

FIQH OF TAHARAH

Summarised from Hidayah fi Sharh Bidayat Al Mubtadi



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Hidayah Class

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

IN THE NAME OF ALLAH, MOST MERCIFUL AND COMPASSIONATE

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INTRODUCTION

All praise is due to Allah lord of the universe, peace and blessings upon our noble messenger Muhammad, his family and companions.

The following is a document summarising [part] of ‘The Book of Purification’. It includes the chapters of Wudu, Ghusl and Tayammum. This document is a summary with tables highlighting the differences of the Imams [Allah bless them], as well as diagrams to make it easy for learning and memorising. We pray that Allah grants us the understanding of his religion and makes us from those regarding whom The Noble Prophet (Allah Bless him and grant him peace) said: **‘Whoever Allah intends goodness for, he grants him understanding of religion’**.

Introduction to Taharah

In terms of language, Taharah means: Cleanliness. The technical meaning is: To remove those impurities [minor and major] that are ‘attached to prayer’ [ritual and natural impurities]. Regarding ‘attached to prayer’ are conditions such as the place of prayer.

It is important here to understand the difference between *shart* and *arkan*.

The table below explains the difference between the two:

Term	Definition	Example
Shart	A necessary condition before an act of worship such as <i>Salah or wudu</i> .	Place of Salah
Arkan	A necessary pillar during an act of worship such as <i>Salah or wudu</i> .	Sajdah

The author of *Dirayah* [Ibn Hajar - Allah have mercy on him] says: The technical meaning of *Taharah* is: Washing the three limbs [face, arms and feet] and wiping over the head.

However this definition is not correct. The reason being is that *taharah* is more general than wudu and the mentioned definition does not occur except in wudu. [Ayni in Binayah]

OBLIGATORY ACTS IN WUDU (MINOR ABLUTION)

Washing of the elbows and ankles in minor ablution

Ruling

قال الله تعالى: (يا أَيُّهَا الَّذِينَ آمَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ) [المائدة ٦] الآية،
«ففرض الطهارة غسل الأجزاء الثلاثة ومسح الرأس»

Allah, the Exalted, has said: ‘O you who believe! When you rise up for prayer, wash your faces, and your hands (and arms) up to the elbows; rub your head (with water); and (wash) your feet up to the ankles. [So the washing of the three limbs and rubbing of the head is made obligatory for purification i.e Wudu [by this verse].

«والمرفقان والكعبان يدخلان في الغسل» عندنا خلافا لزفر هو يقول الغاية لا تدخل تحت المغيا كالليل في باب الصوم.

ولنا أن هذه الغاية لإسقاط ما وراءها إذ لولاها لاستوعبت الوظيفة الكل وفي باب الصوم لمد الحكم إليها إذ الاسم يطلق على الإمساك ساعة والكعب هو العظم الناتئ هو الصحيح ومنه الكاعب.

The elbows and ankles are included in the washing. Imam Zufar opposes this and says the elbows are not included just like night is not included in the duration of the fast.

Imam Zufar is referring to the following verse -

أَحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ ۚ هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لِهِنَّ ۗ عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ ۖ فَالْآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ ۗ وَكُلُوا وَاشْرَبُوا حَتَّىٰ يَبَيِّنَ لَكُمْ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ۖ طَهُمُ أَتَمُّوا الصِّيَامَ إِلَى اللَّيْلِ ۚ وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ

عَاكِفُونَ فِي الْمَسَاجِدِ تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرُبُوهَا ۗ كَذَلِكَ يُبَيِّنُ اللَّهُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ

It has been made permissible for you to be intimate with your wives during the nights preceding the fast. Your spouses are a garment for you as you are for them. Allah knows that you were deceiving yourselves. So He has accepted your repentance and pardoned you. So now you may be intimate with them and seek what Allah has prescribed for you. 'You may' eat and drink until you see the light of dawn breaking the darkness of night, then complete the fast until nightfall. Do not be intimate with your spouses while you are meditating in the mosques. These are the limits set by Allah, so do not exceed them. This is how Allah makes His revelations clear to people, so they may become mindful 'of Him'. [2:187]

When read in the above manner, just like [any part of] the night is not included in the fast, the elbows are also not included in the washing.

The Hanafi jurists respond to this by saying that in the case of fasting, it was necessary to mention 'night' or else the fast would have only lasted a moment [any part of the day] due to the absence of a limit. Thus, 'night' was mentioned in order to set a limit.

Also, in Arabic *Yad* includes the entire arm up to the armpit. The mention of the word 'elbows' is to illustrate to us that the elbow is included [in the limit] and what is beyond that [the upper arm] is not included.

Another response of the Hanafi Jurists is that this verse is considered *Mujmal* [unelaborated] and it needs *Bayan* [elaboration] from the Sunnah. The Hadith they use for *Bayan* is - 'The Messenger of Allah (Allah bless him and grant him peace), on reaching the elbows during ablution, poured the water from above them.' **[Narrated by Jabir - Allah be pleased with him]**

The ankle is the protruding bone [above the foot] and is included in the washing.

Table 1 - The limit that has been stipulated

Term/Object	Limit
Fasting	Night
Minor Ablution - Arm	Elbows
Minor Ablution - Leg	Ankles

Wiping the head in minor ablution

Ruling

والمفروض في مسح الرأس مقدار الناصية وهو ربع الرأس

The required obligation in wiping the head is the amount of the forehead, and this is one-fourth [quarter] of the head.

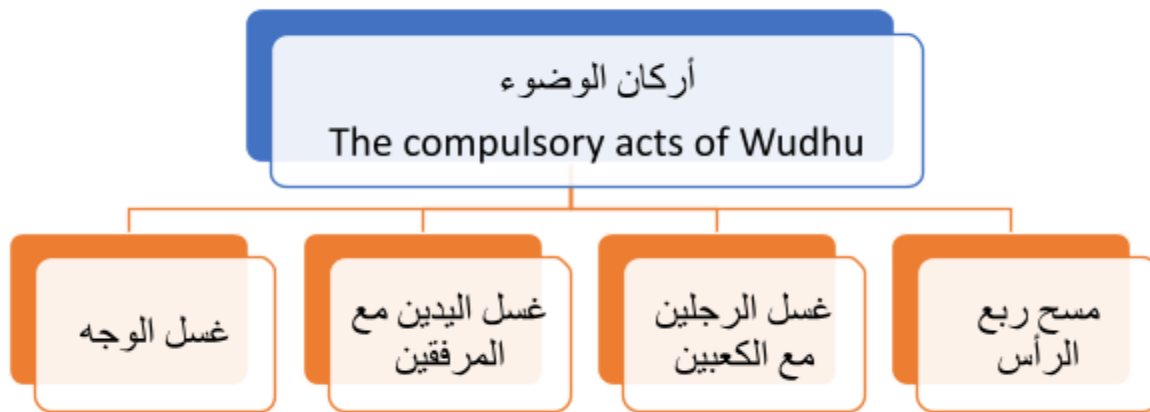
This rule is based on the following narration: *'The Noble Messenger of Allah (Allah bless him and grant him peace) arrived at a camp [scrapyard] of some tribe. He passed water [answering the call of nature], performed ablution, and wiped his forehead and leather socks. [Narrated by al-Mughirah ibn Shu'bah - Allah be pleased with him]*

The text [hadith] is *Mujmal* and this [hadith] is linked to it as a *Bayan*. The focus for the Hanafi Jurists at this point is on the word 'forehead'. This is evidence against Imam Shafi (Allah have mercy on him), who stipulates [a minimum of] three hairs alone. This is because he interprets 'wiping of the head' to be the minimum to which **the term 'wiping'** applies and that is three hairs. It [the Hadith] is also evidence against Imam Malik (Allah have mercy on him) who stipulates the entire head [or most of it].

In certain narrations [from Imam Muhammad - Allah have mercy on him -, mentioned by Ibn Rustam - Allah have mercy on him - in *Nawadir*], it is permissible to use three fingers of the hand, because that is the major part of wiping [Majority has ruling of full], when wiping the head and leather socks.

Table 2 - Minimum amount stipulated for wiping the head

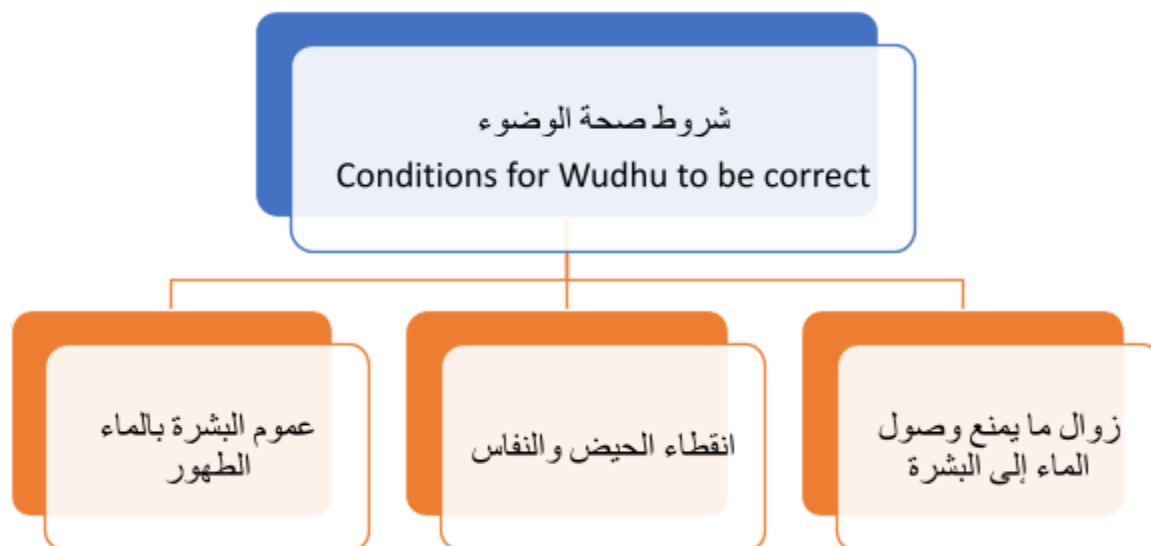
Imam	Ruling
Imam Abu Hanifah (150 AH)	Quarter of the head - minimum
Imam Malik (179 AH)	Entire/Majority of the head
Imam Shafi (204 AH)	Three hairs - minimum



The following are the conditions that make wudu necessary -



The following are conditions for *wudu* to be correct -



SUNNAH OF WUDU

The 19 Sunnah of Wudu

There are a total of 19 Sunnah of minor ablution mentioned in the books of Fiqh. It is important to know that *Sunnah* in *usul* implies a different meaning; it is an act performed persistently by The Noble Messenger of Allah (Allah bless him and grant him peace). The 19 acts are -

1. Washing the hands before they are placed in the water utensil [This is mentioned because they used to perform wudu from out of a utensil].
2. Mentioning [verbally] the name of Allah, at the beginning of *wudu*.
3. Siwak [brushing the teeth with the stick]
4. Rinsing the mouth and drawing water into the nostrils thoroughly
5. Wiping the ears
6. *Takhlil* [Passing fingers through the beard]
7. *Dalk* [Massaging/rubbing whilst washing the limbs]
8. To form a *Niyyah* [Intention]
9. Wiping the entire head
10. *Tartib* [Maintaining the order mentioned in the verse]
11. *Wala' or Mutataabiah* [Continuously and in succession]
12. To commence the washing with the right limb first [arms and feet]
13. Rinsing the mouth three times
14. Drawing water into the nostrils three times

15. *Takhilil* of the fingers
16. Washing three times [arms and feet]
17. Wiping the neck
18. To commence from the [top of] forehead when wiping the head
19. To commence washing the fingers from the top

ACTS THAT VOID MINOR ABLUTION [Breakers of Wudu]

That which comes out of the two passages

Ruling

المعاني الناقضة للوضوء كل ما يخرج من السبيلين

The legal ruling [legal cause] in the acts that void minor ablution is: ‘Anything that passes through the two passages’. This is due to the verse of the Quran: ‘*Or one of you has come from the privy*’. [4:43] Also the Noble Hadith: ‘What comes out of the two passages’ [Is regarded as impure].

Blood and Vomit coming out

Ruling

والدم والقيح إذا خرجا من البدن فتجاوزا إلى موضع يلحقه حكم التطهير والقي ملء الفم

[Also] blood or pus - when they come out from the body and move on to a part of the body that is subject to the rule of purification, and vomiting that is a mouthful.

As for Imam Shafi (Allah have mercy on him), whatever comes out of the body, other than the two passages, does not nullify wudu. He relies on the Hadith: ‘The Prophet (Allah bless him and grant him peace) vomited, but did not perform *wudu*,’ and the fact that washing is a ritual obedience so it must be restricted to the texts [which means the usual passages].

Thus the argument of Imam Shafi’ can be summarised in the following manner: *Wudu* and its related acts [such as this chapter] are a matter of ritual obedience [*Amr-Ta’abbudi* - can’t be rationalised, whether we understand it or not, we follow the rule completely due to the command coming from Allah]. So therefore you are not to look for other reasons for the rule here, because that will not work due to the matter being *Amr-Ta’abbudi*. He (Allah have mercy on him) reasons that if we were to identify filth or impurity as the reason for ablution due to what comes out of the passages then washing of these passages would have been sufficient. However, the rule requires us to wash

other body parts [such as feet] that are not affected by the impurity in this scenario.

The washing of the parts, mentioned in this verse, during ablution as a result of some filth or impurity that has not come out of these parts is a matter of ritual obedience and its underlying reason is not known to us. So we should restrict the matter [annulment of wudu] to the text, which is, the two passages, and not go beyond that.

The Hanafi Jurists base their reasoning on the following points -

- The Hadith of flowing blood [*mursal* hadith - and is accepted based on Hanafi *Usul*]
- The Hadith of vomit and nosebleed [*sahih* hadith]
- *Najasa* [impurity] coming out is rational [makes sense] in the loss of purification. So therefore can be a basis for analogy.
- The restriction [to the two pathways] is a matter of ritual obedience, but the addition of blood coming out is just like the addition of annulment to excretion from the two passages [both - excretion and blood - are the same, which is, the flowing of filth to a location that is subject to the rule of purification, hence, makes sense].

With regards to vomit the following amount has to occur in order for it to break -

Table 3 - Amount considered in Vomit

IMAM	AMOUNT OF VOMIT	RULING
Imam Abu Hanifah	Mouthful Vomit - Unable to control.*	Breaks <i>Wudu</i>
Imam Zufar	Small or large amounts of vomit	Breaks <i>Wudu</i>

* A small amount that which can be maintained in the mouth, will not break Wudu according to Imam Abu Hanifah. The ruling that is given is the view of Imam Abu Hanifah.

Also, if the vomit is done in multiple places and amounts to a mouthful altogether, then the following ruling will take place according to the Imams -

Table 4 - Vomit done in multiple places - and amount to a mouthful

IMAM	RULING	REASONING
Imam Abu Yusuf	Breaks <i>Wudu</i>	Unity of session/place [<i>It'tihaad al-Majlis</i>]
Imam Muhammad	Does not Break <i>Wudu</i>	Unity of cause [<i>It'tihaad Sabab</i>]

Imam Abu Yusuf is taking into consideration each place/sitting, whereas Imam Muhammad is looking at each cause.

The following is an important legal ruling that is mentioned in *Hidayah* -

مالا يكون حدثا لا يكون نجسا

That which does not break *Wudu*, is not Impure.

So those things that are a cause for the *hadath*. This statement applies to the worshipper's body and not other things. Examples for this legal meaning are -

- Vomit that is not a mouthful
- Blood that has not flown [**Durul Mukhtar**]

So based upon this important legal meaning, Allamah Humaam in *Fathul-Qadeer* mentions an important point: 'If a butcher has blood [which is not flowing] on his clothes and it is more than a dirham [maximum limit for impurity] and he offers prayer in it, his prayer will be valid. Comprehend. [**Allamah Humaam in Fathul Qadeer**]

Now will be a good point to look at the types of impurity. There can be divided into two with sub categories -

Type of Najasah	Definition	Example
Najasah Haqeeqi	Can be seen	Urine
Najasah Hukmi	Can't be seen	Passing of wind

Najasa Haaqeeqi is broken into two types -

Type	Definition	Example
Ghalidhah	Heavy type	Urine of human beings
Khafifah	Light type	Urine of halal animals

Najasa Hukmi is broken into two types -

Type	Definition	Example
Asgar	Need of wudu	Breaking of wind
Akbar	Need of bath	Wet dream

وهذا إذا قاء مرة أو طعاماً أو ماءً فإن قاء بلغمًا فغير ناقض

[According to Imam Abu Hanifah] if the worshipper vomits bile, food or water [his wudu breaks], but if he vomits phlegm, then this does not break *wudu*.

This is also according to Imam Muhammad. Imam Abu Yusuf said, it does break *wudu* if it is a mouthful.

Table 5 - Vomiting phlegm

IMAM	RULING	REASONING
Imam Abu Hanifah, Imam Muhammad	Does not break <i>wudu</i>	The phlegm is not affected by impurity [of the stomach]
Imam Abu Yusuf	A mouthful breaks <i>Wudu</i>	The phlegm is close to the stomach [which is a source of impurity]

* The argument of the jurists on this issue, depends upon the source from where the

body fluids emerge, and on whether such a source is a source of impurity.

Discussion on sleep breaking wudu

Ruling

والنوم مضطجعا أو متطنا أو مستندا إلى شيء لو أزيل عنه لسقط

Sleep while lying on the side or reclining or leaning on something, where the person will fall if the thing is removed [breaks *wudu*].

Sleep becomes a cause of impurity in some cases. The rule is assigned to the cause rather than the actual *hadath* [impurity], which may occur or may not occur during such sleep.

So what is taken into consideration is the cause and not the actual impurity.

So reclining on the side is the cause of the joints/limbs becoming loose, and that does not normally prevent impurity.

As for leaning on something, if that object is removed, he will fall then this will also break *wudu*. This is due to the same cause mentioned before [joints becoming loose].

This [joints becoming loose - removes alertness and does not prevent impurity coming out] is an established practice, and is what is relied upon with certainty.

This is referring to the *Qaidah fihiyyah* - 'Certainty is not removed with doubt'.

However there is another opinion in the *madhab* and this is the preferred opinion - If one's rear is clinged to the place of sitting [whilst sleeping] then his wudhu will not break. This can also be found in *fiqh* books like *al-Mabsut*.

Also related to this is the concept of fainting and insanity. This will also break *wudu*, due to it being a degree higher than sleep and just like sleep it is a cause of *hadath*.

It amounts to proof through *dalalat al-nass*, which is similar to the case of saying 'oof' to parents.

Discussion on laughter in prayer

والفقهة في كل صلاة ذات ركوع وسجود

And [from the breakers of *wudu*] is laughter in a prayer that consists of bowing and prostrating.

The proof for this is the hadith: 'Beware any of you who laughs by way of qahqaha (loud laughter) must repeat both his ablution and his prayer. This report is confined to a complete prayer, so therefore the ruling is also confined to a complete prayer.

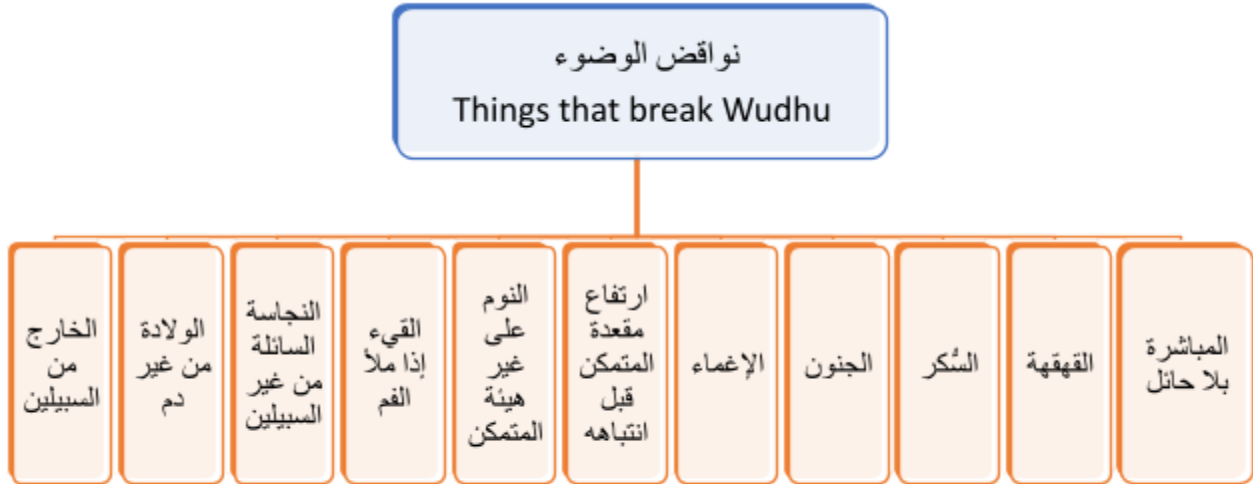
Imam Shafi disagrees and says it is not something that comes out in the form of *najas*. The Hanafi jurists also agree that it is not a *hadath* and analogy also agrees with this. However due to the *hadith* the Hanafi jurists give the ruling that it [qahqaha] voids prayer [a complete prayer that consists of bowing and prostration. So this will not include the funeral prayer, the prostrations of recitations and outside of prayer.]

The definition of *Qahqaha* and *dahik* are mentioned in the following table and its ruling with regards to prayer -

Table 6 - Types of laughter in prayer

TERM	DEFINITION	RULING
Qahqaha	Loud Laughter in prayer - something that can be heard by the person himself and by those next to him	Must repeat his wudu and prayer
Dahik	Quiet Laughter in prayer - something that can be heard by him alone and not his neighbours	Must repeat his prayer [does <u>not</u> need to repeat his wudu]

The following are acts that break wudu -



Water with which minor ablution is permitted

Ruling

الطهارة من الأحداث جائزة بماء السماء والأودية والعيون والآبار والبحار

Purification [wudu] is permitted with the following:

- Rain waters
- Lake waters
- Spring waters
- Well waters
- River waters
- Hail waters
- Snow/Ice waters

Also when an impurity falls into running water, it is permissible to perform *wudu* if the trace/effect of the impurity is not noticeable.

Added to that is anything that does not have blood flowing through its body, [its death in

the water] does not make the water impure.

Also the death in water of a [creature] that lives in it, does not pollute it [like a fish, frog or crab].

What is Maa Katheer

‘If an impurity falls in the water at one edge [of a large pond] in which movement of water at one end does not cause a corresponding [other side] movement at the other edge. This is due to the impurity not reaching the other end, and that is evident.’

‘Some jurists have said that it should be 10 *Dhira* [for it to be considered Ma Katheer]’. This ruling has been given to create ease for the people.



Water with which minor ablution is not permitted

Those types of water in which it is not permissible to gain cleanliness -

- The characteristics [colour, taste and smell] are overshadowed by something else and that moves it out of its natural state [Such as vinegar, broth and rosewater].
- Squeezed out of a tree or fruit.
- Changed by cooking after something is mixed with it [due to it being altered by the fire and no longer considered ‘water from the skies’].
- Water in which an impurity has fallen [irrespective if it is less or more]. *

A key principle to remember is: ‘If the name is no longer [called] water, then it is not absolute water [Maa’ Mutlaq]. These types of liquids are not permissible to do wudu [such as - fizzy drinks or juice drinks].

* Imam Malik has said it is permissible as long as one of the properties of water has not

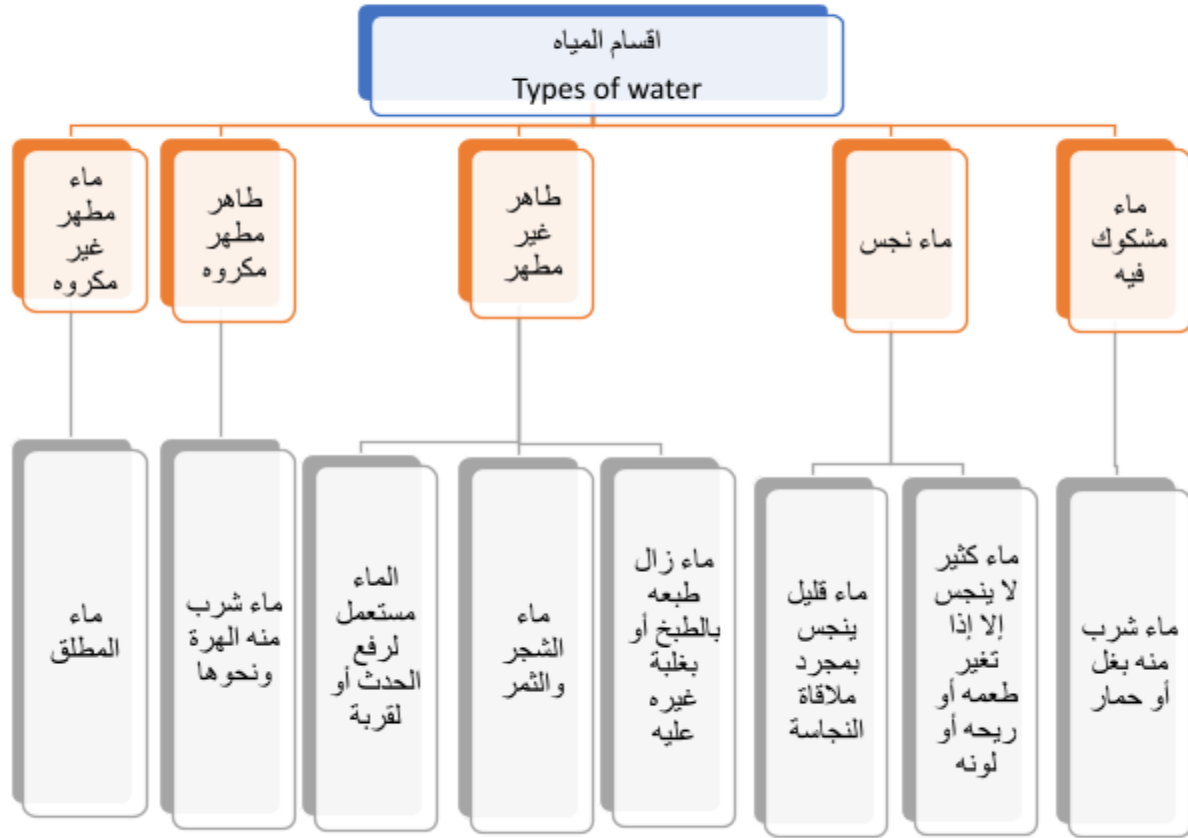
been altered. Whereas, Imam Shafi says, it is permitted as long as the quantity of water is to *qullahs*.

والماء المستعمل لا يجوز استعماله في طهارة الأحداث

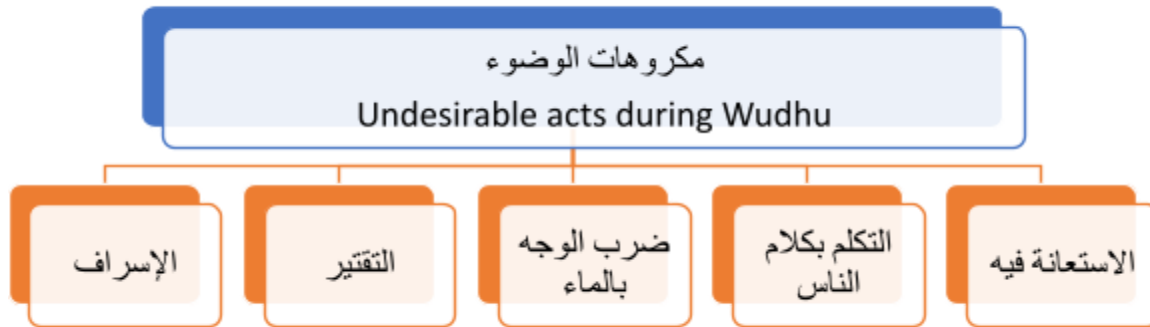
It is not permissible to use previously used water for *wudu*. [It can be used to remove actual impurities, but can't be used to gain ritual purification].

However, Imam Malik and Imam Shafi disagree. They hold the principle that purification [*tuhur*] is something that purifies another thing time and time again

The types of water can be categorised into the following [with examples] -



The following are acts that are undesirable in *wudu* -



GHUSL [Major Ablution]

Necessary acts in Ghusl

وفرض الغسل: المضمضة والاستنشاق وغسل سائر البدن

The obligatory actions of *Ghusl* are 3 -

1. *Madmadah* [gargling]
2. *Istinshaq* [drawing water into the nostrils]
3. Washing the entire body

The proof of that is the verse of the Quran -

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُمْ مِنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِّنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُطَهِّرَكُمْ وَلِيُتِمَّ نِعْمَتَهُ عَلَيْكُمْ لَعَلَّكُمْ تَشْكُرُونَ

‘O believers! When you rise up for prayer, wash your faces and your hands up to the elbows, wipe your heads, and wash your feet to the ankles. And if you are in a state of ‘full’ impurity, then take a full bath. But if you are ill, on a journey, or have relieved yourselves, or have been intimate with your wives and cannot find water, then purify yourselves with clean earth by wiping your faces and hands. It is not Allah’s Will to burden you, but to purify you and complete His favour upon you, so perhaps you will be grateful.’

Cleansing of the entire body pertains to the internal and external parts.

However Imam Shafi disagrees and says that *madmadah* and *istinshaq* are sunnah due to the hadith: ‘Ten things are part of *fitrah*’.

The following 12 are sunnah in *ghusl* -

1. Beginning with *Bismillah* [before entering the bathroom]
2. Intention
3. Washing the hands till the wrist
4. Washing of the areas of impurity at the beginning

5. Washing the private parts
6. Then doing *wudu* like the *wudu* of prayer.
7. Washing each part 3 times
8. Washing/wiping the hair
9. Washing the feet at the end [in case of any impurity on the bottom of the feet]
10. To begin by washing from the top [head]
11. Then to make your way down to the feet
12. *Dalk* - washing by rubbing over the body

Acts that require Ghusl

Ruling

والمعاني الموجبة للغسل إنزال المنى على وجه الدفق والشهوة من الرجل والمرأة حالة النوم واليقظة

The acts that make *Ghusl* obligatory are -

- Discharge [due to desire and in the state of sleep]
- Meeting of private parts [irrespective of discharge]
- Menstruation
- Postnatal bleeding

According to Imam Shafi (Allah bless him) the emergence of seminal fluid in whatever way this happens, leads to the obligation of *Ghusl*.

Tayammum [substitute ablution with clean earth]

What is Tayammum and related rulings

Tayammum is from amongst those things that are specific for this *Ummah*.

Its definition is as follows -

Table 8: Definition of Tayammum

Language Definition	Shar'e Definition
To make an intention*	To wash the face, hands with clean earth

* This is different to Hajj, which is to make an intention to a sacred place.

If one does not find water when he is on a journey or outside the city [he does not have to be travelling] is a distance of approximately one mile or more, he may perform *tayammum* with clean earth. This is due to the verse of the Quran -

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّىٰ تَغْتَسِلُوا ۗ وَإِن كُنتُمْ مَّرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُمْ مِنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ وَأَيْدِيكُمْ ۗ إِنَّ اللَّهَ كَانَ غَفُورًا غَدُورًا

O believers! Do not approach prayer while intoxicated until you are aware of what you say, nor in a state of 'full' impurity—unless you merely pass through 'the mosque'—until you have bathed. But if you are ill, on a journey, or have relieved yourselves, or been intimate with your wives and cannot find water, then purify yourselves with clean earth, wiping your faces and hands. And Allah is Ever-Pardoning, All-Forgiving.

He can also perform *Tayammum* if he is ill or thinks that using water will make his condition worse.

All those things that invalidate *wudu* also invalidate's *tayammum*

Tayammum is invalidated with all those things that invalidate wudu. The reason is due to tayammum being a substitute/follower of wudu. Wudu is the *asl* [primary] and tayammum is the *khalaf* [secondary]. And the *Khalaf* is in the ruling of the *Asl*.

What this means is: There is no doubt that the *asl* is stronger [superior] than the *khalaf*, so whatever is an invalidator for what is stronger [wudu], will [automatically] be an invalidator for what is weaker [tayammum]. So tayammum takes its [wudu] ruling.

Seeing water breaks tayammum

If a person in tayammum see's water [or knows where it can be found] and he is able to use it, then his tayammum will break. The reason is because having the ability is in the meaning of finding water. Also if a person is sleeping [in the state of tayammum] water, then his tayammum will break. This is due to his negligence.

Delaying Salah due to having hope of finding water

It is preferred for a person who can't find water - however he has hope of finding it later on - to delay salah till its end time. If he then - later on, after delaying prayer till the end time - doesn't find the water, he will make tayammum and offer prayer. The reason is because he can offer the prayer with complete purity [wudu], this ruling is like a person has hope of offering prayer with congregation. Even according to Imam Shafi (Allah bless him) to delay salah from its preferred time, when there is hope of attaining the congregation [prayer], is preferred.

This is evidence that offering prayer in its beginning time is superior except if there is a preferred time mentioned in the text.

However according to Imam Abu Hanifah and Abu Yusuf (Allah bless them): to delay is necessary. The reason is because **the dominant thought is like conviction**. This is also another legal meaning/principle that can be extracted from Hidayah.

غالب الرأي كالمحقق

‘The dominant thought is like conviction’.

Allah the Exalted, names the dominant thought ‘Knowledge’ [to Know]. This is mentioned in the statement of Allah Almighty:

يَأْتِيهَا الَّذِينَ ءَامَنُوا إِذَا جَاءَكُمْ الْمُؤْمِنَاتُ مَهْجِرَاتٍ فَامْتَحِنُوهُنَّ ۗ إِنَّ اللَّهَ عَلِيمٌ بِإِيمَانِهِنَّ ۗ فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ ۗ لَا هُنَّ حِلٌّ لَهُمْ وَلَا هُمْ يَحِلُّونَ لَهُنَّ ۗ وَءَاتُوهُم مَّا أَنفَقُوا ۗ وَلَا جُنَاحَ عَلَيْكُمْ أَنْ تَنْكِحُوهُنَّ إِذَا ءَانَيْتُمُوهُنَّ

أَجْرَهُنَّ وَلَا تُنْسِكُوا بِعَصَمِ الْكُوفَرِ وَسَلُّوا مَا أَنْفَقْتُمْ وَلَيْسَ لَوا مَا أَنْفَقُوا ۚ ذَلِكُمْ حُكْمُ اللَّهِ يَحْكُمُ بَيْنَكُمْ ۗ وَاللَّهُ عَلِيمٌ حَكِيمٌ

O believers! When the believing women come to you as emigrants, test their intentions—their faith is best known to Allah—and if you find them to be believers, then do not send them back to the disbelievers. These ‘women’ are not lawful ‘wives’ for the disbelievers, nor are the disbelievers lawful ‘husbands’ for them. ‘But’ repay the disbelievers whatever ‘dowries’ they had paid. And there is no blame on you if you marry these ‘women’ as long as you pay them their dowries. And do not hold on to marriage with polytheistic women.² ‘But’ demand ‘repayment of’ whatever ‘dowries’ you had paid, and let the disbelievers do the same. That is the judgement of Allah—He judges between you. And Allah is All-Knowing, All-Wise. **[60:10]**

Doing tayammum for Janazah or Eid

Tayammum is allowed if there is a fear of missing the Janazah or Eid prayer [by doing wudu], even if water is available. The reason is because there is no substitute for it. This fear [of missing the prayer] has a subtle indication that it is only allowed if you fear you are going to miss the entire prayer.

However if there is a substitute like Dhuhr for Jummah prayer then tayammum is not allowed, due to there being a substitute.

According to Imam Shafi, this is not allowed. The reason is because tayammum is a purifier [from ritual impurities] in terms of islamic law [shariah] when there is no water available. If there is water available then it is not a purifier, so prayer is not valid except in a state of purity [ritual purity].

If a traveller forgets that he had water

If a traveller forgets that he had water in his luggage [or anywhere else], and he performs tayammum and offers prayer, thereafter he remembers he had water, then he does not need to repeat it, according to Imam Abu Hanifah & Imam Muhammad. Imam Abu Yusuf says he has to repeat it.

The difference is in if he placed the water himself or someone else placed it with his command [knowledge] or without his command.

Imam Abu Yusuf says: That he is a person who can find water, so it is like the ruling if someone who has clothes in his luggage [or anywhere else] and then offers prayer naked, then remembers he had clothes. So therefore this ruling will be the same as a traveller

who forgets he had water. The ruling that is being referred to is if a person offers prayer naked or with impurity on his clothes or he has impurity on him which can be seen [hageeqi], if he forgets he had clothes, then it is necessary to repeat it.

Also because the place of luggage for the traveller is generally a place where water is placed, so it is necessary to search for it. [Fathul Qadeer]

As for Imam Abu Hanifah and Imam Muhammad: He has no capability without knowledge, and that is the meaning of finding. What this means is the absence of finding is a condition in the permissibility of tayammum. Also the water is prepared for drinking [during the journey] and not other uses. As for the ruling of the thobe it is disputed upon [therefore can't be a proof], and even if it was agreed upon, then the obligation of covering the private parts has no substitute. Whereas tayammum is a substitute for water [khalaf - as mentioned before].

To summarise there are 3 situations:

1. He placed it himself and did not look for it
2. His slave/servant [someone else] did it for him, but he did not know
3. He did it himself but forgot.

In the first case, his prayer is valid according to agreement. However, according to the other 2 cases, there is a disagreement as mentioned above.

Table 9: Different scenarios regarding placing water but then not looking for it or forgetting

Case 1	Case 2	Case 3
<u>Allowed</u> - According to Imam Abu Hanifah	<u>Allowed</u> - According to Imam Abu Hanifah	<u>Allowed</u> - According to Imam Abu Hanifah
<u>Allowed</u> - According to Imam Abu Yusuf	<u>Not Allowed</u> - According to Imam Abu Yusuf	<u>Not Allowed</u> - According to Imam Abu Yusuf
<u>Allowed</u> - According to Imam Muhammad	<u>Allowed</u> - According to Imam Muhammad	<u>Allowed</u> - According to Imam Muhammad

Now that we have discussed some of the rulings, we will look at the method of tayammum and its conditions.

The method and conditions of Tayammum

Tayammum consists of two strokes. The person rubs his face with one of them, and his arms with the other [stroke] up to the elbows.

The conditions of Tayammum are -

- Intention [that which makes the intention valid are - Islam, understand what he is saying (*tamyiz*) and knowledge with what he intends with]
- A valid intention to do Tayammum
- Clean earth or anything similar
- *Isti'ab* [Comprising the face and hands in wiping]
- That he wipes the entire hand or most of it
- Strikes the ground twice
- Not in the state of menstruation or postnatal bleeding
- That which prevents wiping [on the skin - like wax and grease/fat because it becomes a means for wiping on it and not on the body]

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We end with the praise of Allah and sending salutations upon our beloved and noble messenger Muhammad (صلى الله عليه و سلم), his family and all his companions.

We pray to Allah that he rewards on our behalf, the scholars of Islam, - like Imam Abu Hanifah, Imam Abu Yusuf, Imam Muhammad and all the scholars of Islam - who preserved the religion in its pristine form and passed it on to the next generation, until it has reached us. We pray to Allah that he accepts us in his path to seek knowledge till our last breath. Amin.

Below some contemporary rulings are mentioned, so the reader can see how contemporary rulings can be extracted using the principles/legal rulings that have been set out.

CONTEMPORARY RULINGS

RULING

اركان الوضوء اربعة وهي فرائضه. الاول: غسل الوجه و حده طولا من مبدا سطح الجبهة الى اسفل الذقن و حده عرضا ما بين شحمتي الاذنين

يسن في الوضوء ثمانية عشر شيئا.....و مسح الاذنين ولو بماء الراس

Regarding removing earrings before *wudu*, it is not a requirement [obligatory] to remove them as washing the face is obligatory, and not the ears. The ears are *sunnah* to wash.

However, for *ghusl*, it should be removed so that the water can reach the pierced area.

RULING

نسي المضمضة أو جزءا من بدنه فصلى ثم تذكر، فلو نفلا لم يعد لعدم صحة شروعه

If a person forgets gargling [or any other obligatory act like drawing water into the nostrils or a part of his body] then he only needs to wash that part. There is no need in repeating the entire *Ghusl*.

If a person prays *Salah* and then remembers [that he forgot to wash a certain part] then depending on whether it is a obligatory prayer or optional, it will fall under one or both of the following rules -

Ruling when you forget to wash [certain part] in a Fard *Ghusl*

Prayer	Ruling
Obligatory [Fardh]	Repeat the prayer [due to it being an obligatory prayer, and has to be offered]
Optional [Nafil]	No need to repeat [Due to it not being valid from the first instance]

Ruling

وَاخْتَلَفَ الصَّحَابَةُ فِي جَوَازِهِ مِنَ الْجَنَابَةِ فَقَالَ عَلِيٌّ، وَعَبْدُ اللَّهِ بْنُ عَبَّاسٍ - رَضِيَ اللَّهُ عَنْهُمَا - جَائِزٌ وَقَالَ عُمَرُ - رَضِيَ اللَّهُ عَنْهُ -، وَعَبْدُ اللَّهِ بْنُ مَسْعُودٍ لَا يَجُوزُ وَقَالَ الضَّحَّاكُ رَجَعَ ابْنُ مَسْعُودٍ عَنْ هَذَا.

وَخَاصِلُ

اخْتَلَفَ فِيهِمْ رَاجِعٌ إِلَى تَأْوِيلِ قَوْلِهِ تَعَالَى فِي آيَةِ النَّيْمِ {أَوْ لَامَسْتُمُ النِّسَاءَ} [المائدة: 6] ، أَوْ لَمَسْتُمْ فَعَلِيٌّ، وَابْنُ عَبَّاسٍ أَوْلَا ذَلِكَ بِالْجَمَاعِ وَقَالَ: كَتَى اللَّهُ تَعَالَى عَنِ الْوَطْءِ بِالْمَسِيسِ، وَالْعَشْيَانِ، وَالْمُبَاشَرَةِ، وَالْإِفْضَاءِ، وَالرَّفْقِ، وَعَمْرُ، وَابْنُ مَسْعُودٍ أَوْلَاهُ بِالْمَسِّ بِالْيَدِ فَلَمْ يَكُنِ الْجُنُبُ دَاخِلًا فِي هَذِهِ الْآيَةِ فَبَقِيَ الْعُسْلُ وَاجِبًا عَلَيْهِ بِقَوْلِهِ {وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا} [المائدة: 6] ، وَأَصْحَابُنَا أَخَذُوا بِقَوْلِ عَلِيٍّ، وَابْنِ عَبَّاسٍ لِمُؤَافَقَةِ الْأَحَادِيثِ الْمَرْوِيَّةِ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ «قَالَ: لِلْجُنُبِ مِنَ الْجَمَاعِ أَنْ يَتَيَّمَّ إِذَا لَمْ يَجِدْ الْمَاءَ» ، وَعَنْ أَبِي هُرَيْرَةَ أَنَّ «رَجُلًا جَاءَ إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَالَ يَا رَسُولَ اللَّهِ: إِنَّا قَوْمٌ نَسْكُنُ الرِّمَالِ وَلَا نَجِدُ الْمَاءَ شَهْرًا، أَوْ شَهْرَيْنِ، وَفِينَا الْجُنُبُ، وَالنِّسَاءُ، وَالْحَائِضُ فَكَيْفَ نَصْنَعُ فَقَالَ: - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَيْكُمْ بِالْأَرْضِ، وَفِي رِوَايَةٍ عَلَيْكُمْ بِالصَّعِيدِ» ، وَكَذَا حَدِيثُ عَمَارٍ - رَضِيَ اللَّهُ عَنْهُ - وَعَظِيمِهِ عَلَى مَا نَذَرَهُ وَيَجُوزُ النَّيْمُ مِنَ الْحَيْضِ وَالنِّفَاسِ لِمَا رُوِيَ مِنْ حَدِيثِ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - وَلِأَنَّهُمَا بِمَنْزِلَةِ الْجَنَابَةِ فَكَانَ وَرُودُ النَّصِّ فِي الْجَنَابَةِ وَرُودًا فِيهِمَا دَلَالَةً، وَلِلْمُسَافِرِ أَنْ يُجَامِعَ امْرَأَتَهُ، وَإِنْ كَانَ لَا يَجِدُ الْمَاءَ وَقَالَ مَالِكٌ يُكْرَهُ وَجْهٌ قَوْلُهُ أَنَّ جَوَازَ النَّيْمِ لِلْجُنُبِ اخْتَلَفَ فِيهِ كِبَارُ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فَكَانَ الْجَمَاعُ اكْتِسَابًا لِسَبَبِ وَفُوعِ الشُّكِّ فِي جَوَازِ الصَّلَاةِ فَيُكْرَهُ.

(وَلَنَا) مَا رُوِيَ عَنْ أَبِي مَالِكٍ الْعِفَارِيِّ - رَضِيَ اللَّهُ عَنْهُ - أَنَّهُ قَالَ: «قُلْتُ: لِلنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَجَامِعُ امْرَأَتِي، وَأَنَا لَا أَجِدُ الْمَاءَ فَقَالَ جَامِعُ امْرَأَتِكَ، وَإِنْ كُنْتَ لَا تَجِدُ الْمَاءَ إِلَى عَشْرِ جَجَجٍ فَإِنَّ التُّرَابَ كَافِيكَ» .

There is a discussion amongst the scholars, regarding the permissibility for doing *tayammum* for *Ghusl*. The hanafi jurists allow it due to the [interpretation] verse of the Quran and also the hadiths that support it.

Ruling

وإيصال الماء إلى داخل العين ساقط

Water entering the eyeballs is not a requirement for *Ghusl* and *wudu*, so therefore, wearing contact lenses during [ghusl and wudu] is allowed and permitted.