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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

Kitaab'ṭ-Tahaara (The Book of Purification)¹

On What Has Been Related Regarding Purification Being Half of Belief

It has been related in the Saheeh of Muslim on the authority of Abu Malik al-Harith ibn `Aasim al-Ash`ari² who said that the Messenger of Allah, may Allah bless him and grant him peace said: “Purity is half of belief.”³

¹ The phrase ‘purification’ (*ṭahaara*) with the *ṭaa* inflected with *fat`ḥa* it means cleansing oneself (*ṭaṭahhiru*). As for the phrase ‘purifying agent’ (*tuḥaara*) with the letter *ṭaa* inflected with *damma* it is the water or earth with which purification is performed. As for the phrase ‘detergent’ (*ṭihaara*) with the *ṭaa* inflected with *kasra*, it is what is added to that for cleansing such as soap and its like. The author began with the Chapter of Purification after Belief because it is the key to prayer which is the greatest of the principles of Islam after the two testimonies of the Divine Unity. For purification is a noun which stands in the place of cleansing oneself with water: such as cleansing the private parts with water; ablution, the ritual bath and other than these. *Shaykh* Abdullahi ibn Fuduye` said in his Diya`Uluum`d-Deen: “The stages of purification are four: the first is purification of the outward from impurities and filth; the second is purification of the limbs from offenses; the third is purification of the heart from blameworthy characteristics; and the fourth is purification of the secret from everything besides Allah. For each time you stand to purify your outward, you must remember to also purify your limbs of sins, purify the heart of repulsive traits, and purify the secret of other than Allah in what you are able.” I say: for each stage of purification it has its own purifying agent (*tuḥaara*); and the purifying agent for all of these stages of purification is adherence to the pure and purifying *Sunna*.

² There is disagreement regarding his name. It is said that his name was Abu Malik al-Harith ibn `Aasim al-Ash`ari. It is said that it was Ka`b ibn `Aasim. Some said it was `Amr ibn `Aasim. Those who transmitted from him were: Rabi`a al-Jarshi, Abd`r-Rahman ibn Ghanim al-Ash`ari, Abu Salaam Mamṭuur al-Aswad, Shurayḥ ibn `Ubayd al-Ḥadrami, Shahir ibn Ḥawshib, Khalid ibn Sa`id, Aṭaa` ibn Yasaar and others. Shurayḥ ibn `Ubayd al-Ḥadrami related that Abu Malik al-Ash`ari when he had approached death he said: “O listeners among you from the people of the tribe al-Ash`ari, let those present among you deliver the message to those who are absent. Indeed I heard the Messenger of Allah say: ‘The sweetness of this world’s life is the bitterness of the Hereafter and the bitterness of this world’s life is the sweetness of the Hereafter.’”

³ The meaning of his words upon him be blessings and peace: “Purity (*tuḥuur*)...”, with the letter *ṭaa* inflected with *damma* means purification, while the phrase ‘pure thing’ (*ṭahuur*) with the letter *ṭaa* inflected with *fat`ḥa* is every pure thing which purifies, because a pure thing linguistically is that which is pure in itself and purifies other than itself. This is because it cannot be called pure unless it purifies other than itself, such as water with which the ritual ablution is performed. It is for this reason it is said: ‘Every pure thing is clean, but not every clean thing is pure.’ The meaning of his words upon him be blessings and peace: “...is half...”, takes its etymological root from one-half or a half of a thing. The meaning of his words upon him be blessings and peace: “...of belief”, is that there is disagreement regarding the meaning of his words, upon him be blessings and peace: “Purification is half of belief.” It is said that it means that the reward for it equals half of the reward of belief. It is said that it means that belief necessitates what comes before it from errors, likewise with ablution, because ablution is not valid except with belief. It is said that what is meant by belief in this context is the prayer itself, as Allah ta`ala says: “*And Allah does not forfeit your belief*”, that is to say ‘your prayers’. Purification is a precondition for the soundness of prayer, for this reason it has become half of it. Thus, the meaning of the prophetic traditions is that purification is half of prayer, which means that the prayer is not accepted except with purification, as will be explained. The expression ‘half’ (*shatr*) does not necessitate that purification is half of belief in reality. This is simply a metaphorical expression which is nearest to

On What Has Been Related Regarding the Prohibition of Relieving Oneself While Facing the *Qibla*, the *Dhikr* Prescribed During That and On Freeing Oneself of Impurities

It has been related in the Saheeh of al-Bukhari on the authority of Abu Ayyub al-Ansari,⁴ who said that the Messenger of Allah, may Allah bless him and grant him peace, said: “If anyone of you goes for answering the call of nature, he should neither face the *qibla* nor turn his back to it.”⁵

what is really intended. It is conceivable that its meaning is that belief is acceptance of the heart, and is connected to the outward, and these two are the two halves of belief, since purification is subsumed within the prayer, and comprises the actions of the outward. Our proof for this interpolation is from the actual textual evidence of the following prophetic tradition: “Purification is half of belief because belief is the mark of the perimeters of the inward, while purification is the mark of the perimeters of the outward.”

⁴ He was Abu Ayyub Khalid ibn Zayd ibn Kulayb ibn Tha`laba ibn Abdu `Amr ibn `Awf ibn Ghanim ibn Malik ibn an-Najaar al-Ansari al-Khazraji an-Najaari al-Badri. He was an immense spiritual master, and was from among the *nujaba* of the Companions, may Allah ta`ala be pleased with him. He was present at Badr, and the second al-`Aqaba. It is said that Abu Ayyub was present at all the battles of Islam. The Prophet, may Allah bless him and grant him peace made a pact of brotherhood between Abu Ayyub and Mus`ab ibn `Umayr. Ibn Yunus said: “He arrived in Egypt by sea in the year 46 A.H.” Abu Ayyub was also present with Ali, may Allah ennoble his face, in the war against the Khawarij. Abu Zar`at an-Nasri said: “He arrived in Syria during the rule of Mu`awiyya.” He transmitted 155 prophetic traditions. Of these al-Bukhari and Muslim narrated 7. Al-Bukhari narrated two isolated prophetic traditions from him while Muslim narrated 5. He died in the year 52 A.H and was buried in the foundation of the fortress of Constantinople.

⁵ The meaning of his words, upon him be blessings and peace: “If”; is a conditional phrase, and it is why the conjunctive particle *faa* prefixes the response to the condition by his words: ‘he should neither face the *qibla*’. The meaning of his words, upon him be blessings and peace: “...anyone of you”; is anyone of you from among the Muslims, the people of the *qibla*. The meaning of his words, upon him be blessings and peace: “goes out”; is from the word ‘coming’ with the meaning of arrival. The meaning of his words, upon him be blessings and peace: “...to answer the call of nature”, that is to say, he goes out to a level land in order to relieve himself; “...he should neither face the *qibla*”, this means the *Ka`aba*. This is an apparent referent to the prohibition of facing the *qibla* while answering the call of nature. The meaning of his words, upon him be blessings and peace: “...nor turn his back to it”, is he should not direct his back to the *qibla*, or he should place it at his back. The sole incentive for this is to honor and show respect to the *qibla* by not directing impure things in its direction. The completion of this prophetic tradition is: “...you should face either east or west.” Those being addressed here are the people of al-Medina, and those whose *qibla* is in that way, north of Mecca such as the people of Syria or south of Mecca like the people of Yemen. This is evidence that the *qibla* of the people of Medina is neither in the direction of east or the west, rather it is in the the south. As for those whose *qibla* is either in the direction of the east or west, then they should neither face east or west when relieving oneself, but face the south or the north. The scholars differ regarding the conditions of this prohibition. Abu Hanifa held the view of the absence of permissibility in facing the *qibla* and turning one’s back to it while urinating or defecating regardless while in the open wilderness or in a building. He took this proof from the apparent and broad meaning of the prophetic tradition. This was also the view of the narrator of the tradition, Abu Ayyub al-Ansari, as well as, Mujahid, an-Nakhai`, at-Thawri, and Ahmad. However, Ibn Umar, Malik and as-Sha`bi held the view of the prohibition of facing the *qibla* or turning one’s back to it while relieving oneself in the wilderness, the desert or outdoors, but not while inside a building or if there is something between the person and the *qibla* which shields him. In that case there is no harm, as Ibn Baṭaal al-Maliki cited. Al-Muhallab said: “The prohibition of facing the *qibla* and turning one’s back to it while defecating or urinating in an open wilderness, and Allah knows best, is in order to show honor to the *qibla* and to consecrate it.” Malik said: “Do not face the direction of the *qibla*, nor turn your back to it while urinating or defecating in an open place or upon roof tops where it is possible to change directions. As for latrines which are used for that purpose, then there is no harm in that.” The proof from the actual narrator of the prophetic tradition that its meaning comprised the lawfulness of facing the *qibla* in a building, homes and in an open place where one was shielded is in what was transmitted by Marwan al-Asghar on the authority of Ibn Umar that he once made his camel kneel down facing the *Bayt’l-Maqdas*. He then squatted and urinated in that direction. I then said to him: ‘O Abu Abd’r-Rahman, has not that been prohibited?’ He said: “The prohibition on

In it also⁶ on the authority of Anas ibn Malik that whenever the Prophet, may Allah bless him and grant him peace, entered into the toilet, he used to say: “Allah, I seek refuge with You from all evil deeds and evil spirits.”⁷

that is in an open space. As for when there is something between you and the *qibla* which shields you, then there is no objection to it.”

⁶ That is to say, in the Saheeh of al-Bukhari or it means in What Has Been Related Regarding the Prohibition of Relieving Oneself While Facing the *Qibla*, the *Dhikr* Prescribed During That and On Freeing Oneself of Impurities.

⁷ The meaning of his words, may Allah be pleased with him: “...whenever the Prophet, may Allah bless him and grant him peace, entered into the toilet (*khalaa*) he used to say”; is that the phrase ‘*khalaa*’ where the letter *khaa* is inflected with *fat’ha* is the place for relieving oneself. It is called that because it is devoid of other people during relieving oneself. It refers to the latrine, bathroom, water closet and also the lavatory. Its etymological root of the phrase *khalaa* is a place which is empty and unoccupied, or a place without anything in it which is the meaning meant in this prophetic tradition. The meaning his words, may Allah bless him and grant him peace: “Allah, I seek refuge with You from all evil deeds and evil spirits.” The expression *khubuth* is the plural of *khabeeth*, which are masculine evil spirits, while the expression *khabaa’ith* is plural for *khabeetha*, which are feminine evil spirits, meaning male and female malicious demons, as al-Khataabi, Ibn Hibban and others explained. In a transcript of this prophetic tradition transmitted by Ibn `Asakir he said: “Abu Abdallah, meaning al-Bukhari, said: ‘It is said that the expression wickedness (*khubuth*) with the letter *baa* inflected with *sukuun* has diverse meanings. When the expression is allayed from being inflected, then it refers to evil demons, whose interpolation was mentioned. If the expression has the meaning of being singular then its meaning is as Ibn al-`Arabi stated to be something reprehensible (*makruuh*). If the expression is a reference to a form of speech then it means abusive language (*shatam*). When the expression is used in reference to religion it means disbelief (*kufr*). When the expression is applied to foodstuff it means that which is forbidden (*haraam*). When it is used in reference to beverages it refers to noxious harmful drink. It is based upon these diverse interpolations that what is generally meant by things offensive (*khabaa’ith*) are disobedience (*ma`asiy*), or unrestrictedly to all blameworthy actions (*af`aah madhmuuma*) commensurate to what the expression is referencing’.” It is said that what is meant here are every kind of low or base character. It is said that *khubuth* is anything which is contrary to descent actions such as debauchery and the like. This interpolation was cited by al-Hassan and Mujaahid. It has been related regarding the meaning of his command, may Allah bless him and grant him peace to seek refuge when entering the lavatory in a prophetic tradition transmitted by Mu`amir on the authority of Qatada on the authority of an-Nadar ibn Anas on the authority of Anas ibn Malik that the Messenger of Allah, may Allah bless him and grant him peace said: “These toilets are the places of the presence of malevolent forces. So when one of you enters it he should say: ‘O Allah I seek refuge with You from *khubuth* and *khabaa’ith*.’” Thus, he informs us in this prophetic tradition that toilets are the locale for devils. It is for this reason that we are ordered to seek refuge when entering them. It has been related by Ibn Wahb on the authority of Hayyat ibn Sharayh on the authority of Abu `Aqil that he heard Sa`id al-Muqbari say: “When a man enters latrine to take care of his needs, and he makes mention of the name of Allah, a barrier is placed between him and the *jinn* shielding him. If he fails to mention the name of Allah, then the *jinn* gaze upon him mocking him and making fun of him.” It has been related in the authority of the Prophet, may Allah bless him and grant him peace that he once said: “When a person leaves from from relieving himself he should say: ‘All praises are due to Allah who has removed from me what will harm me, and has retained for me what will benefit me’.” This is said because demons are present in the toilets because it is the only place to which they can flee from the remembrance of Allah ta`ala, thus when coming to them one should seek refuge taking protection from them.

In it also⁸ on the authority of Ibn Abass,⁹ who said: “The Prophet once passed by two graves and said: “These two persons are being tortured not for a major sin. One of them never saved himself from being soiled with urine.”¹⁰

⁸ That is to say, in the Saheeh of al-Bukhari or it means in What Has Been Related Regarding the Prohibition of Relieving Oneself While Facing the *Qibla*, the *Dhikr* Prescribed During That and On Freeing Oneself of Impurities.

⁹ He was the governor Abu'l-Abass Abdallah ibn `Abass ibn Abd'l-Muttalib Shayba ibn Hashim `Amr ibn Abdumanaf ibn Qusay ibn Kilab ibn Murra in Ka`b ibn Luway ibn Ghalib ibn Qahr al-Qurayshi al-Hashimi. He was born three years before the year of the Emigration. He transmitted 1660 prophetic traditions. From these 75 were narrated in the two Saheeh collections, while al-Bukhari transmitted 120 isolated traditions from him, while Muslim transmitted 9 isolated traditions. Ibn `Abass died in the year 68 A.H. at the age of 71.

¹⁰ The meaning of the words of Ibn Abass, may Allah be pleased with him: “The Prophet once passed by two graves”; is that it is not apparent in this narration in which place the two graves were. It is said that they were in Mecca, and it is said that they were in al-Medina. In another narration from Ibn Abass he said: “The Prophet once passed by a wall from the walls of al-Medina or Mecca, and heard the voices of two humans being punished in their graves...” In the narration of Anas ibn Malik he said: “The Prophet once passed by two graves from the Bani an-Najaar who were being punished for slander and urine...” It is well known that the Banu'n-Najaar were a famous tribe from the people of al-Medina. The meaning of his words, upon him be blessings and peace: “These two persons are being tortured”; is that they were being tortured in the world of the *barzakh* (ithmus) because the punishment of the grave is the first local of the punishment before the punishment of the Hereafter. This establishes the obligation of having belief in the punishment of the grave and its blessings for those buried, whether their graves are in the earth, or if they are not buried; like the one drowned, crucified, the one cremated and then scattered in the winds and the bodily limbs were completed destroyed. None of this will prevent the existence of the punishment and blessing, as *Shaykh* Ibrahim al-Bajuri said in his commentary upon the Jawhara't-Tawheed. It is the unanimous agreement of the scholars of the *Sunna* that those who are blessed and punished in the graves are affected in their bodies and the spirit jointly; that the punishment of the graves of the disbeliever and hypocrite is eternal with the eternity of the ithmus between death and resurrection; that the punishment of the disobedient believers will be stopped based upon the diminishing of their crimes, just as the punishment can be lifted from them due to supplications made for them or alms given in their name, and other than these. And just as the punishment is not designated for the deceased in the graves, likewise the blessings of the deceased embraces all those who have been decreed to receive it, whether they are buried in the earth or not. The blessings of the grave are also not designated for the believers of this *Umma* only; nor just for humans who have attained the age of responsibility. From among the blessings of the grave are: it being widened, a portal being opened to it from Paradise, it being filled with fragrances, it being made a meadow from the meadows of the Paradise; and it being illuminated until it becomes as bright as the full moon. It is for this reason that it is highly recommended to visit the graves of the *awliyya* and the right-acting scholars in order to take blessings from their *baraka*. The meaning of his words, upon him be blessings and peace: “...but not for a major sin”, is that it is proof that the punishment of the grave is not stipulated for major sins (*kabaa'ir*) alone. Rather, it befalls those who have minor sins (*saghaa'ir*) as well. This is because there had not been transmitted any Divine threat in taking precaution against urine; that is before this narrative was related. It is said that what he meant is that failing to take precaution against urine was not considered a major sin in the beliefs of the two people in the grave or in the belief of those, he upon him be blessings and peace was addressing. However, with Allah it is considered a major sin as Allah ta'ala says: “*You consider it insignificant, while with Allah it is immense.*” It is said that what he meant is that it is not major with regard to the inconvenience of taking precaution from urine. That is to say, that there was no hardship on the two people in taking precaution from it. The meaning of his words, upon him be blessings and peace: “One of them never protected himself from being soiled with urine”, where the meaning of ‘protect’ (*istinshaar*) is to place something between himself and his urine, meaning protecting himself from it. Thus, it means that he did not cover his private parts nor did he guard his body from being soiled with urine. The *Shehu* may Allah be merciful to him said in his Mirat't-Tullab: “As-Shabrakheeti said in his commentary upon the al-Mukhtasar where the *Shaykh* said: ‘It is obligatory to purify oneself by completely removing impurities from the two private parts’ – ‘The proof for the obligation of purifying oneself is in what was related in the two Saheeh collections regarding the companions of the two graves which the Prophet, may Allah bless him and grant him peace passed by and said: ‘As for the

And in another narration:¹¹ “...he did not free himself of urine...”,¹² “...while the other used to go about with slander.”¹³

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first of them, he never purified himself from urine' It says in the al-Jaami` the commentary upon the al-Mukhtasar: 'Purifying oneself is obligatory without any disagreement, based upon the tradition of the two graves: 'Verily these two are being punished. However, they are not being punished for major sins. As for the first of them, he never purified himself from urine. As for the other, he used to spread slander'."

¹¹ That is in another narration from Ibn `Asakir.

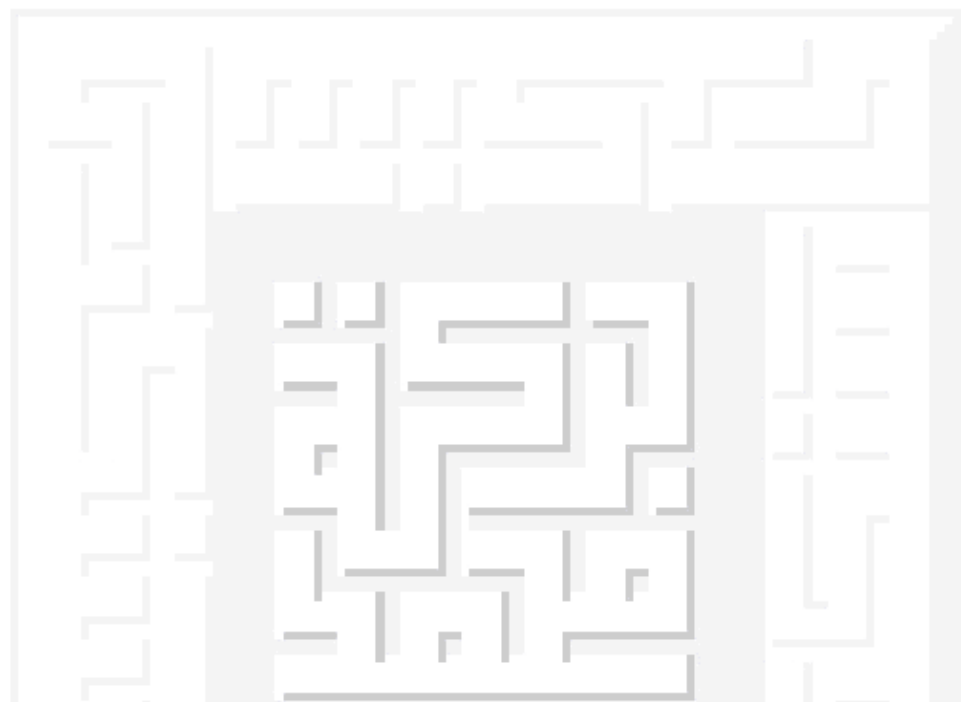
¹² As for the narration regarding freeing oneself of urine, it is the most expressive in conveying the idea of taking precaution against urine, because it proves that urine has a distinctive connection with regard to the punishment of the grave. This is indicated by what was verified as sound by Ibn Khuzayma from a prophetic tradition of Abu Hurayra going back to the Prophet: "The majority of the punishment of the grave is from urine." That is to say, that the punishment of the grave occurs mostly by reason of neglecting to guard oneself from it.

¹³ Ibn Daqeeq'l-`Eid said: "Slander means circulating vile talk concerning people to others; where the sole objective in transmitting it is to bring harm to them. However, the kind of speech which can be judged to bring about some advantage or in order to prevent harm, then this kind of talk is desirable." An-Nawwawi said: "Slander is transmitting the words of others with the objective of bringing harm to people; and is the most repulsive kind of offensive speech." The etymological root of slander (*nameema*) is from the expression 'to malevolently inform against another' (*namma*), which is the broadcasting of words with the aim of spreading ugly rumors and corruption. It is said that it means embellishing words with outright lies. Al-Jawhari said: "Slander is the transmitting of the words of some people to another people with the aim of causing corruption and evil." It is for this reason that the Messenger of Allah, may Allah bless him and grant him peace said: "The calumnious person will not enter Paradise." The calumnious person is the slanderer who transmits words from one people to another in order to harm them. Because there has been narrated Divine threat regarding slander, it is considered among the major sins.

On What Has Been Related Regarding Cleaning Oneself With Stone (*istijmaar*)¹⁴

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra, who said: “I followed the Prophet, may Allah bless him and grant him peace, while he was going out to answer the call of nature. He used not to look this way or that. So, when I approached near him he said to me: “Fetch for me some stones for removal.” That is in order to purify¹⁵ the private parts.¹⁶

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¹⁴ The etymological root of purification with stone (*istijmaar*) is taken from the word ‘stones’ (*jimaar*) itself which are small pebbles, which the same name given to the rocks used in the rites of pilgrimage to throw at the *jamaarat*. Thus, purification with stone is to clean the private parts with stones by wiping the private parts with them. Its lawfulness is established in the prophetic tradition: “When you use water to clean the private parts sprinkle it, and when you use stones utilize an odd number.”

¹⁵ Here ends facsimile 8 of the Arabic manuscript.

¹⁶ The meaning of his words, may Allah be pleased with him: “I followed the Prophet, may Allah bless him and grant him peace”, is that I walked behind the Messenger of Allah, may Allah bless him and grant him peace. The meaning of his words, may Allah be pleased with him: “...while he was going out to answer the call of nature. He used not to look this way or that”, is that this was the methodology of his courtesy when going to relieve himself. The meaning of his words, upon him be blessings and peace: “Fetch for me”, is to seek for me. It is said that when someone fetches something for someone that he searches for it for him. In another narration which is severed, he upon him be peace said: “Help me to find...” It is said regarding the meaning: “I sought something for you” is that I assisted you in finding it. The meaning of his words, upon him be blessings and peace: “...some stones for removal”, where the expression ‘removal’ (*astafada*) in the al-Qamuus means to extract something. When it is used with stones it means cleaning the private parts, and is taken from the ideas of al-Matrazi who said: “The expression removal (*istinfaad*) means extraction (*istikhraaj*) and is a catchword for cleansing the private parts (*istinjaa*).” It is with this meaning in mind that Abu Hurayra added his words: “That is in order to purify the private parts.”

In it also¹⁷ on the authority of Abu Hurayra, who said that he, may Allah bless him and grant him peace, said: “Whoever cleans himself with stones, he should use an odd number.”¹⁸

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¹⁷ That is to say, in the Saheeh of al-Bukhari or it means in What Has Been Related Regarding Cleaning Oneself With Stone (*istijmaar*).

¹⁸ The meaning of his words, upon him be blessings and peace: “Whoever cleans himself with stones”, that is to say, that he utilizes stones in order to remove filth from the orifice of the private parts. These are small stones used for cleansing the private parts. The meaning of his words, upon him be blessings and peace: “...he should use an odd number”, which is that he should utilize three or five, as it was stated explicitly in another narration of al-Bukhari on the authority of Abd'r-Rahman ibn al-Aswad on the authority of his father that he heard Abdallah say: “The Prophet, may Allah bless him and grant him peace went out to relieve himself and he commanded me to bring him three stones. I found two stones, and continued searching for a third but was unable to find one. So I took a piece of dried camel dropping and brought them to him. He took the two stones and threw away the dung and then said: ‘Return that’.” By implication this prophetic tradition is proof of the behavior (*`amal*) to be taken from the general prohibition in the prophetic tradition of Salman on the authority of the Prophet, may Allah bless him and grant him peace who said: “None of you should clean his private parts with anything less than three stones.” It was narrated by Muslim. Utilizing an odd number to clean the private parts with stones is not obligatory as it was proven in the prophetic tradition related by Ibrahim ibn Marwan on the authority of Abu Hurayra who said that the Messenger of Allah, may Allah bless him and grant him peace said: “When you wish to complete the cleansing with stones, you should do so with an odd number. Whoever does so it is better for them. Whoever does not there is no harm.” The *Shehu* said in his Umdat'l-Bayaan: “It is permissible (*ajzaa*) to clean oneself of feces with any pure clean dry thing (which is not harmful; valued; damp; impure; smooth; sharp; foodstuff; something with writing upon it; gold; silver; the wall; the dry dung of riding beasts and bones). If the thing used can clean and remove all extraneous matter, then it is permissible - like the hand or less than three dry stones.” From this we realize that it is lawful to clean oneself of impurities with tissues or napkins as long as there is nothing written upon them.

On What Has Been related Regarding Purification (*istinjaa'*) of the Private Parts With Water¹⁹

It has been related in the Saheeh of al-Bukhari on the authority of Anas ibn Malik, who said: “Whenever the Messenger of Allah, may Allah bless him and grant him peace, entered the toilet, I along with another boy used to accompany him

¹⁹ The etymological root of *istinjaa'* is from the word redeeming (*najaa*) which means being free of something. It is the removal of something from the body by means of washing and wiping. Abu Zayd'l-Qayrawani said in his an-Nawaadhi wa'z-Ziyaadaat: “Making *istinjaa'* is not among the *sunnah* of ablution, nor among its obligations, but it is apart of cleansing oneself of impurities with water and is valid without making intention. As for ablution it starts from the rinsing of the mouth to what comes after that.” It is for this reason that the scholars of the *Sunna* disagree about that. In this context it has been related by Ibn Abi Shayba with a sound chain of authority on the authority of Hudhayfa ibn al-Yamaan that he was once asked about making *istinjaa'* with water and he said: “As long as there doesn't remain on the hands a foul smell.” It has been related on the authority of Naafi` that Abdallah ibn Umar used to make *istinjaa'* with water. It has been related on the authority of Abdallah ibn az-Zubayr who said: “We did not do that.” It has been transmitted by Ibn't-Teen on the authority of Malik that he used to deny that the Prophet, may Allah bless him and grant him peace made *istinjaa'* with water. It has been related on the authority of Ibn Habib from the Maliki scholars that Malik used to prohibit the use of water for *istinjaa'* because it was something to be consumed. *Shaykh* Muhammad ibn Abd'r-Rahman said: “It is upon this behavior (*`amal*) that the people of knowledge chose making *istinjaa'* with water, even though making *istinjaa'* with stone is valid with them. For they considered the use of water for *istinjaa'* to be highly recommended, and some even considered it superior. This was the opinion of Sufayn't-Thawri, Ibn'l-Mubarak, as-Shafi`, Ahmad and Is'haq.” The prophetic tradition cited by *Shehu* Uthman ibn Fuduye` here is a clear refutation against those who considered the use of water for *istinjaa'* as reprehensible or who denied that the Prophet, may Allah bless him and grant him peace did so. The *Shehu* transmitted in his Mirat't-Tullab: “Allah ta'ala says regarding praise of the people of Quba: *'In it are men who love to purify themselves. Allah loves those who have a care for purity.'* It is narrated in the tradition of Abu Hurayra, may Allah be pleased with him: ‘The Messenger of Allah, may Allah bless him and grant him peace asked the people of Quba regarding the reason of the revelation of the verse: *'In it are men who love to purify themselves. Allah loves those who have a care for purity.'* They said: ‘We follow the purification with stone with that of water.’ This is related by al-Bazaari and was authenticated by Ibn Huzayma. Its source is from at-Tirmidhi and Abu Dawud.” In another narration he upon him be blessings and peace responded when they said that: “It is like that, therefore hold to it”; which means following the stones with water is obligatory upon you. *Shaykh* Abdullahi ibn Fuduye` said: “However this is highly recommended and not obligatory because the position of utilizing stones is excused when there is a necessity, but not the removal of the impurity itself. This is because impurities are not removed except with pure water.” Al-'Ayni said: “The school of thought of the ancient and recent scholars which consists of the agreement of the people of legal decisions from the metropolises of Islam is that it is best to join together the use of water with stones; where the stones are utilized first, and then water in order to first remove most of the impurities so that the hands do not come in direct contact with it. This is better and more precise for cleanliness. If the person wants to limit it to one of them, then water is better due water's natural ability to remove impurities and its traces; while stones are able to remove the impurities themselves, but not its traces. However, the use of stones alone is excused and the prayer of the one who uses them is valid.” This is conclusive proof that *Shehu* Uthman ibn Fuduye` did not follow *Imam* Malik in all of his independent judgments, as *Sultan* Muhammad Bello cited in his Infag'l-Maysuur: “The *Shehu* used to say that cleansing the private parts of urine is an obligation which includes *istinjaa'*. Its description is that he should begin by washing his hands and then wash the place where the urine comes out, and then he should wipe the place from which defecation is released with either a clump of earth or something else, or with his hand. He should then rub his hands into the earth and then wash them with water. He should then follow this with making *istinjaa'* with water. When pouring the water he should make sure that it reaches to two openings of the private parts, and he should shake his penis slightly. He should also renew the rubbing of the private parts with the hand until he is certain it is cleaned of filth. It is not necessary for him to wash the inside of the two private parts, or for him to make *istinjaa'* as a result of breaking wind. Whenever he utilizes three stones for cleaning the private parts he should make sure that the last one is clean.” So understand.

carrying a tumble full of water which had an iron tip to it in order that he might make *istinjaa'* with water.”²⁰

On What Has Been Related Regarding the Prohibition of Cleaning the Private Parts With the Right Hand²¹

It has been related in the Saheeh of al-Bukhari on the authority of Abdullah ibn Abu Qatada on the authority of his father,²² who said that the Prophet, may Allah bless him and grant him peace, said: “Whenever anyone of you urinates, he should neither touch his penis with his right hand nor clean his private parts with his right hand.”²³

²⁰ The meaning of his words: “Whenever the Messenger of Allah, may Allah bless him and grant him peace, entered the toilet”, means in this context in order to take care of his needs based upon another narration: “Whenever he used to go out to take care of his needs...”. The meaning of his words: “...I along with another boy used to accompany him carrying...”, is that the boy referred to was from among the *Ansaar* as it was explicitly stated by al-Isma’ili in his narration by way of Ibn Marzuq on the authority of Sha’ba: “I and a boy from among the *Ansaar* together used to go out...”. Some of the scholars interpolate the expression ‘boy’ in the prophetic tradition to be Abu Hurayra because he used to accompany the Prophet, may Allah bless him and grant him peace carrying a tumbler for his ablution and taking care of his needs. The meaning of his words: “...a tumble (*idaawa*)”, where the letter hamza is inflected with *kasra* is a small container made of leather. The meaning of his words: “...full of water which had an iron tip to it”, is that ‘the iron tip’ means a long stick whose lowest part was actually a spearhead. It is said that it was a small spear which the Prophet, may Allah bless him and grant him peace used to keep with him, so that when he made ablution and prayed, he would plant it in front of him to obstruct people from passing in front of him. The meaning of his words: “...in order that he might make *istinjaa'* with water”, is that he might purify his private parts with water. It is the unanimous agreement of the people of fearful awareness from the *Imams* of the different regions that it is better to join the use of water with the use of stones, where the stones are utilized first in order to remove impurities and reduce direct contact with the hand with impurities, and then utilize water. This prophetic tradition establishes that it is highly recommended to be far from people as well as concealing oneself from the gaze of people when fulfilling one’s needs. In it also is established the principle of being at the service of the righteous and the people of spiritual bounty as well taking blessings from them.

²¹ This means the prohibition of holding or touching the private parts with the right hand during *istinjaa'*.

²² He was Abu Qatada al-Harith ibn Rabi` al-Ansari as-Salmi. He was one of the knights of the Messenger of Allah, may Allah bless him and grant him peace, who was present at *Uhud*, the Treaty of *Hudaybiyya* and the Battle of the Trench. It has been related by Salma ibn al-Akwa` on the authority of the Prophet, may Allah bless him and grant him peace who said: “The best of my knights is Abu Qatada and the best of my foot-soldier is Salma ibn al-Akwa`.” He died in the year 54 A.H. in Kufa when he was 70 years old, but it was as though he were merely 15. It was Ali who prayed over him and made the *takbir* seven times. Among his children were the above mentioned Abdallah, Abd’r-Rahman, Thabit, `Ubayd, Umm’l-Baneen and Umm Abaan.

²³ The meaning of his words, upon him be blessings and peace: “Whenever anyone of you urinates”, or in other times because this ruling is not restricted to urinating, but includes all times. As-Sindi said about the meaning his words: “Whenever anyone of you urinates”, it should not be understood from this that the ruling is confined to this, but it was mentioned here because this is the usual time when the private parts are held and touched. Thus, if holding the private parts with the right hand is not fitting when one is taking care of one’s needs, then it is more proper not to do so at other times. The meaning of his words, upon him be blessings and peace: “...he should neither take his penis”, is that he should not touch his penis with his right hand since the expression ‘touching’ was explicitly utilized in a narration of Muslim from Hiram on the authority of Yahya. In the narration of al-Isma’ili it states unequivocally: “...he should not touch...” The objective in utilizing the explanation of al-Bukhari is because touching the penis is more general than taking hold of it. The meaning of his words, upon him be blessings and peace: “...with his right hand nor clean his private parts with his right hand”, that is do not hold the penis with the right hand while pouring water with the left, but pour the water with the right hand while holding the penis with the left. Some of the scholars extract from this the prohibition of making *istinjaa'* with the hand on which there is a ring engraved with the Name of Allah ta`ala, due

On What Has Been Related Regarding the Obligations of Full Ritual Bath (*ghusl*)²⁴

It has been related in the Saheeh of al-Bukhari on the authority of Umm Salama, the mother of the believers²⁵ who said: “Once Umm Sulaym, the wife of Abu Talha, came to the Prophet, may Allah bless and grant him peace and said: “O Messenger of Allah! Verily Allah is not shy of telling the truth. Is it obligatory for a woman to take a bath after she has a wet dream?” The Messenger of Allah, may Allah bless him and grant him peace, replied, “Yes, if she notices a discharge.”²⁶

to the fact that the prohibition in this is in order to show honor to the right hand, then it is more proper to prohibit it if there is a ring engraved with the Name of Allah ta`ala. It was cited in the al-Utbiyya on the authority of Malik that he did not consider this reprehensible, but many of the legal experts from his companions considered it reprehensible. It is said that the wisdom in this prohibition is that the right hand is customarily used for eating. Thus, if the right hand is used for removing filth from the private parts or holding the penis, it is likely he will be mindful of this when eating and it will be a nuisance. It says in the al-Mukhtasar: “It is not proper for the person freeing himself of urine that he pulls on his penis, clear his throat, stand, sit directly on the earth or walk. He should free himself of urine by simply taking his penis in his left hand and squeezing and shaking it slightly.”

²⁴ The linguistic meaning of the expression ritual bath (*ghusl*) is the bathing of the entire body. Its meaning according to the *shari`a* is the inundation of the entire body with water, followed with rubbing with the intention to remove major impurity or to make an obligation permissible. This should be done based upon specific order and number. The *Shehu* mentioned the issue of the ritual bath before mentioning the issue of ablution because it is obligatory for the one who first enters into the religion of Islam to ritually bath his body.

²⁵ She was the mother of the believers, the *Sayyida*, modest and pure, Umm Salama Hind bint Abu Ummaya ibn al-Mughira ibn Abdallah ibn Umar ibn Makhzum ibn Yaqtha ibn Murra al-Makhzumiyya. She was the daughter of the uncle of Khalid ibn al-Walid and was the last of the mothers of the believers to die. She lived close to 90 years having died in the year 59 A.H. in the month of *Dhu'l-Qa`ida*. She transmitted 178 prophetic traditions of which al-Bukhari and Muslim agreed upon 13. Al-Bukhari narrated 3 isolated prophetic traditions from her and Muslim narrated 13.

²⁶ The meaning of the words of Umm Salama, may Allah be pleased with her: “Once Umm Sulaym, the wife of Abu Talha”, is a reference to Umm Sulaym al-Ghamisa bint Milhan ibn Khalid ibn Zayd ibn Hiram ibn Jundub ibn `Aamir ibn Ghanim ibn `Asiy ibn an-Najaar al-Ansariyya al-Khazrajiyya. She was the mother of Anas ibn Malik the private servant of the Prophet, may Allah bless him and grant him peace. Her husband, Malik ibn an-Nadr died and she then married Abu Talha Zayd ibn Sahl al-Ansari, with whom she gave birth to Abu `Umayr and Abdallah. She was among the most spiritually virtuous of women. Thabit related on the authority of Anas who said that the Prophet, may Allah bless him and grant him peace said: “I entered Paradise and I heard footsteps in front of me, and suddenly I was in the presence of al-Ghamisa bint Milhan.” She transmitted 14 prophetic traditions of which al-Bukhari and Muslim agree on a single tradition. Al-Bukhari narrated one isolated tradition from her while Muslim narrated two. The meaning of her words: “O Messenger of Allah! Verily Allah is not shy of telling the truth”, is that variation and refraction do influence Him, because this is impossible with regard the rights of Allah ta`ala. It is conceivable that what is meant here is that Allah does not command people to be modest regarding the truth. Or that He does not forbid mentioning the truth. The meaning of her words: “Is it obligatory for a woman to take a bath after she has a wet dream?”, is that it what a person sees during sleep; which is called *halam* the letter *haa* inflected with *fat`ha* and *ah`talim* (wet dream). What is meant here is the experiencing of a specific matter in it, which is a conjugal relationship. In a narration of Ahmad from a prophetic tradition of Umm Sulaym that she said: “O Messenger of Allah when a woman sees that her husband is having conjugal relationship with her during sleep, does she make the ritual bath?” Ibn Sahnun said regarding the person sleeping who discovers discharge and he did not experience pleasure: “What he knows what occurred in his sleep, then the ritual bath is obligatory upon him.” The meaning of his words, upon him be blessings and peace: “Yes, if she notices a discharge”, is that she discovers ejaculatory fluid after waking up. In this is proof that every woman experiences wet dreams. In it also is proof of the obligation of the ritual bath upon a woman due to ejaculation. Ahmad narrated a prophetic tradition from Khawla bint Hakim a similar narrative where he upon him be blessings and peace said: “The ritual bath is not obligatory upon her until she ejaculates the way a man ejaculates.” In this is refutation against those who claim that fluid of a woman does not emerge, and that her ejaculation is known by her passion. They

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra on the authority of the Prophet, may Allah bless him and grant him peace who said: “When one sits between the four parts of a woman and then exerts effort then the ritual bath is made obligatory.”²⁷

It has been related in the narration of Muslim is the tradition of Mutar,²⁸ that he, may Allah bless him and grant him peace said: “...even if he does not ejaculate.”²⁹

interpolate his words: “...if she notices a discharge”, is that if she knows that it happened, Because the existence of knowledge here is inconceivable, since what they mean by knowledge is what she saw during sleep. This is not a sound legal judgment because a man if he sees in his sleep that he is having conjugal relations and knows that he ejaculated; and then he awakens but does not discover wetness, then by unanimous agreement the ritual bath is not obligatory upon him. And the is likewise with a woman. If what they mean by her knowledge that after she awakens, then this too is not valid because what a person sees in sleep does not persists after they awaken, even if they are able to remember what they saw. Thus, the judgment of a dream is based upon what is apparent is correct. In this prophetic tradition is also established the right of women to seek a legal decision by themselves. Malik and his companions said: “What obligates the ritual bath is the release of ejaculation fluid due to sexual pleasure experienced either through copulation or a wet dream. It is also obligatory when the penis enters the vagina. It is also obligatory when a woman sees that she has become pure from menstruation or the blood of after-birth.”

²⁷ The meaning of his words, upon him be blessings and peace: “When one sits between the four parts of a woman”, is that the plural expression ‘four parts’ means a section or part of a thing. It is said that what is meant here are her hands and legs. It is said that it refers to her legs and thighs. It is said that it refers to her thighs and the inner lips of the vagina. It is said that it refers to her thighs and labia. It is said that it means the four parts of her vagina. Al-Azhari said: “The inner lips of the vagina are the actual area of the vagina; while the labia refer to its outer lips.” *Al-Qadi`Iyad* inclined towards the latter interpolation, while Ibn Daqeeq`l-`Eid chose the former interpolation. He said: “This is because it is nearer to the reality or it is the reality when sitting.” Thus, ‘four parts’ is a catchword for conjugal relationship which suffices from explicitly stating it. The meaning of his words, upon him be blessings and peace: “...and then exerts effort”, means to reach the extreme limit of physical exertion. It is said that it means to toil with her in his movements or to reach the extreme limit in exertion in actions with her. An-Nawwawi said: “The prophetic tradition means that the obligation of the ritual bath does not stop with ejaculation only. One may misconstrue the meaning of the exertion to actually mean ejaculation because this is the ultimate goal in copulation; however there is no proof for this in the prophetic tradition. The correct answer is that what clearly demonstrates that it doesn’t stop with ejaculation is what was narrated by Muslim by way of Mutar al-Waraaq on the authority of al-Hassan in the last part of the prophetic tradition: ‘...even if he does not ejaculate.’” This also occurs in what was related by Qatada which was narrated by Ibn Khuthayma in his Tarikh on the authority of `Afaan who said: ‘Himam and Abaan narrated to us saying Qatada narrated to us’ where he added in the end of the prophetic tradition: ‘...whether he ejaculates or does not ejaculate.’ This was also related by ad-Daraqutni and was verified by way of Ali ibn Sahl on the authority of `Afaan. This was also mentioned by Abu Dawud at-Tayalisi on the authority of Hamaad ibn Salma on the authority of Qatada. The meaning of his words, upon him be blessings and peace: “...then the ritual bath is made obligatory”, is as an-Nawwawi said: “Realize that now the *Umma* are unanimous regarding the obligation of the ritual bath due to copulation even if no ejaculation accompanies it. There were a group of the Companions, however, who held to the view that the ritual bath is only obligatory with ejaculation. Then some of them reversed their view, and later the consensus became unanimous regarding that.” The prophetic tradition which proves this will be cited, Allah willing.

²⁸ He was the *Imam* Abu Raja Mutar ibn Tahman as-Salmi al-Waraaq al-Khurasani, the truthful, the ascetic. He was the freedman of `Ilba ibn Ahmar al-Yashkari. He was from among the right-acting scholars and those who transcribed the *Qur`anic* scripture and authenticated them. It was for this reason that Mutar was called al-Waraaq (‘the scribe’). Mutar al-Waraaq died in the year 129 A.H. He was the one who narrated the above mentioned prophetic tradition on the authority of al-Hassan ibn Abu`l-Hassan al-Basri on the authority of Abu Raafi` Naqee` as-Saa`igh al-Medini on the authority of Abu Hurayra ad-Dawsi.

²⁹ The meaning of the prophetic tradition is that the obligation of the ritual bath does not stop with the release of sperm. On the contrary, whenever the penis enters the vagina, then the ritual bath is obligatory upon the man and the woman. Ibn Habib said: “The disappearance of the penis obligates the ritual bath, it obligates payment of the dowry, and obligates the status of matrimony and what is

On What Has Been Related Regarding the Description of the Ritual Bath

It has been related in the Saheeh of al-Bukhari on the authority of A'isha, may Allah be pleased with her, said: "Whenever the Prophet, may Allah bless him and grant him peace, took a bath (*ghusl*) after major impurity (*janaaba*), he would begin by washing³⁰ his hands and then he would perform ablution (*wudu*) like that for prayer. After that he would put his finger in the water and rub the roots of his hair with them, and then he would pour three handfuls of water over his head. After that he would pour water all over his body."³¹

normally prohibited during the pilgrimage. In addition the disappearance of the penis in the vagina invalidates pilgrimage and fasting and obligates the punitive punishment for the one who commits adultery or fornication." The scholars of the *Shafi`* madh'hab say that if the head of the penis enters the anus of a woman, that of another man, or the vagina or anus of an animal, then the ritual bath is obligatory; and this is regardless of whether either or alive, dead, young or mature. Further, this is regardless if it is done intentionally or as a result of heedlessness. And it is also regardless if whether it was done by choice or forced; or even if a man enters his penis into the vagina of a woman, while he was fast asleep. This judgment applies whether the entire penis entered or not; or whether the penis was circumcised or not. In each of the above mentioned situations the ritual bath is obligatory upon the one who does it and the one to whom it is done to. There is his saying, may Allah bless him and grant him peace: "The touching of the circumcised part with the circumcised part obligates the ritual bath." The scholars say that this means that when your penis penetrates the vagina of a woman and does not mean actual touching. This is because the circumcision of the woman is performed upon the highest part of her vagina, which the penis does not normally touch during copulation. The scholars agree that if a man places his penis upon the area of the woman's vagina which is normally circumcised and does not penetrate the actual vagina, then the ritual bath is not obligatory upon him nor her. This is evidence that what is meant is what we mentioned.

³⁰ Here ends facsimile 9 of the Arabic manuscript.

³¹ The meaning of her words: "Whenever the Prophet, may Allah bless him and grant him peace, took a bath (*ghusl*) after major impurity (*janaaba*)", is that he initiated it as a lawful action. The genitive particle *min* (from) in her words: 'after major impurity' means causality. The meaning of her words: "...he would begin by washing his hands...", is that it is conceivable that it was the lawful washing of the hands usually done after rising from sleep. What proves this opinion is the additional expressions transmitted by Ibn `Uyayna in a prophetic tradition on the authority of Hisham: "...before entering them in the water container"; as it was related by as-Shafi` and at-Tirmidhi. In the narration of Muslim on the authority of Abu Mu`awiyya, he adds: "...then he would wash his private parts". Abu Dawud joined both of these opinions together in a narration he related on the authority of Hamaad ibn Hisham which is a significant enhancement of the original meaning of the prophetic tradition because with the washing of the two hands prior to anything else causes assurance that the private parts will not be touched during the course of the ritual bath. The meaning of her words: "...and then he would perform ablution (*wudu*) like that for prayer", means in accordance with the well known ablution in the *shari`a*. Ibn'l-Qasim and Ibn Nafi` said on the authority of Malik: "If the ablution is not performed before the ritual bath or after it, the ritual bath is still valid since his hands passes over the places of ablution." Malik also said: "It is not an obligation for the person ritually impure (*junub*) to perform ablution. What is incumbent upon him is the performance of the ritual bath." The meaning of her words: "After that he would put his fingers in the water and rub the roots of his hair with them", this means the roots of the hair of his head or the roots of the hair of his body. *Qadi`* Iyad said: "This statement required some of the jurists to extract the opinion of the running of the fingers through the hair of the body during the ritual bath based either on the general statement of her words: 'the roots of his hair' or based on the legal analogy (*qiyaas*) of the meaning of expression 'the hair of the head'." The advantage of running the fingers through the hair is in order to cause the water to reach all parts of the hair as well as the skin. The advantage of directly touching the hair with the hand is in order to cause the water to pervade the entire body. Getting the skin accustomed to being rubbed directly is in order that nothing harmful affects the skin from the water while it is being poured over it. Finally, the running of the fingers through the hair of the head is not an obligation with the followers of As-Shafi` except when the hair matted with something which prevents water from reaching its roots. The meaning of her words: "...and then he would pour three handfuls of water over his head", is that the plural form of handful means the amount of water that can be taken in palms of the hands. In this expression indicates that it is highly recommended to repeat all washing during the ritual bath three times. An-Nawwawi

In it³² on the authority of A'isha also: "That whenever the Prophet, may Allah bless him and grant him peace used to take a *ghusl* from *janaaba*, he would call for something close to the size of a medium container. He would take hold of its handle and pour over his head; the right side then the left."³³ **In it³⁴ on the authority** of A'isha may Allah be pleased with her: "When one of us became ritually impure she would take with her two hands three times over her head and then she would rub the right side of her body with one hand and rub the left side of the body with the other hand."³⁵

said: "We do not know of any disagreement in that except what al-Mawardi singularly held when he said: 'Repetition is not highly recommended during the ritual bath'. I say, however, this was similar to the statement of *Shaykh* Abu Ali as-Sanji in his commentary of the *al-Furu`* and likewise in the opinion of al-Qurtubi." The meaning of her words: "After that he would pour water all over his body", is that he would completely inundate his body with water, because immersion means inundation. Those who do not make rubbing a prerequisite of the ritual bath use this expression as evidence; which is the apparent meaning of the expression. Al-Maziri said: "There is no evidence for this because the meaning of inundation includes the meaning of washing."

³² That it is to say, in the *Saheeh* of al-Bukhari or On What Has Been Related Regarding the Description of the Ritual Bath also.

³³ The meaning of her words: "...he would call for something close to the size of a medium container", is that he would ask for a container which was close to one considered medium size. Abu `Aasim described it as being smaller than a hand span based upon the size of a hand span related by Abu `Awaana in his *Saheeh*. In the narration of Ibn Hibaan it states: "Abu `Aasim indicated the meaning of this with his two palms." It was as if he indicated with his two handspans the amount of water which could reach the highest edge of his hands. In the narration of al-Bayhaqi: "It was like the amount of a jug which could hold eight pounds of water." The meaning of her words: "He would take hold of its handle and pour over his head; the right side then the left", is that then he would take his two palms as it was stated explicitly in the narration of Muslim: "He would take with his two palms...". He then said: "...with them over his head." In the narration of al-Isma'ili: "...he would then take water with his two palms and pour it over his head." Each of these two narrative indicate that he would take his two palms in pouring three handfuls of water, as it was explicitly stated in the narration of Abu `Awaana. In this prophetic tradition establishes that it is highly recommended to begin with the right side of the body in all acts of purification. It is in this way that Ibn Khuzayma and al-Bayhaqi interpolated it. In it also is established the permissibility of making the ritual bath with merely three handfuls of water. It is in this way that Ibn Hibaan interpolated it as *Imam* Ibn Hajr stated in his *Fat'h'l-Baari*.

³⁴ That it is to say, in the *Saheeh* of al-Bukhari or On What Has Been Related Regarding the Description of the Ritual Bath also.

³⁵ The meaning of her words: "When one of us became", is reference to the wives of the Prophet, may Allah bless him and grant him peace. In this prophetic tradition is the institution of a legal proceeding because its apparent meaning is that the Prophet, may Allah bless him and grant him peace was acquainted with that. This was the determination of al-Bukhari based upon meaning of words of a Companion when he said: "We used to do so-and-so" which comprise the institution of a legal proceeding regardless if it was clearly attributed to his time may Allah bless him and grant him peace or not. It was based upon this opinion that al-Hakim adjudicated. The meaning of her words: "...ritually impure she would take with her two hands", is that she would take pure water in her hands. The meaning of her words: "...three times over her head", is that she would pour it over her head. The meaning of her words: "...and then she would rub the right side of her body with one hand and rub the left side of the body with the other hand", is that she would take her hands and follow the water with rubbing over right side of the body first, and then take her other hand and follow the water with rubbing over the left side of the body. Al-Karmani said that what is meant here by the right side of a person is from his head to his feet. This interpolation is compatible with the apparent meaning of the tradition. The *Shehu*, may the mercy of Allah be upon him said in his *Umdat'l-Bayaan* in the chapter on the obligations of the ritual bath and its *sunnan*: "The obligations of *ghusl* are five: [1] intention (*niyya*); [2] covering the entire body with water; [3] continuity; [4] wiping the entire body; and [5] making water penetrate the hair. Its *sunnan* are four: [1] beginning with washing the hands up to the wrists; [2] rinsing the mouth; [3] sniffing water; and [4] wiping the earlobes." *Shaykh* Abdullahi ibn Fuduye`, may Allah be merciful to him said in his *Diya`Uluum'd-Deen* regarding the description of the ritual bath: "The methodology of the ritual bath is that the water container should be placed on his

On What Has Been Related Regarding The Obligation of Ablution (*wudu*)³⁶

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra, who said that the Messenger of Allah, may Allah bless him and grant him peace said: “The prayer is not accepted from a person who is impure (*hadath*) until he performs the ablution (*wudu*).”³⁷

right side. He should then wash his hands three times. He should then wash his private parts by removing impurities from his body if there are any. He should then perform the ablution like the ablution of the prayer. He should then pour water upon his head while washing it three times. He should then pour water over the right side of his body and then the left side, making sure to rub all the places that the water flows over from the front to the back of his body. He should also rub within his beard so that the water can reach underneath it, especially if it is thick. He must be committed to washing and rubbing the curves of the body, making sure to stay clear of touching the private parts. If, however, he does touch it, then he should simply repeat the ablution only.”

³⁶ The expression *wadu'u* with the letter *waw* inflected with *fat'ha* actually means the water with which one makes ablution; while the expression *wudu'u* with the letter inflected with *damma* is the action itself of ablution. For the ablution for the prayer is known and it comprises the washing of some of the bodily limbs and the wiping of some in order to remove minor impurity. These bodily limbs are eight: the two hands, the mouth, the nose, the face, the two arms up the elbows, the two feet, the head and the two ears. Ablution was made obligatory by His words: “*O you who believe, when you stand for the prayer wash your faces and your hands to the elbows, and wipe your head, and wash your feet to the ankles.*” The *Shehu* may the mercy of Allah be upon him said in his Mirat't-Tullab: “I say: The consensus of the *umma* is unanimous regarding the obligation of ablution. *Imam* al-Bukhari said in his Saheeh: “The Prophet, may Allah bless him and grant him peace clarified that the obligation (*fard*) of ablution is to wash one time, and that ablution also is valid twice and three times, but he must not exceed three times. The people of knowledge dislike (*kariha*) being excessive with water (*israaf*) during the ablution. One should not surpass the actions of the Prophet, may Allah bless him and grant him peace.” He also said in his Umdat'l-Bayaan regarding the obligations and *sunan* of ablution: “The obligations (*fara'id*) of *wudu* are seven: [1] intention (*niyya*); [2] washing the entire face; [3] washing the hands up to the elbows; [4] wiping over the entire head; [5] washing the feet up to the ankles; [6] rubbing; and [7] continuity. The *sunan* of *wudu* are eight: [1] washing the hands to the wrists at the beginning; [2] rinsing the mouth; [3] sniffing up water in the nose; [4] blowing it out; [5] bringing the hands back to the front when wiping the head; [6] wiping the exterior and interior of the ears; [7] taking fresh water for wiping the ears; and [8] following the correct order of the obligations.”

³⁷ The meaning of his words, upon him be blessings and peace: “The prayer is not accepted”, what is meant here by acceptance is that which is synonymous with soundness (*sihha*) which is validity. For the reality of acceptance is the reward of performance of and act of obedience as recompense for that which is blameworthy being extract from it. This is due to the fact of it being performed in accordance with its prerequisites hoping for the recompense which acceptance is just one of its outcomes, where the expression acceptance is used as a metaphor. As for the acceptance which is negated it is like his words, may Allah bless him and grant him peace: “Whoever goes to a soothsayer, then his prayers will not be accepted.” This is the reality because even though the outward actions of the prayer are sound, yet acceptance is contradicted by something which prevents it. It is for this reason that some of the ancestors said: “To have a single prayer of mine accepted is more dear to me than the entire world.” It was Ibn Umar who said it; and he added: “This is because Allah ta'ala says: ‘*Verily Allah accepts from those who are fearfully aware*’.” The meaning of his words, upon him be blessings and peace: “...from a person who is impure”, that he discovers that he has minor impurity, and what is meant by this is what comes out of the two private parts, (such as urine, defecation and gas). The prophetic tradition is proof of the invalidity of the prayer of a person in minor impurity regardless if what comes out does so by choice or necessity. It also proves that ablution is not an obligation for every prayer. The meaning of his words, upon him be blessings and peace: “...until he performs the ablution”, that is with water or with what stands in its place. It has been narrated by an-Nisaai' with a string chain of authority on the authority of Abu Dharr going back to the Prophet, may Allah bless him and grant him peace: “High pure earth is the means of ablution of the believe.” Thus, the Lawgiver designated that *tayammamu* is ablution because it stands in its place. It is not hidden that what is meant by acceptance of prayer from the one who is in minor impurity being with ablution, implies that it must accompany all the remainder of the prerequisites of the prayer.

It has been related in the Saheeh of Muslim on the authority of Umar ibn al-Khataab, who said that the Messenger of Allah, may Allah bless him and grant him peace said: “Prayer is not accepted except after purification (*tuhuur*).”³⁸

SANKORE'



³⁸ The expression *tuhuur* with the letter *taa* inflected with *damma* means purification and in this case it means ablution and what represents it such as *tayammamu* and the ritual bath. This prophetic tradition is textual evidence of the obligation of purification for the prayer. The *Umma* is unanimous regarding the fact that purification is one of the prerequisites in the soundness of the prayer. *Qadi`Iyad* said: “They disagree as to when was the obligation of purification for prayer made. Ibn ‘l-Jahm held the opinion that ablution in the very beginning of Islam was simply a *sunna*, then its obligation was revealed with the verse regarding *tayammamu*.” However, the majority of the scholars say: “Rather, it was obligatory before that.” *Qadi`Iyad* also said: “They disagree regarding whether the ablution was made obligatory upon everyone who stands for prayer or upon the person specifically in minor impurity. A group from among the ancestors held the view that ablution was to be performed for every prayer as an obligation taking as proof the words of Allah ta’ala: ‘*For when you stand for the prayer*’. While some of the people held that this was abrogated and that the command in the verse had the meaning of being highly recommended. It is said that the ablution was not made lawful except for the one in minor impurity, however, that renewing the ablution for every prayer was merely highly recommended. It is in accordance with this view that the people of legal decisions agree after that, and there does not remain among them anyone who differs. Thus, the meaning of the words is: ‘...when one of you are in a state of minor impurity...’”

On What Has Been Related Regarding the Description of Ablution (*Wudu*)

It has been related in the Saheeh of al-Bukhari on the authority of ‘Amr ibn Abu Hasan³⁹ that he asked Abdallah ibn Zayd⁴⁰ about the ablution of the Messenger of Allah, may Allah bless him and grant him peace. He then asked for earthenware pot containing water and in front of them he performed the ablution like that of the Prophet, may Allah bless him and grant him peace. He poured water from the pot over his hands and washed them three times. He then placed his hands in the pot and rinsed his mouth out and washed his nose by snorting water in it and then blowing it out with three handfuls of water. Again he put his hands in the water and washed his face three times and washed⁴¹ his forearms up to the elbows twice. He then placed his hands in the water and passed them over his head by bringing them back and forth once. He then washed his feet up to the ankles.”⁴²

³⁹ The above mentioned ‘Amr was the son of Yahya ibn ‘Amaara and was the teacher of the aforementioned Malik. ‘Amr ibn Abu Hasan was the uncle of his father as we mentioned him previously. He was named here after his grandfather simply as a metaphor.

⁴⁰ He was Abdallah ibn Zayd ibn ‘Aasim ibn Ka’b al-Mazini an-Najaari, the singular companion who transmitted the prophetic tradition regarding ablution. He was among the spiritually elite of the Companions, who was mentioned by Ibn Mandah alone as being among the people of Badr. Abu Umar ibn Abd’l-Barr and others said: “Rather, he was among the people of the Battle of Uhud and later was among those who killed Musaylama with the sword along with an arrow accompanied with the spear of Wahshi.” It is said that he was killed on the Day of Harra in the year 63 A.H.

⁴¹ Here ends facsimile 10 of the Arabic manuscript.

⁴² The meaning of his words: “He then asked for an earthenware pot containing water”, means as al-Jawhari said: “While a water container (*inaa*) is a container from which it is normal to drink from, the water container (*taur*) mentioned in the prophetic tradition is most likely a container that Abdallah ibn Zayd usually used to perform ablution whenever he was asked about the description of the ablution. Thus, from this perspective it became the most effective means of transmitting the outward depiction of the situation.” The meaning of his words: “...and in front of them”, that is that he performed it on their behalf. The meaning of his words: “...he performed the ablution like that of the Prophet, may Allah bless him and grant him peace”, that is to say like the ablution of that of the Prophet, may Allah bless him and grant him peace. By mentioning the ablution of the Prophet unrestrictedly it was more expressive. The actions of Abdallah ibn Zayd give proof that instructions occur through actual demonstration. The meaning of his words: “...He poured water from the pot over his hands and washed them three times”, in this is the legal judgment that washing the hands occurs before entering them into the water container, even when a person was not previously sleep. What is meant by the two hands here is the actual hands only. The meaning of his words: “...He then placed his hands in the pot and rinsed his mouth out and washed his nose by snorting water in it and then blowing it out with three handfuls of water”, is made clear by the narration of al-Kahshmayhini which states: “He rinsed his mouth and snorted water up his nose.” Now, blowing the water out of one’s is implied by the expression ‘snorting water up the nose’, but not the reverse. Muslim on the other hand has a narration from the above mentioned Khalid which states: “He then entered his hands and brought it out and rinsed his mouth.” All of these narrations give proof of the performing of rinsing the mouth prior to sniffing water up the nose, due to the fact that in each narration the two phrases are made conjunct by the conjunctive particle *faa*, which means subsequence. In this phrase is much research, among the meanings being that he would join them three times each one with a handful of water. It is also conceivable that the judgment is tied to the phrase: “three times”; meaning that he would join to two actions three times with a single handful of water. However, the first interpolation is consistent with the remaining narrations regarding this, which makes its judgment foremost. The meaning of his words: “... Again he put his hand in the water and washed his face three times”, however the expression which occurs in the narrations of Ibn ‘Asakir and Ibn ‘l-Waqt by way of Sulayman ibn Bilal: “He then entered his two hands...” utilizing duality. However, this is not mentioned in the narrations of Abu Dharr, or al-Usayli, nor in any of the narrations which have been related in the sound prophetic traditions; as an-Nawwawi said. I assume that the water container cited was small and would only suffice for one of the hands to be entered into it. He would then transfer the water to the other as it was clearly mentioned in the prophetic tradition of Ibn Abass. However, scooping up water with both hands together is easier and nearer to the correct interpolation of the prophetic tradition. Also in this regard is what Ahmad and al-Hakim related on the authority of A`isha, may Allah be pleased with her that the Messenger of Allah,

may Allah bless him and grant him peace used to run the fingers through his beard with water. The meaning of his words: "...and washed his forearms twice", means that he would wash the entire hand twice as it was mentioned in the narration by way of Malik: "...then he would wash his two hands twice and then twice." Thus, it does not mean that he distributed the washing twice between the two hands, because this would imply that he only washed each hand once. The meaning of his words: "...up to the elbows", here the scholars differ whether the elbows are to be actually included in the washing or not? The greater majority of the scholars said: "Yes and some of them transmitted this opinion on the authority of Malik." Some of them relied in this on the majority that the genitive particle (*ila*) 'to' in the *Qur'anic* verse means 'inclusion' (*ma`a*) based upon the words of Allah ta`ala: "And do not consume their wealth with (*ila*) your wealth." Thus, when Allah revealed His words: "...up to the elbows", it remained that the elbows were to be washed along with the rest of the arm, simply by right of the name. However, the inclusion of the elbows and its exclusion in terms of legal ruling revolves around evidence. Allah ta`ala says: "...then complete the fast until (*ila*) the night." This is clear evidence that the meaning of the expression 'to' (*ila*) is not inclusive and is a prohibition of constant fasting without breaking it. In another example, a speaker may say: "I have memorized the *Qur'an* from its beginning to (*ila*) its end." This on the other hand give evidence that the phrase 'to' (*ila*) means inclusive because the words means he memorized the entire *Qur'an*. Further proof of the inclusion of the two elbows in the washing is based upon the actual actions of the Prophet, may Allah bless him and grant him peace as it was related by ad-Daruqutni with an excellent chain of authority from a prophetic tradition of Uthman in the narrative regarding ablution: "...he then washed his two arms until he exceeded the elbow." In a narration by at-Tahawi and at-Tabarani from a prophetic tradition of Tha`alaba ibn `Ubad on the authority of his father going back to the Prophet: "...He then washed his two arms until the water flowed over the two elbows." The elbow (*mirfaq*) with the letter *mim* inflected with *kasra* and the letter *qaaf* inflected with *fat'ha*, is the major bone which lies at the end of the arm. It is named *mirfaq* (elbow) because it is leaned upon when reclining and the like. The meaning of his words: "He then placed his hands in the water and passed it over his head", here Ibn at-Tibaa` added the phrase: "...the entire..." as it is stated in the narration of Ibn Khuzayma. In the narration of Khalid ibn Abdallah it states: "...with his head..." with the genitive particle *baa*. Al-Qurtubi said: "The genitive particle *baa* is to indicate transcendence which exceeds its bounds and affirms it; like your saying: 'I wiped the head of the orphan' and 'I wiped (with) the head of the orphan'; where it is said that the genitive particle is utilized to indicate another broader meaning. It is that washing linguistically which has the judgment of being washed by means of something; while wiping does not imply in its judgment wiping by means of something. Thus, had Allah ta`ala said: '...and wipe your heads' (without including the genitive particle *baa*), then it would carry the judgment that the wiping could happen without water. However, the actual legal judgment is that the head is to be wiped with water." The meaning of his words: "...by bringing them back and forth once", means as the narration Malik specified beginning with the front of the head as he interpolated the expression: 'bringing them back' to be a designation for an action from its beginning. That is to say, that he began from the front of the head. However many other interpolations are give regarding this. The wisdom in this going back and forth is to include the two sides of the head during the wiping. This judgment is specific for the one who has hair. The widespread opinion of those who make it incumbent to cover the entire head is that the first wiping of the head is an obligation, while the second wiping is *Sunna*. It is from here clarification is made of the weakness of taking this prophetic tradition as proof for the obligation of wiping the entire head. And Allah knows best. Abu Zayd'l-Qayrawani said: "He should take water for wiping the head with his two hands, then release it; or he can pour the water from one hand to the other. He should then wipe his head with his two hands from the roots of his hair on his forehead until the bondarities of his hair at the nap of his neck. He should then return them to the place where they began." The meaning of his words: "...He then washed his feet up to the ankles", is as it has been related on the authority of Ibn'l-Qasim on the authority of Malik that the ankle is the protruding bone which lies at the upper part of the foot and the place of the socks. Ibn Habib said: "The obligations of ablution are what are mentioned from it in the *Qur'an*, while what is *Sunnan* from ablution are the rinsing of the mouth, the sniffing and blowing water from the nose, and the wiping of the two ears. Whoever forgets anything from the obligations is to always repeat the prayer. Whoever forgets anything from the *Sunnan* does not have to repeat it. This is the view of Malik and his companions."

In it⁴³ in the prophetic tradition of Uthman:⁴⁴ “He would wash his hands up to the elbows three times.”⁴⁵

On What Has Been Related Regarding Performing the Ablution Properly

It has been related in the Saheeh of al-Bukhari on the authority of Abu Hurayra who said: “Perform your ablution properly for verily Abu’l-Qaasim, may Allah bless him and grant him peace, said: “Woe to the heels from the Hell-Fires.”⁴⁶

⁴³ That is to say, in the Saheeh of al-Bukhari or On What Has Been Related Regarding the Description of Ablution. This prophetic tradition was related on the authority of Himraan, the freedman of Uthman ibn `Afan, may Allah ta`ala be pleased with both of them.

⁴⁴ He was *Amir’l-Mu`mineen* Uthman ibn `Afan, the possessor of the Two Lights. He was well known with this cognomen because he married two of the daughters of the Prophet, may Allah bless him and grant him peace, one after the other. It was related by Abu Sa`d al-Malayni with chain of authority which is weak on the authority of Sahl ibn Sa`d who said: “Uthman was called *Dhu’n-Nuurayn* because whenever he transfers from one place to another in Paradise two thunderbolts will ignite. It is for this reason he is called with this name.” He was one of the ten men guaranteed Paradise.

⁴⁵ The full text of the prophetic tradition which was related on the authority Himran, the freedman of Uthman ibn `Afan was that he saw Uthman ibn `Afan call for water to perform the ablution. He then poured some water from container onto his two hands and washed them three times. He then entered his right hand in the ablution water, and then rinsed his mouth, sniffed water up his nose and blew it out. He then washed his face three times and his hands up to the elbows three times. He then wiped his head, and then washed the whole of his feet three times. He then said: “I saw the Prophet, may Allah bless him and grant him peace make ablution like this ablution of mine, and he then said: ‘Whoever makes ablution in the manner that I made ablution, and then prays two *rak`ats* without his soul making premonitions in them, Allah will forgive him for what has preceded from his sins.’” *Shaykh* Abdullahi ibn Fuduye`, may the mercy of Allah be upon him said in his Diya`Uluum`d-Deen regarding the description of the ablution: “As for the methodology of ablution it is that the one performing it should wash his hands three times before entering them in the water container while making the intention to remove minor impurity or to make the prayer permissible. He should allow his intention to persist up until he washes his face. He should then take a handful of water in his right hand and rinse his mouth three times with it. If he is not fasting he should allow the water to reach the back of the throat. Then he should take a handful of water and sniff water up the nose and blow it out three times. He should then take two handfuls of water in one scoop and wash his face from the forehead until the ending of his beard, and from ear to ear, as well as lightly wash the beard three times. He should then wash his two hands to the elbows three times making sure to interlace his fingers. Then he should wipe his entire head joining the tips of fingers of his left hand with those of his right place them on the front of his head and pass them to the nap of his neck. He should then return them to the front. He would then wipe the outer and inner earlobe. Then he should wash his two feet beginning with the right one, then the left, and he should interlace his fingers between his toes, beginning with the smallest toe of the right foot and ending with the smallest toe of the left foot. He should then raise his head to the heavens and say: ‘I bear witness that there is no deity except Allah the One without partner and I bear witness that Muhammad is His servant and messenger. O Allah make me among those who repent, make me among those who have a care for purity and make me among Your righteous servants’.”

⁴⁶ The meaning of his words: “performing the ablution properly”, is to perform it perfectly, as if he saw in the performance of their ablution some deficiencies and feared for them. The meaning of his words: “...for verily Abu’l-Qaasim, may Allah bless him and grant him peace, said”, is that he mentions the Messenger of Allah, may Allah bless him and grant him peace, by using his honorific name (*kunya*) which is an excellent act. However, mentioning him by means of his attribution to messengership is better. The meaning of his words upon him be blessings and peace: “Woe”, is that the disagreement regarding the actual meaning of this expression is diverse. The most apparent meaning is what was related by Ibn Hibban in his Saheeh from a prophetic tradition of Abu Sa`id, going back to the Prophet: “Woe (*wayl*) is a valley within *Jahannim* (Hell Fires).” The meaning of his words upon him be blessings and peace: “...to the heels”, is that the heel is the end of the foot. The meaning of his words upon him be blessings and peace: “...from the Hell-Fires”, is as al-Baghawi said: “It means: ‘Woe to the owners of the heels who are deficient in washing them.’” It is said that the heels are specified for punishment because of the tendency to be negligent in washing them. In this prophetic tradition is the principle that a scholar can give the evidence for the basis of his legal decision so that the legal decision can have more impression on the soul of the one listening.

On What Has Been Related Regarding Wiping the Leather Socks (*khuffayn*)⁴⁷

It has been related in the Saheeh of al-Bukhari on the authority of Sa'd ibn Abi Waqqas⁴⁸ that the Messenger of Allah, may Allah bless him and grant him peace, used to wipe over the leather socks (*khuffayn*).⁴⁹

⁴⁷ This is with the precondition that the two leather socks are manufactured from leather skin which is pure. This means that it must be produced from the skin of a pure animal, and not the skin of carrion, even if it has been tanned; as the followers of Malik assert. Ibn al-Mundhir transmitted on the authority of Ibn al-Mubarak who said: "There is no disagreement among the Companions regarding the wiping over the leather socks." Ibn Abd'l-Barr said: "I do not know of any narration from anyone of the jurists of the early ancestors who objected to it except from what was related on the authority of Malik; along with the fact that the sound narrations from him explicitly establish it, as it will be presented Allah ta'ala willing in the commentary of the prophetic tradition. The well known and established opinions which they now come down to two opinions: [1] it is absolutely permissible; and [2] that it is permissible for the one traveling and not the one domicile. The second one is cited in the al-Mudawwana as well as on the authority of Ibn Nafi' in the al-Mabsuta. It is well known that Malik specified for himself to stop doing it, although he passed legal decision regarding its permissibility." Ibn Habib said that both Mutraf and Ibn al-Majushun said: "There is no disagreement regarding wiping the leather socks among the people of the *Sunna* and we do not know of Malik on anyone besides him from our scholars who objected to that, that is who objected to the wiping of the two leather socks, while resident or traveling."

⁴⁸ He was Abu Is'haq Sa'd ibn Abi Waqqas Malik ibn Uhayb ibn Abdumanaf ibn Zuhra ibn Kilab ibn Luway al-Qurayshi az-Zuhri al-Mekki. He was one of the Ten Promised Paradise, and one of the foremost notables of the Companions. He was present at the battle of Badr, and the treaty of Hudaibiyya. He was one of the six of the People of consultation. He was an *amir*. From him was transmitted 270 prophetic traditions, of which 15 are narrated in the two Saheeh collections; while al-Bukhari transmitted 5 isolated prophetic traditions from him, and Muslim transmitted 10. He died in the year 55 A.H. at the age of 82.

⁴⁹ There has been transmitted on the authority of Malik many narrations regarding this. The most prominent position of his *madh'hab* in this issue is like the opinion of the majority. A large group of people outside of the companions have transmitted the permissibility of wiping the two leather socks. Al-Hassan al-Basri said: "Seventy of the Companions of the Messenger of Allah, may Allah bless him and grant him peace narrated to me that the Messenger of Allah, may Allah bless him and grant him peace used to wipe over the two leather socks." The scholars, however, differ regarding whether wiping over the two leather socks or whether washing the feet is better. The large contingent of the Companions and the scholars after them held to the view that washing the feet is superior because it is the fundamental ruling; while a large contingent among the second generation (*Taabi' uun*) held to the view that wiping over the leather socks is superior. Malik said regarding the soundness of wiping over the two leather socks: "He should take water in his hands and then release it and then wipe with one hand over the top of the leather sock and with the other hand over the bottom and cover the area which is normally washed during ablution." With the ending of his quote, I have ended the commentary upon the Book of Purification and success is with Allah.