/87, narrated by Abu Hurayrah (G. p. H)].

Hence, the rinse water of things soiled with dog's saliva is najis if its attributes have changed.

If the attributes of the rinse water have not changed, then if it is not the last (seventh) washing, the water is najis anyway, otherwise, it is pure according to the place from which it has separated. (pa: 19)

Finally, if used water is accumulated until it is more than two qillas (195. 112 liters), it is no longer used water.

### 3- Water that has changed as a result of mixing it with non-bordering pure substances

-If water is mixed with a pure (tahir) substance so that its color, taste, or smell changes substantially, and it is no longer known except by the name of this substance, such as soap water, rose water, or juice water, this water is deprived of its purifying ability and becomes non-purifying pure water.

-If a pure (tahir) substance falls into water and this substance has the same properties as water (such as used water and rose water which has lost its smell due to aging) and the falling of the substance could have been prevented, then the guideline for determining whether the water is purifying or not is a process of mental assessment.

Namely, we imagine a situation in which a pure substance that moderately differs in its attributes from water has fallen into it.

If it seems that this would have changed one of the water's attributes then the water is non-purifying, otherwise it is purifying.

Hence, the virtual change is equivalent to the perceptual change.

-If no reason is known for a change in the attributes of water then it is still purifying pure water because it is quite possible that this change is from the length of storage.

-If changed water, such as water mixed with saffron, is added to 2 qillas (195. 11 liters) or more so that, no change remains in it then it becomes purifying pure water.

There are pure substances which do not, if mixed with a small or large amount of water, deprive it of its purifying ability even if they cause a drastic change in its attributes.

That is because such substances are impossible to prevent, originate in the water, or are equivalent to water in their purifying ability.

These substances are:

1- Soil, even if intentionally thrown into water because it is equivalent to water in its purifying ability.

Huthaifa (G. p. H) narrated that the Prophet (P. B. U. H) said:

"The whole earth was made as a mosque for us and its earth (soil) was made pure for us".  
[Muslim, Vol. 1, The Book of Mosques and Places of Prayer, 4. 19]

2- Algae.

3- Minerals which settle in the water.

4- Bordering substances such as twigs, fat, or oil even if they cause a change in the water's attributes because fats or oils do not mix with water but remain floating, hence these are called bordering substances.

As an example, consider a tree growing in water whose wood has a taste.

The water in this case remains purifying pure water even though its taste, smell or color may change.

If the attributes of water change due to a bordering substance that can dissolve in water, such as licorice or tea, so that it is no longer termed water, then it loses its purifying ability.

5- Sea salts even if intentionally thrown into the water because it originates from it. Rock salt, on the other hand, would deprive water of its purifying ability.

6- Tree leaves. (pa: 20)

Furthermore, water does not lose its purifying ability if it changes by long storage.

Scholars concluded all the above from the earlier mentioned hadith of the Prophet (P. B. U. H) about the sea:

"Its water is pure (taher) and its dead is permissible (to be eaten)".

Imam Al-Nawawi (G. p. H) said:

"They concluded that water which has been changed by something that is impossible to prevent, is purifying pure water, and this ruling is generally agreed upon".

[Al-Majmu', Vol. 1, page 129 and 150].

5- Najis water

Najis water is two types:

a-A small amount of water in which a najis substance has fallen

Be it an adjacent or dissolving (non-bordering) substance.

This water becomes najis by mere contact with najasa even if its attributes have not changed.

It does not matter whether the najis substance is inexcusable or excusable in prayer only.

The evidence for this is the Prophet's (P. B. U. H) hadith which is narrated by Ibn Umar I(G. p. H):

"If (the amount of) water is two qillas (195. 112 liters, or more) it will not retain najasa". [Al-Tirmithi, Vol. 1, The Books of Purification, Chapter 50/67].

Hence, if the amount of water is less than that it will become najis (Liquids other than water, and other wet substances, will become najis as soon as it comes into contact with the najasa, whether or not the amount of such liquid is more than two qillas and whether or not its attributes are changed).

However, the following najis substances do not make a small amount of water najis:

1- What is indiscernible by the eye such as fine spray.

2- Dead creatures without flowing blood (Such as flies, bees, ants, bugs, beetles, mosquitoes, and cockroaches) if they fall into the water of their own accord or because of the wind, or if they grow in it [Such as worms growing in water.

By the same token, worms growing in fruit, vinegar and cheese are also excused] , provided they do not change the water's attributes.

However, if these are thrown into the water (even by a child or an animal), or they are so many that the water's attributes have changed, then this water becomes najis regardless of whether it is a small or large amount of water.

Abu Hurayrah (G. p. H) narrated that the Prophet (P. B. U. H) said:

"If a fly falls into one's drink, he should dip it (in the drink) then take it out, for one of its wings carries disease and the other the cure".

[Al-Bukhari, Vol. 3, The Book of The Beginning of Creation, Chapter 17/3142].

It should be noted that the creature itself is najis because it is dead.

However, water does not become najis since it is difficult to keep these creatures away from water.

This rule, i. e. the purity of water into which a dead creature without flowing blood falls (except if it changes the water's attributes) is generalized to all liquids and foods due to the above hadith, and the fact that it is a widespread problem.

3- If a cat whose mouth has become najis is gone for a while and may have drunk from a large amount of water or running water, then its mouth will not cause water to be najis. (pa: 21)

It should be noted that the cat itself is not najis, for Kabshah bint Ka'eb narrated: "That Abu Qatada entered her (house), then she mentioned something to the effect of:

I poured water for his wudu and a cat came to drink from it and he held the vessel for it until it finished drinking.

Kabsha said:

He saw me looking at him, and said:

'Are you surprised my niece?'

I said: 'Yes. '

He said: 'The Prophet (P. B. U. H) said: "They (cats) are not najis, they are of those who wanders about (your houses)".

[Al-NaSa'i, Vol. 1, page 55]

4- A little boy who soiled himself and then went away and is likely to have been cleaned and changed (by his mother for example).

5- Small amounts of the smoke of burned najasa, such zisjalla (cow manure).

6- Small amounts of the dust of sarjeen (sheep manure).

The dust of sarjeen does not even make wet body parts najis.

7- Vapors of najis materials except if they leave a trace such as a change in color, taste or smell.

b-A large amount [A large amount of water is one which is equal to or greater than two qillas.

The volume of two qilla in liters has been defined earlier] of water in which a soluble najis substance has fallen changing one of its three attributes

The evidence for this is the scholarly consensus.

If the najis substance does not change the water's attributes then it is still purifying pure water.

Also, the Prophet (P. B. U. H), when he was asked about water and what animals and beasts may do to contaminate it, said:

"If water is two qillas (195. 112 liters, or more) it will not retain najasa".

[Al-Tirmithi, Vol. 1, The Books of Purification, Chapter 50/67. In a hadith (narrated) by Ibn Umar (G. p. H)]

c-The status of water one is in doubt about (Doubt according to scholars of fiqh is to hesitate between two sides of an argument, even if one side out weights the other.

According to Al-Usuliyeen, doubt is only if both sides of the argument are equal; speculation is the argument that out weights the other and illusion is the argument that is out weighted.

To investigate is to make ijtihaad searching for the truth, and seeking the purpose).

If one is certain about the original purity of a body of water, yet doubts or wonders if it has become najis then it can be used for wudu because of the certainty in its original purity.

If, however, one is certain that a body of water is najis, yet doubts or wonders if it has been purified then it cannot be used for wudu because of the certainty in its original state of najasa.

If one does not know whether the water is pure or najis then it can be used because all things in their origin are considered pure.

The evidence for this (Adopting the certainty in the original state and ignoring doubt in water, hadath, dress, divorce, and other matters) is that Abbad ibn Tamim narrated: "That his uncle asked the Prophet (P. B. U. H) about the man who thinks he has passed wind during prayer.

The Messenger of Allah (P. B. U. H) said:

"He should not leave his prayer unless he hears a sound or smells something".

[Al-Bukhari, Vol. 1, The Book of Wudu, Chapter 4/137]. (pa: 22)

If one cannot tell which one of two containers of water is pure (taher) and which is najis (Likewise, if one suspects two foods, one is pure and the other is najis, then one should investigate because the origin is the permissibility.

Hence they are like the two types of water) then one should make ijthihad (personal reasoning) to determine which one thinks is the pure one (due to evidence like change in color, smell or taste or dog's foot prints being closer to one of them).

In this case, it is recommended to throw away the water one thinks is najis before using the pure one, so that one does not change one's mind later or make a mistake and use the najis one instead.

If one makes wudu with one of the waters without making ijthihad, and it turns out to be truly pure, one's wudu is not valid because one did not make ijthihad.

(Similarly, any worship that one performs in a state of doubt without making ijthihad is not valid even if it coincided with the right thing).

If two persons are unsure of the status of two waters and their reasoning (ijthihad) lead to different conclusions, each of them should use the one he thinks is pure, and in this case one cannot pray behind (follow in a congregational prayer) the other since he believes that his friend's wudu (and hence his prayer) is void.

If a trustworthy person tells you that certain water, dress, food or anything else is najis and provides a convincing reason for this you should rule the water filthiness since the view of this person is acceptable (This is taken as giving information rather than a testimony).

Therefore the information from a woman or a blind man are accepted but not that of the unbeliever, the immoral, the insane, or the child).

In this case, you cannot make ijthihad because having information is superior to ijthihad. If the person does not provide a proof, but he is a scholar of fiqh in the same school as yours, you must accept his information. (pa: 23)

## **THE BOOK OF PURIFICATION (TAHARA).**

## **Addendum.**

The use of gold and silver utensils

1- It is forbidden (haram) to use utensils made of gold or silver except in dire need.

Mujahed narrated that Ibn Abu Layla said: "We were with Hut Hayfa (G. p. H) and he mentioned that the Prophet (P. B. U. H) said:

"Do not drink out of gold or silver vessels, and do not wear clothes made of silk or deebaf for these things are for them (the disbelievers) in this world and for you in the Hereafter".

[Al-Bukhari, Vol. 5, The Book of Drinks, Chapter 27/5310].

Also, Umm Salamah (G. p. H) narrated that the Prophet (P. B. U. H) said:

"Whoever drinks from a utensil made of gold or silver will be pouring fire from Hell into his stomach".

[Muslim, Vol. 3, The Book of Dress and Ornament, Chapter 1/2].

2- It is forbidden to buy or possess utensils made of gold or silver since what one may not use, one may not buy or possess either.

It is also forbidden to use a pen or watch made of gold except as an ornament (for women).

3- It is forbidden to use anything soldered (Is one which has been cracked so a plate is put on it to bind it and preserve it.

Alternatively, the crack may be tied with a string of silver.

This string, or that plate is the patch.

Scholars of fiqh have generalized the patch to include what is intended for decoration without a crack or the like) or inlaid with gold, in small or a large amounts, because of the above mentioned hadith of Umm Salamah (G. p. H).

Scholars of fiqh have correlated other uses on eating and drinking.

Evidence is available that permits mending with silver only, but gold remains forbidden.

It is permitted to mend things with a small amount of silver when it is not intended for decoration.

Asem Al-Ahwal narrated: "I saw the cup of the Prophet (P. B. U. H) with Anas ibn Maiek and it had broken, and he had mended it with silver (strings)".

He went on to say, that the cup was a good wide cup made of Nadar wood.

He said: "Anas said: 'I gave water to the Prophet (P. B. U. H) in this cup more than so-and-so many (times).

[Al-Bukhari, Vol. 5, The Book of Drinks, Chapter 29/5315].

If the area of silver is large and has been applied for decoration then it is forbidden.

If it is large and has been applied for repair then it is makrooh.

If the area of inlaid silver is small and for decoration, it is also makrooh.

The basis in determining whether an inlay is small or large is left to the accepted norm.

If one is unsure whether or not the silver inlays in question is small or large, then it is permitted (since the basis is permission).

4- It is not forbidden to use an object coated (e. g. electroplated) with gold or silver if none of the gold or silver coat can be collected when subjected to fire. That is if the layer is insignificant. A type of silk. (pa: 24)

Legal status of utensils made of rare stones.

Legal status of utensils made of rare stones

It is permissible (mubah) to use and possess these utensils since there is no evidence concerning them.

However, it is more likely that it is makrooh to use such utensils since their use can lead to show and hurting the feelings of the poor.

Legal status of the utensils of the unbelievers and their clothes.

Legal status of the utensils of the unbelievers and their clothes

It is makrooh to use the utensils of the unbelievers, including the people of the Scripture, or their clothes.

Abu Tha'laba Al-Khushani narrated: "I said to the Prophet (P. B. U. H): 'We live in a land ruled by the people of the Scripture, can we eat using their utensils?'

The Prophet (P. B. U. H) said:

"As for what you mentioned concerning the people of the Scripture, if you can get utensils other than theirs, do not eat out of theirs, but if you cannot then wash their utensils and eat out of them".

[Al-Bukhari, Vol. 5, The Book of Slaughtering and Hunting, Chapter 4/5161].

Furthermore, the people of the Scripture do not avoid najasa.

Yet, it is not prohibited to use their utensils because the Prophet (P. B. U. H) allowed them into the mosque, used their utensils, and ate their food.

It should be noted that the meaning of Allah's (G. B. H) saying:

{Truly the pagans are filth (najasa),} [Al-Touba: 28] has to do with the impurity of their beliefs and religion, not their bodies and utensils.

### **Some recommended acts.**

#### **Siwak**

Its Definition:

Literally: Siwak as a verb is to rub.

As a noun, it is the stick used to brush one's teeth with.

It is also called miswak.

Legally: Siwak is using a twig, or the like or indeed anything rough [In which case a toothbrush applies] , in rubbing the teeth and the surrounding gums.

It is best performed using something hard which has been moistened with water.

It is best to use arak then palm twigs, then pomegranate twigs, for what Abu K Hayra Al-Sabahi (G. p. H) narrated:

"I was with the delegation who came to the Prophet (P. B. U. H) and he supplied us with twigs from arak tree to make siwak with.

[Narrated by Al-Tabarani in Al-Kabir, Majma' Al-Zawa'ed (The Collection of Supplements), Vol. 2, page 100].

Second in place is palm tree then pomegranate tree.

Al-Mutwalli said: "It is recommended to be performed with a fragrant stick"

Some recommended acts.

How to use siwak.

How to use siwak

Hold the damp siwak with your right hand and start (brushing) from the right side of your mouth for Aisha narrated: "The Prophet (P. B. U. H) always started with right when putting on his khuff (shoes), combing his hair, purifying himself and all of his matters. (pa: 25)

[Al-Bukhari, The Book of Wudu, Chapter 30/166].

Then, brush from side to side the outer and inner sides of the teeth, pass the siwak on the edges of your teeth and the tops of your molars, and pass it gently on the roof of your mouth.

Before using siwak, you should make the intention of the sunna of siwak for Allah (G. B. H) says: {So take that which the Messenger assigns to you and refrain from that which he has forbidden you to do. }[Al-Hashr: 7]

Some recommended acts.

Legal status of siwak.

Legal status of siwak

1- Confirmed sunna before wudu and prayer.

Abu Hurayrah (G. p. H) narrated that the Prophet (P. B. U. H) said:

"Were I not afraid that it would cause hardship to my Umma [Nation]. I would have ordered them to use siwak before each prayer"

[Muslim, Vol. 1, The Book of Purification, Chapter 15/42].

Also, on rising from sleep in the day or night.

Hut Hayfa (G. p. H) said: "The Prophet (P. B. U. H) would brush his teeth with siwak whenever he woke up at night".

[Muslim, Vol. 1, The Book of Purification, Chapter 15/46].

Siwak is also recommended for bad breath due to not talking for a long time, not eating for a long period, or eating something which has a bad odor like garlic and onions.

2- Recommended for reading Quran, making thikr, or when one's teeth become discolored.

Thammam ibn Al-Abbas (G. p. H) narrated that the Prophet (P. B. U. H) said:

"Why do you come to me with plaque on your teeth, use siwak".

[Musnad Al-Imam Ahmad, Vol. 1, page 412].

Siwak is also recommended before going to sleep and when entering one's home.

Aisha (G. p. H) narrated that: "When the Prophet (P. B. U. H) came home, he would start with brushing his teeth with siwak".

[Muslim, Vol. 1, The Book of Purification, Chapter 15/44]

Finally, siwak is recommended when entering a mosque.

3- Makrooh for a fasting person after mid-morning because Abu Hurayrah (G. p. H) narrated that the Prophet (P. B. U. H) said:  
"By him in whose hand is my soul ! The breath of a fasting person is sweeter to Allah (G. B. H) than the smell of musk".  
[Al-Bukhari, Vol. 2, The Books of Fasting, Chapter 9/1805].  
Using the word sweeter is proof that it should be kept.  
Also, since it is the result of an act of worship, it is makrooh to cleanse it just like the blood of martyrs.

### **Advantages of siwak.**

Aisha said that the Prophet (P. B. U. H) said:  
"Siwak is purifying for the mouth and pleasing to Allah".  
[Al-Bukhari, Vol. 2, The Books of Fasting, Chapter 27].  
Also, Ahmad narrated from Ibn Abbas (G. p. H) that the Prophet (P. B. U. H) said:  
"I was continuously ordered to use siwak until I thought that Quran would be revealed concerning it"  
[Musnad Al-Imam Ahmad, Vol. 1, page 237] (pa: 26)

Other recommended manners.

Other recommended manners

1- Moisturizing the skin every other day, with olive oil, or any other type of skin moisturizer.

2- Lining the eye lids with kohl an odd number of times.

3- Trimming the mustache until the redness of the upper lip is visible and it is makrooh to shave it.

Al-Nawawi said: "What's best is to clip the mustache until the edge of the lip is visible but not to shave it altogether".

4- Paring/clipping the nails.

Abu Hurayrah (G. p. H) narrated that: "The Prophet (P. B. U. H) used to clip his nails and trim his mustache on Friday before going out for the Friday prayer".  
[Revealed by Al-Tabari in Al-Awsat, Majma' Al-Zawa'ed (The Collection of Supplements), Vol. 2, Page 170].  
It is advised to start with the hands before the feet and to start with the index finger of the right hand, then the middle finger then the ring finger then the small finger and finally the thumb.

Going back to the left hand starting with its small finger then the ring finger and so on and ending with the thumb.

Then one should start with the small toe of the right foot and end with the small toe of the left foot.

#### 5- Removing axillary hair.

Al-Nawawi said: "It is best to remove the entire hair from its roots if one can endure that".

It can also be achieved by shaving or any other hair- removal method.

It is recommended to start with the right armpit as indicated in the hadith of starting with the right

[Al-Bukhari, Vol. 1, The Book of Wudu, Chapter 30/166].

#### 6- Shaving the pubic hair.

Anas ibn Maiek (G. p. H) said: "We have been ordered not to leave trimming the mustache, clipping the nails, removing the axillary hair, and shaving the pubic hair for more than forty nights".

[Muslim, Vol. 1, The Book of Purification, Chapter 16/51].

It is sunna to bury the removed hair, nails or blood.

#### 7- Combing the beard. Abu Hurayrah (G. p. H) narrated that the Prophet (P. B. U. H) said:

"Whoever has hair should take care of it".

[Abu Dawood, Vol. 4, The Book of Combing (The Hair), Chapter 3/4163].

#### 8- Combing the hair and applying oil (or another conditioner) to it every other day, because of the above mentioned hadith.

#### 9- Dying the hair with red or yellow.

Abu Hurayrah (G. p. H) narrated that that Prophet (P. B. U. H) said:

"The Jews and the Christians do not dye (their gray hair) so differ from them".

[Al-Bukhari, Vol. 3, The Books of Prophet (P. B. U. H), Chapter 51/3275]

However, dying the hair black is forbidden (haram) for both men and women.

Jaber (G. p. H) said: "Abu Quhafa was brought on the day of the opening of Mecca with his head and beard as white as a white flower.

The Prophet (P. B. U. H) said:

"Change this (man's hair) with something and avoid black".

[Muslim, Vol. 1, The Book of Purification, Chapter 16/51]

However, it is permissible to dye the hair black for jihad.

In fact, it is required by a fighting man as a show of strength before the enemy.

This has been deducted from the Prophet's (P. B. U. H) not deploring Abu Dujana's (G. p. H) action, during the battle of Uhud, when he rightfully took the Prophet's (P. B. U. H) sword and started to saunter among the rows. (pa: 27)

The Prophet (P. B. U. H) told him:

"This type of walk is makrooh by Allah (G. B. H) except in this situation".

[Majma" Al-Zawaed, Vol. 6, page 109].

10- It is sunna for a married woman to dye her hands and feet with henna for the known hadith concerning this.

However, men are prohibited from dying with henna, unless for medical reasons so as not to imitate women.

It is narrated by Ibn Abbas that:

"The Prophet (P. B. U. H) cursed men who mimic women and women who mimic men".  
[Al-Bukhari, Vol. 5, The Book of Dress, Chapter 59/5546]

It is also makrooh for a non-married woman, unless it is for medical reasons, even if a non-mahram (Any man a woman can marry, such as her marriageable kins) will not see her, because it may lead to questionable feelings.

Most of the above sunnas are gathered in the hadith narrated by Aisha (G. p. H) that the Prophet (P. B. U. H) said:

*"Ten (things) come naturally: Trimming the mustache, growing the beard, using siwak (or brushing one's teeth), rinsing the nose with water, cutting the nails, washing the knuckles, removing the axillary hair, shaving the pubic hair, and making istinja' with water"*.

Mus'ab (G. p. H) added: "She forgot the tenth which should be rinsing the mouth with water".

[Muslim, Vol. 1, The Book of Purification, Chapter 16/56].

### **Makrooh practices.**

1- It is makrooh to shave part of the hair and leave other parts.

Abdullah ibn Umar (G. p. H) narrated that: "The Prophet (P. B. U. H) forbade them to partially shave their hair".

[Al-Bukhari, Vol. 5, The Book of Dress, Chapter 70/5577].

However, there is no harm in shaving the whole head out of cleanliness or letting the hair grow for those who are willing to comb and oil it.

The evidence that it is permitted to shave the whole head is that Ibn Umar (G. p. H) narrated: "The Prophet (P. B. U. H) saw a boy who had shaved part of his head and left the other.

The Prophet (P. B. U. H) forbade him to do that and said:

"Shave it all or leave it all".

[Abu Dawood, Vol. 4, The Book of Combing (The Hair), Chapter 14/4195].

It is sunna for a man to shave his head after performing the actions of hajj or umra, and for a baby-boy on his seventh day.

Finally, it can become obligatory if one has made a vow to do so.

2- In the Shafi'i school of thought, it is makrooh to pluck or remove the beard.

Moreover, Imam Al-Shafi'i regards this forbidden.

Ibn Umar (G. p. H) narrated that the Prophet (P. B. U. H) said:

"Trim the mustache and grow the beard,"

[Muslim, Vol. 1, The Book of Purification, Chapter 16/52] and he also said:

"Differ from the pagans, trim your mustaches and grow your beards".

[Muslim, Vol. 1, The Book of Purification, Chapter 16/54].

Also, Abu Hurayrah (G. p. H) narrated that the Prophet (P. B. U. H) said:  
"Trim the mustache and grow the beard, be different from the Majoos".

[Muslim, Vol. 1, The Book of Purification, Chapter 16/55]

If a woman is afflicted with facial hair as in a beard, mustache, or hair under her lower lip, she can remove it.

It is possible to compare the hair on a woman's arms and legs to this, since the basis is the non-existence of such hair, and because removing it will not lead to incorrect feelings or actions. (pa: 28)

3- It is makrooh to pluck gray hair.

Amru ibn Shu'ayb narrated from his father, from his grandfather, that the Prophet (P. B. U. H) said:

"Do not pluck gray hair for verily, each hair that goes gray in Islam..."

and in a narration by Sufian:

"... Becomes light for its owner on the day of judgement," and in a narration by Yahya  
"... Allah (G. B. H) will write because of it a good deed for that person and erase a bad deed".

[Abu Dawood, Vol. 4, The Book of Combing (The Hair), Chapter 17/4202]. (pa: 29)

## **Going to the bathroom.**

### **Proper manners of going to the bathroom**

1- It is recommended to take off anything which has the name of Allah (G. B. H) on it even if it is inside a locket except if the case is made of material which prevents odor from reaching it.

It is narrated by Anas ibn Maiek (G. p. H) that: "the Prophet (P. B. U. H) used to take off his ring whenever he went to the bathroom".

[Al-Tirmithi, Vol. 4, The Book of Dress, Chapter 16/1746].

It is known (from Al-Sahihain [Muslim and Bukhari]. ) that the inscription on his ring was "Muhammad the Messenger of Allah".

[See Al-Bukhari, Vol. 5, The Book of Dress, Chapter 52/5539]

2- It is recommended to wear something on one's feet.

3- It is recommended to cover the head, for both men and women, because the bathroom is the refuge of S Haytan.

Proof for the above is what Al-Bayhaqi narrated that Habib ibn Saleh said: "The Prophet (P. B. U. H) used to put on his khuff and cover his head when he entered the bathroom".

[Al-Bayhaqi, Vol. 1, page 96].

4- It is recommended to prepare something to cleanse yourself with before sitting down, because Aisha (G. p. H) narrated that: "The Prophet (P. B. U. H) said:

"When one of you goes to bathroom he should take three stones with him".

[Abu Dawood, Vol. 1, The Book of Purification, Chapter 21/40].

#### 5- Seeking privacy.

It is recommended to seek cover even if there is no one to cover from, otherwise it is obligatory.

The cover, or screen, should be behind a person.

Abu Hurayrah (G. p. H) narrated that the Prophet (P. B. U. H) said:

"... Whoever goes to bathroom should seek cover, and if he finds none he should at least put a heap of sand behind him".

[Abu Dawood, The Book of Purification, Chapter 19/35].

The height of the barrier should be no less than two thirds of a human arm (about 32 cm), and should not be farther than three arms (about 1.5 m).

It may be a wall, ditch, or a heap of sand.

If one lets down his garment in the direction of the qibla then it will suffice.

If one is in the desert or outdoors, he should walk away as far as possible, for Ya'la ibn Murrah (G. p. H) narrated that:

"The Prophet (P. B. U. H) used to go far away when he went to bathroom".

[Abu Dawood, The Book of Purification, Chapter 19/35].

#### 6- It is recommended to enter with the left foot and to step out with the right foot.

One should do the same if outdoors when one reaches the place where he intends to sit.

The author of Al-Muhathab said: "Because the left foot is for that which is noxious and the right one is for other things".

#### 7- Upon entering, it is recommended to say:

"By the name of Allah (G. B. H), I seek refuge in You from the male S Haytan and the female S Haytan".

Anas ibn Ma'iek (G. p. H) narrated that the Prophet (P. B. U. H) said:

"The veil between the eyes of jinn and the awra"

[Ibn Maja, Vol. 1, The Book of Purification, Chapter 22/333] of humans is to say:

'Bismillah (in the name of Allah). '

[Revealed by Al-Tabarani in Al-Awsat, The Collection of Supplements, Vol. 1, Page 205]. (pa: 30)

Al-Bukhari narrated from Anas (G. p. H) that: "The Prophet (P. B. U. H) used to say when he went to the bathroom:

"O Allah, I seek refuge in you from the male S Haytan and the female S Haytan".

[Bukhari, Vol. 1, The Book of Wudu, Chapter 9/124].

On leaving, one should say: "(O Lord) Your forgiveness, Praise be to Allah (G. B. H) Who rid me of harm and cured me".

Aisha (G. p. H) said: "The Prophet (P. B. U. H) used to say when leaving the bathroom: '(O Lord) Your forgiveness. '

[Ibn Maja, Vol. 1, The Book of Purification, Chapter 10/300].

Also, Anas (G. p. H) narrated that:

"The Prophet (P. B. U. H) used to say on leaving the bathroom:

"Praise be to Allah (G. B. H) Who rid me of harm and cured me".

[Ibn Maja, Vol. 1, The Book of Purification, Chapter 10/301]

One can add: "O Lord, purify my heart from hypocrisy and guard my private parts against sin".

8- It is recommended not to raise one's garment until one has squatted.  
Ibn Umar (G. p. H) said: "When the Prophet (P. B. U. H) would go to the bathroom he would never raise his garment until he squatted down to the ground".  
[Al-Tirmithi, Vol. 1, The Book of Purification, Chapter 10/14].  
It is also recommended when one is finished to lower one's garment before standing up.

9- It is recommended to keep one's legs apart to avoid contamination because of the hadith about the torment of the grave which says:  
"... One of them used to not avoid contamination from his urine".  
[Al-Bukhari, Vol. 1, The Book of Funerals, Chapter 87/1312 This hadith was mentioned earlier as revealed by Muslim].  
One should put his weight on one's left leg when squatting and relax his right foot, because Suraqah ibn Ja'sham (G. p. H) said: "The Prophet (P. B. U. H) taught us to put our weight on our left foot and relax the right one when we go to the bathroom".  
[Al-Bayhaqi, Vol. 1, page 96].

10- Males should get rid of any residual urine if it seems like some of it remains by hemming, waiting for a few moments, or walking a few steps, provided this does not reach the level of obsession.  
The evidence for this is what was mentioned in the hadith of the torment of the grave, in the narration of Al-NaSa'i which says:  
"... One of them used to not cleanse himself of his urine".  
[Al-NaSa'i, Vol. 4, page 106].  
Females need not do this but should remove any wadi  
[A white thick odorless discharge preceding or following urination, sometimes occurs as the result of carrying something heavy].

11- It is makrooh to urinate facing the breeze (if outdoors) in case the spray will come back on one.  
Therefore, it is recommended to turn one's back towards the wind.

12- It is makrooh to urinate or defecate in a hole or den for Abdullah ibn Sarjis (G. p. H) said: "The Prophet (P. B. U. H) prohibited us to urinate into holes".  
He said: "They asked Qatada: 'What is wrong with urinating into holes?'  
He answered: 'They are believed to be the homes of jinn. '"  
[Abu-Dawood, Vol. 1, The Book of Purification, Chapter 16/29].  
Also, a creature may come out and sting one or splash one's urine back onto him. (pa: 31)

13- It is makrooh to urinate or defecate in the road, for Mu'ath ibn Jabal (G. p. H) said:  
"The Prophet (P. B. U. H) said:  
"Avoid the three deeds that cause one to be cursed:  
Defecating in paths that lead to water sources, in roads, or in shade".  
[Abu Dawood, Vol. 1, The Book of Purification, Chapter 14/26]

14- It is makrooh to urinate in a place where people gather (for discussions) because it is harmful to them.

15- It is makrooh to urinate or defecate under a fruit-bearing tree whose fruits are edible, whether at the time of bearing fruit or not, to keep the falling fruits from contamination. Defecation is less makrooh in this case because it can be seen and hence the contaminated fruit can be avoided or cleansed.

16- It is makrooh to urinate on hard surfaces so as not to get back splashed.

Abu Musa Al-Ash'ari (G. p. H) said: "I was with the Prophet (P. B. U. H) one day, and he wanted to urinate so he came to a soft ground next to the base of a wall and urinated and said:

"If one of you wants to pass urine he should choose a (proper) place for that".

[Abu Dawood, Vol. 1, The Book of Purification, Chapter 2/3].

17- The legal status of defecating and urinating in water:

-a- Stagnant (still) water, be it a small or large amount: It is makrooh to pass urine into. Jaber (G. p. H) said that: "The Prophet (P. B. U. H) prohibited passing urine into still water".

[Muslim, Vol. 1, The Book of Purification, Chapter 28/94].

-b- Running water: If it is a small amount then it is prohibited to pass urine in it because this will make it najis for oneself and for others, however, if it is a large amount then it is not prohibited but it is best to avoid it.

The prohibition of defecation near water goes without saying and is included within the prohibition of urinating in paths leading to water sources.

-c- Water donated for public use (sabil).

It is prohibited to defecate or urinate in such water unless it resembles a sea in size.

The same is true for water owned by others.

18- There are three rules for urinating or defecating facing the qibla or with one's back to it:

-a- It is prohibited to urinate or defecate with one's face or back towards the qibla when outdoors (e. g. desert) and there is no barrier to screen one or there is a barrier that does not satisfy the conditions.

Abu Ayub Al-Ansari (G. p. H) said:

"The Prophet (P. B. U. H) said:

"If one of you wants to go to the bathroom, he should not face the qibla nor turn his back towards it, face east or west".

[Al-Bukhari, Vol. 1, The Book of Wudu, Chapter 11/144].

Also, it is narrated by Abu Hurayrah (G. p. H) that: "The Prophet (P. B. U. H) said:

"I am like a father to you, teaching you: If one of you wants to go to the bathroom, he should not face the qibla or turn his back towards it.

He should not clean himself with his right hand". ' He used to tell us to use three stones, and prohibit the use of manure (to clean ourselves with)".

[Abu Dawood, Vol. 1, The Book of Purification, Chapter 4/8]. (pa: 32)

-b- It is best not to urinate or defecate with one's face or back towards the qibla even if there is a barrier.

-c- It is not prohibited, makrooh, or foregoing what is fitter to urinate or defecate with one's front or back towards the qibla in places intended to relieve oneself (Bathrooms), but it is more polite to avoid it, and to sit turning to the side slightly if this is possible without trouble.

19- It is makrooh to talk except for necessity.

Hence, if one sneezes, for example, one should say: "Alhamdulillah" in his heart, and if one greets you it is makrooh to answer.

Ibn Umar I (G. p. H) said: "A man gave salam to the Prophet (P. B. U. H) while he was urinating, and he did not answer him".

[Al-Tirmithi, The Book of Purification, Chapter 67/90].

Also, Abu Sa'id Al-Khadari (G. p. H) narrated that he heard the Prophet (P. B. U. H) saying:

"No two men should go out to bathroom, exposing their awra, and talking to each other, because Allah (G. B. H) detests that".

[Abu Dawood, Vol. 1, The Book of Purification, Chapter 7/15].

20- It is makrooh to urinate while standing unless there is an excuse.

Aisha (G. p. H) said: "Do not believe whoever told you that the Prophet (P. B. U. H) used to urinate while standing. He never urinated except seated".

[Al-Tirmithi, Vol. 1, The Books of Purification, Chapter 8/12].

Muslim narrated from Huthaifah that he said: "I was with the Prophet (P. B. U. H) walking and he came to a dump behind a wall and stood like anyone would stand and urinated"

[Muslim, Vol. 1, The Book of Purification, Chapter 22/74].

Al-Khatabi said: "This may have been due to pain in his back or his knees or because he did not find a place suitable for sitting or to indicate that it is permissible and not forbidden (to urinate while standing)".

21- It is makrooh to sit for a long time.

Luqman (G. p. H) said "Prolonged sitting for defecation hurts the liver, and causes hemorrhoids, so sit for a short time and leave".

[Al-Majmu', Vol. 2, page 98].

22- It is makrooh to look at the sky or at one's private parts, or to the waste matter, except for necessity.

It is also makrooh to handle your private parts unnecessarily.

23- It is makrooh to cleanse oneself with water in the same place of defecating in case najasa spatters back on to one.

Abdullah ibn Al-Mugaffal said that the Prophet (P. B. U. H) said:

"No one should urinate in the place he bathes, then perform wudu there, because most obsessions are the result of this".

[Abu Dawood, Vol. 1, The Book of Purification, Chapter 15/27].

However, there is no harm in doing that in places intended for it such as toilets because they do not cause water to spatter onto you.

24- It is forbidden to urinate in the mosque even into a receptacle, because urine is najis and mosques should be kept protected from it.

25- It is forbidden to urinate onto a grave, since its soil has intermingled with the dead body, and it is makrooh to urinate near it. (pa: 33)

26- It is forbidden to urinate on that which cannot be used, because of their inherent value, for cleaning the private parts, such as bones, food, and other things that will be explained in the next chapter. (pa: 34)

### **Istinja' and Istijmar Definition**

Literally: To cut and remove harmful things (such as najasa).

**Istijmar** is derived from the word jimar which means small stones.

**Istinja'** is done with water and stones while istijmar is done only with stones.

Legally: Istinja' and istijmar is to clean away what comes out of one's private parts.

### **Legal status of istinja' and istijmar.**

Istinja' and/or istijmar is obligatory after defecating or urinating because Abu Hurayrah (G. p. H) narrated that the Prophet (P. B. U. H) said:

"Clean yourselves from urine because it is the most common cause of torment of the grave,"

[Al-Darqutni, Vol. 1, page 128]

And because of the aforementioned hadith narrated by Abu Hurayrah who said that the Prophet (P. B. U. H) said:

"I am like a father to you... and he used to tell us to use three stones".

Urine and feces are najasa that is not difficult to remove, therefore, prayer is not correct if one or both remain on the body just as with other types of najasa.

It is also obligatory to make istinja' or istijmar when any najasa passes from the private parts, even if it is something uncommon like blood, wadi, or mathi

[A thin discharge secreted as a result of non-orgasmic sexual excitement].

Hence, if a stone or a worm with no moisture is passed then it is acceptable not to make istinja'.

Istinja' is usually performed with water, stones, or any pure dry solid object that has friction (i. e. that does not slip or slide against the area) provided it does not deserve respect (for its value).

Hence, liquids other than water, soft coal, soft soil, smooth pine, and human food are excluded. Although water is for human consumption, it can be used in istinja' because it is available in abundance and because the Prophet (P. B. U. H) used it.

Aisha (G. p. H) said: "Order your husbands to clean their private parts with water because I am shy to tell them. The Prophet (P. B. U. H) used to do so".

[Al-Tirmithi, Vol. 1, The Books of Purification, Chapter 15/19].

The food of jinn, such as bones (even if burned), is also excluded, for Salman (G. p. H) said: "The Prophet (P. B. U. H) prohibited us from: Facing the qibla when passing feces or urine, making istinja' with the right hand, making istinja' with less than three stones, or making istinja' with manure or bones".

[Muslim, Vol. 1, The Book of Purification, Chapter 17/57.

Other respectable matters include books of Shari'a, and other beneficial things, anything upon which a glorified name is written, or pieces from a mosque.

It is sunna to use both stones and water.

In this case, stones are used first then water.

It is valid to make istijmar using a najis object if water is used afterwards. (pa: 35)

If one wants to use exclusively stones or water then water is best because it can remove both the mass of the najasa as well as its trace, whereas stones can only remove the mass of najasa.

If water is used first, then stones should not be used afterwards because they will have no benefit.

It is valid to use stones only, whether or not water is available, whether or not one is settled or travelling, and whether or not one is healthy or sick.

### **Conditions for the validity of istijmar (using stones only).**

- 1- The najis waste should not have dried.
- 2- The najis waste should not move from where it exited.
- 3- One should not become soiled with another source of najasa.
- 4- For men, the waste should not spread beyond the inner buttocks (that which does not show when standing), and the urine should not spread beyond the glans (the head of the penis).

For women, the condition for wiping with stones only or something similar (e. g. dry tissue) is that what comes out (urine or waste) does not spread beyond what appears when she sits if she is a virgin, or what is further inwards if she is a married woman.

However, it is more likely for the najasa to spread when a woman urinates, hence it is not valid for a woman to clean herself with stone (or tissue) after urinating and she should use water.

As for waste she can if she fulfills the conditions.

5- Water should not reach the najis exit.

6- Istijmar should be done with three wipes even if one is enough to clean. Each wipe should be with a separate stone, or with one side of a three sided stone, since the above mentioned hadith by Salman prohibits making istinja' with less than three stones.

It is better to use three stones (rather than three edges of one stone) because there is a hadith about it. If three stones are still not enough then one can use more. If one of the above conditions is nullified then water must be used.

### **The sunna acts of istinja'.**

1-An odd number of wipes is recommended if wiping three times is not sufficient and more is needed.

Abu Hurayrah (G. p. H) narrated that: "The Prophet (P. B. U. H) said:

"Whoever makes wudu should rinse his nose with water and whoever makes istijmar should do it with an odd number (of stones)".

[Al-Bukhari, Vol. 1, The Book of Wudu, Chapter 24/159].

Doing anything an odd number of times is sunna.

2- The stone should encompass the whole area.

3- Making istinja' with the left hand, for Abu Qatada (G. p. H) narrated that: "The Prophet (P. B. U. H) said:

"If anyone of you urinates, he should not hold his penis nor make istinja' with his right hand, and (while drinking) one should not breathe into the cup,"

[Al-Bukhari, Vol. 1, The Book of Wudu, Chapter 19/153] (pa: 36)

And for the above mentioned hadith:

"I am like a father to you..". and Salman's hadith.

Hence it is recommended not to use one's right hand for any matter related to istinja' except as absolutely needed.

4- Using the middle finger when cleaning the anus with water because it is more efficient.

5- Beginning with the front then the back when using water, and beginning with the back then the front when cleaning with stones.

6- Rubbing the hand with earth or soil then washing it.

Washing the hand with soap is equivalent to this by comparison (qiyas).

Maymuna (G. p. H) said: "The Prophet (P. B. U. H) made wudu after being in a state of janaba.

He poured water with his right hand over his left hand twice or thrice and then washed his private parts and rubbed his hand with the earth or a wall twice or thrice". [Al-Bukhari, Vol. 1, The Book of Ghusl, Chapter 16/270].

7- Sprinkling the private parts as well as the underwear with water to prevent wisswas [An obsession with the idea of tahara (purification)].

Abu Dawood narrated from Al-Hakam ibn Sufian that: "The Prophet (P. B. U. H) used to perform wudu and sprinkle himself with water after passing urine".

[Abu Dawood, Vol. 1, The Book of Purification, Chapter 64/166]. (pa: 37)

### **Wudu (Ablution).**

#### **Definition**

Literally: Cleanliness and radiance.

Legally: Using water to wash certain parts of the body commencing with an intention.

Wadu refers to the water used for wudu.

#### **Evidence**

Allah (G. B. H) says: {O you who believe! when you go to pray, wash your faces, and your arms to the elbows; wipe your heads (with water); and (wash) your feet to the ankles} [Al-Ma'idah: 6].

Ibn Umar I (G. p. H) narrated: "I heard the Prophet (P. B. U. H) saying:

"A prayer is not accepted without purification".

[Muslim, Vol. 1, The Book of Purification, Chapter 2].

#### **Legal status.**

Wudu is obligatory for the following:

1- Prayer- Obligatory (fard) or non-obligatory (nan)-and for the prostration of Quran recital and the prostration of thanks.

2- Touching the Quran: Allah (G. B. H) says:

{Which none shall touch but those who are pure. } [Al-Waqi'ah: 79].

3- Tawaf: Ibn Abbas (G. p. H) narrated that the Prophet (P. B. U. H) said:

"Tawaf around the house (Ka'ba) is like prayer".

[Al-Tirmithi, Vol. 3, The Book of Hay, Chapter 122/960].

Wudu is recommended for the following:

1- After bloodletting [Drawing blood with a needle from a vein] or the drawing of blood:

Tamim Al-Dari narrated that the Prophet (P. B. U. H) said:

"Wudu is (needed) after any bleeding".

[Al-Darqutni, Vol. 1, page 157]

2- After cupping: See the Hadith [Sucking blood through the skin with a (vacuumed) bottle after scratching the place].

3- After a nosebleed: (See the above hadith). Sulaiman (G. p. H) narrated: "The Prophet (P. B. U. H) saw me when my nose was bleeding and he said: " Perform wudu".

Al-Mahamili said: "That is, perform wudu for what happened".

[Al-Darqutni, Vol. 1, page 156].

Also, to avoid contradicting the schools of thought that deem it obligatory to perform wudu after bloodletting, cupping, nosebleeds and vomiting. (pa: 38)

4- After vomiting: Abu Al-Darda' (G. p. H) narrated: 'The Prophet (P. B. U. H) vomited so he broke his fast and made wudu"

[Al-Tirmithi, Vol. 1, The Books of Purification, Chapter 79/198]

The evidence that wudu is not affected by anything coming out of anywhere other than the private parts (like bloodletting, cupping, vomiting and nosebleeds) be it in small or large amounts, is what Jaber (G. p. H) narrated:

"That two men from the companions of the Prophet (P. B. U. H) guarded the Muslims one night during the battle of That Al-Riqa and that one of them was praying when a man from the pagans came and shot him with an arrow.

The companion removed it.

Then the pagan shot him with a second arrow and a third.

The companion kept on praying while his blood was flowing".

[Look at Abu Dawood, Vol. 1, The Book of Purification, Chapter 79/198]

It is concluded that if bleeding nullified wudu then the companion would not have continued praying.

The Prophet (P. B. U. H)knew of this and did not object to it.

Shafi scholars interpreted the hadith which refer to the necessity of wudu after bleeding as a matter of preference, i. e. not obligatory.

5- In preparation for sleep: Al-Bara' ibn 'Aazeb (G. p. H) narrated that the Prophet (P. B. U. H) said:

"When you intend to go to sleep, perform wudu properly as you would for the prayer, lie on your right side and say: '0 Allah, I surrender to You and entrust all my affairs to You and depend upon You for Your blessings both with hope and fear of You. There is no fleeing from You, and there is no place of protection and safety except with You.

0 Allah, I believe in Your book (the Quran) which You revealed and in Your Prophet (Muhammad) (P. B. U. H) whom You have sent then if he die on that night, you will die in a state of fitra (the religion of Islam) so let these be the last words you utter (before sleep)".

[Al-Bukhari, Vol. 1, The Book of Wudu, Chapter 75/244]

6- After waking up from a sleep in which you have been sitting with your seat firmly against a flat surface [Fixing the buttocks on the ground, and this can only be achieved by sitting tailor-fashion]

Al-Shafi and his colleagues said: "It is recommended for a person who slept while sitting firmly to perform wudu in case something has occurred (like passing wind)".

This is also necessary to avoid the difference of opinion amongst scholars.

7- After laughter during prayer (to avoid the difference of opinion amongst scholars).

The evidence that it is not obligatory is what Al-Bukhari narrated from Jaber: "If someone laughs in prayer, he should repeat his prayer but not his wudu".

[Al-Bukhari, Vol. 1, The Book of Wudu, Chapter 33]

8- After eating anything which has been exposed to flame: Abu Hurayrah (G. p. H) narrated: "I heard the Prophet (P. B. U. H) saying:

"Perform wudu after eating anything which has changed by exposure to flame".

[Muslim, Vol. 1, The Book of Menstruation, Chapter 23/90]

The evidence that it is not obligatory is the hadith narrated by Jaber (G. p. H) who said: "One of the last things the Prophet (P. B. U. H) did was to leave wudu after eating what had been changed by flame".

[Abu Dawood, Vol. 1, The Book of Purification, Chapter 75/192] (pa: 39)

9- After eating camel meat: Jaber ibn Samura narrated: "A man asked the Prophet (P. B. U. H): 'Should I perform wudu after eating lamb?'

The Prophet (P. B. U. H) said:

"If you wish, perform wudu, and if you do not wish, don't".

The man said: 'Should I perform wudu after eating camel meat?'

The Prophet (P. B. U. H) said:

"Yes, you should perform wudu after eating camel meat".

[Muslim, Vol. 1, The Book of Menstruation, Chapter 25/97]

10- After touching the opposite sex's hair, nails or teeth: Al-Nawawi said: "Al-Shafi'i said in Al-Umm and so did his colleagues: 'It is recommended to perform wudu after touching the hair, teeth or nails'".

[Al-Majmu', Vol. 2, page 28]

11- When suspecting hadath

12- After committing sins and wrongs like swearing, bad language, backbiting, or lying... etc.

The purpose in this case being to expiate the sins.

It is narrated by Abu Hurayrah (G. p. H) that the Prophet (P. B. U. H) said:

"When a Muslim makes wudu and washes his face, every sin committed by his eyes is washed away with the water or with the last drops of water; and when he washes his hands, every sin committed with his hands is washed away with the water or with the last

drops of water; and when he washes his feet, every sin committed by his feet is washed away with the water or with the last drops of water; so that he becomes clear of sin".  
[Muslim, Vol. 1, The Book of Purification, Chapter 11/32].

Also, it is narrated that Abdullah ibn Mas'oud (G. p. H) said:

"I would rather perform wudu for the bad word I say than for the good food I eat".

[Al-Majmu', Vol. 2, page 66]

14- After anger: Attiya Al-Sa'di (G. p. H) said that the Prophet (P. B. U. H) said:

"Anger is from S Haytan, and S Haytan is created from fire, and fire is extinguished with water.

Therefore, if one of you is angry let him perform wudu".

[Abu Dawood, Vol. 5, The Book of (good) Manners, Chapter 4/4784].

14- When reciting Quran from memory: Since reciting Quran is an act of worship.

It should be noted that it is not makrooh to read Quran from memory while someone is in a state of hadath because it is narrated by Ali (G. p. H) that: "The Prophet (P. B. U. H) used to read Quran in every state but janaba".

[Al-NaSa'i, Vol. 1, page 144]

15- When studying hadith: Because reading hadith is like conversing with Prophet Muhammad (P. B. U. H).

16- When reading books related to hadith or Quran: This is to show respect for books on Islamic sacred law.

Even books on Arabic and its grammar should be respected because they have been written to enable us to understand Quran and the hadith of Prophet Muhammad (P. B. U. H). Hence, respecting these books is associated with respecting Quran and the sunna of the Prophet (P. B. U. H).

17- When making thikr (invoking Allah's name) because it is narrated by Al-Muhajer ibn Qunfothe (G. p. H) that: "He came to the Prophet (P. B. U. H) while he was urinating and he greeted him (from afar), but the Prophet (P. B. U. H) did not answer until he had made wudu and then he apologized and said:

"I hated to mention the name of Allah (G. B. H) until I was in a state of purity"

[Abu Dawood, Vol. 1, The Book of Purification, Chapter 8/17] (pa: 40)

18- To stay in a mosque or pass through it: Since it is makrooh to go into a mosque without praying two rak'as.

19- To visit the dead: Since it is not obligatory to be pure of hadath when visiting graves.

20- After carrying the body of a dead person: Abu Hurayrah (G. p. H) narrated that: "The Prophet (P. B. U. H) said:

"Ghusl is (required) after washing the dead and wudu is required after carrying him".

[Al-Tirmithi, Vol. 3, The Book of Funerals, Chapter 17/993].

-It is recommended to renew one's wudu before each obligatory prayer: In other words, to have wudu then perform another one when nothing has occurred to break it.

This is the case if you have prayed an obligatory prayer with the first wudu, otherwise it is no longer recommended to renew one's wudu.

It is narrated by Anas (G. p. H) that: "The Prophet (P. B. U. H) used to perform wudu for every prayer, whether he still had wudu or not".

[Al-Tirmithi, Vol. 1, The Books of Purification, Chapter 44/58]

22- It is recommended for a person in the state of janaba who wants to eat, drink, sleep or have subsequent intercourse to perform wudu. Aisha (ra) said :”The Prophet (saw) used to perform wudu as he would for prayer if he was in the state of janabah and wanted to eat and sleep.” (Muslim Vol.1, The book of Menstruation, Chapter 6/22)